

committee agenda



**Epping Forest
District Council**

District Development Control Committee Wednesday, 15th February, 2012

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

Time: 7.30 pm

Democratic Services Officer: Simon Hill, The Office of the Chief Executive
Tel: 01992 564249 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, D Dodeja, C Finn, J Hart, Mrs S Jones, J Markham, J Philip, Mrs C Pond, H Ulkun, Ms S Watson, J M Whitehouse and J Wyatt

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

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. WEBCASTING INTRODUCTION

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

2. The Chief Executive will read the following announcement:

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

By entering the chamber's lower seating area you consent to becoming part of the webcast.

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

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

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. MINUTES (Pages 7 - 16)

To confirm the minutes of the last meeting of the Committee (attached).

4. APOLOGIES FOR ABSENCE

5. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

6. DECLARATIONS OF INTEREST

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

7. OLYMPIC "LOOK AND FEEL" PLAN (Pages 17 - 24)

(Director of Environment and Street Scene) To consider the attached report.

8. PLANNING APPLICATION EPF/2126/11 - BILLIE JEANS, 26 HIGH STREET, EPPING - DEMOLITION OF EXISTING BAR AND AND REPLACEMENT WITH MIXED USE DEVELOPMENT AND 12 RESIDENTIAL UNITS (Pages 25 - 38)

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

9. PLANNING APPLICATION EPF/2361/09 – REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE AT 212 MANOR ROAD, CHIGWELL TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING. (REVISED APPLICATION) (Pages 39 - 64)

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

10. PLANNING APPLICATION EPF/2456/11. VALLEY GROWN NURSERIES, PAYNES LANE, NAZEING. ADDITIONAL ACCESS ROUTE FROM GREEN LANE, IN CONNECTION WITH EPF/2457/11. (Pages 65 - 74)

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

11. **PLANNING APPLICATION EPF/1181/11- VALLEY GROWN NURSERIES, PAYNE'S LANE, NAZEING, ESSEX . - CONSTRUCTION OF GLASSHOUSE, ANCILLARY WAREHOUSE AREA, OFFICE AND WELFARE FACILITY SPACE, HABITAT ENHANCEMENT AND LANDSCAPING. (REVISED APPLICATION) (Pages 75 - 116)**

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

12. **ANY OTHER BUSINESS**

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

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

13. **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.

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

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

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

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

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

Further Information?

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

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 14 December 2011
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.30 pm
High Street, Epping

Members Present: B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, J Hart, Mrs S Jones, L Leonard, J Markham, J Philip, H Ulkun, Ms S Watson, J M Whitehouse and J Wyatt

Other

Councillors: Mrs D Collins and D Stallan

Apologies: D Dodeja, C Finn and Mrs C Pond

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

26. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

27. MINUTES

Resolved:

That the minutes of the meeting held on 19 October 2011 be taken as read and signed by the Chairman as a correct record subject to the word 'complement' for the word 'compliment' in the resolution of item 22 (40 Forest Drive, Theydon Bois).

28. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor L Leonard was substituting for Councillor C Pond at this meeting.

29. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, the following Councillors declared a personal interest in agenda items 9 and 10 (planning applications at Pine Lodge, Lippetts Hill) by virtue of the applicant being a serving district Councillor.

Councillors B Sandler, R Bassett, A Boyce, K Chana, J Hart, Mrs S Jones, L Leonard, J Markham, J Philip, H Ulkan, Ms S Watson and J Wyatt.

The councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, the following Councillors declared a personal interest in agenda item 8 (planning application at Copperfield Lodge, Hainault Road) by virtue of being members of Chigwell Parish Council.

Councillors K Chana, B Sandler

The councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

30. PLANNING APPLICATION EPF/1570/11 - JUBILEE BUNGALOW, BOURNEBRIDGE LANE, STAPLEFORD ABBOTTS - REPLACEMENT DWELLING.

The Committee considered an application for a replacement dwelling at Jubilee Bungalow, Bournebridge Lane, Stapleford Abbots. The application had been referred to the committee by Area Plans Subcommittee at its meeting on 12 October 2011 with a recommendation that the application should be approved.

The Committee heard from the applicants agent.

The Committee were of the view that the design of the proposed new dwelling was significantly better in design terms to that which could be undertaken under permitted development without permission and took into consideration the poor state of the existing dwelling. As such they concurred with the view of the Subcommittee and approved the application subject to conditions which included flood risk assessment.

Resolved:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this meeting.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development.

(4) A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that

adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since the development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

(5) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

(6) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(7) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time

during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of noise sensitive properties.

(8) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed prior to the commencement of the development and maintained in working order for the duration of the demolition and construction phase of the development. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(9) All material demolished from the existing building on the site shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

(10) No development shall take place until details of the proposed surface materials for the vehicular access and paving areas have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution.

31. PLANNING APPLICATION EPF/0247/09 – LAND ADJACENT TO COPPERFIELD LODGE, HAINAULT ROAD, CHIGWELL – ERECTION OF NEW FIVE BEDROOM HOUSE WITH BASEMENT AND INTEGRAL GARAGE

The Committee gave further consideration to an application for the erection of a new five bedroomed house on land next to Victory Hall in Hainault Road, Chigwell. The Committee had last considered the matter at their meeting on 5 April 2011 (minute 38 refers) when they had given an extension of time for the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of additional car parking for the adjacent Victory Hall and the transfer of associated land to the Council.

The Committee noted that, as yet, no legal agreement had been completed due to problems in its execution and the timescale for the completion for the Council to accept the car parking given the existing lease of Victory Hall.

The Committee heard from the Applicants Agent.

Following negotiations with the Applicant's Agent an alternative planning obligation had been proposed, whereby the Applicant would agree to contribute the land and

the cost of constructing the car parking. Accordingly, if the Council considered it appropriate at a later date, it could construct the parking at no additional public cost. However, if at that time it was considered that there would be a more positive community benefit which could be secured through the provision of an alternative community benefit, either within the Victory Hall site or elsewhere within the locality, then the contribution could have been put towards that purpose.

The Committee, however, were of the view that within the original special circumstances of the development, the provision of the new spaces was a key factor and resolved that the contribution made by the developer should be to provide the parking spaces originally envisaged by the approval given on 9 June 2009 and for other purpose.

Resolved:

That, subject to the completion of a Section 106 legal agreement within six calendar months to secure:

- (a) The transfer of land adjacent to the Victory Hall site to Epping Forest District Council, at no cost;
- (b) The payment of the sum of £31,400 to Epping Forest District Council to be spent on the construction of parking bays as envisaged by the original planning consent EPF/1767/09; and
- (c) The payment (sum to be confirmed) of the Council's costs incurred in maintaining the site for a period of five years;

planning application EPF/0247/09 be granted subject to the conditions previously imposed by the Committee at their meeting on 9 June 2009 namely:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- (2) Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

- (3) The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved. The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind

and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing. The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

(4) All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

(5) Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted. Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval. Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out. Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

(6) No demolition or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

Reason: To protect any material of archaeological interest of the site, due to the location of the proposed development on the site of a Roman Road.

(7) Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels

of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

(8) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development.

(9) Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

Reason:- In the interests of visual amenity.

(10) Prior to the commencement of the development details of the proposed surface materials for the access shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

(11) Prior to the first occupation of the development hereby permitted there shall be no obstruction within a parallel band visibility spay 2.4m wide as measured from the back edge of the carriageway across the entire site frontage. This area shall be retained free from any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with policy ST4 of the Adopted Local Plan and Alterations.

(12) Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in accordance with policy ST4 of the Adopted Local Plan and Alterations.

(13) Prior to the first occupation of the development permitted the existing crossover shall be removed and the footpath resurfaced and the kerb reinstated for use as approved in writing by the local planning authority.

Reason: In the interests of highway safety in accordance with policy ST4 of the Adopted Local Plan and Alterations.

(14) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

32. PLANNING APPLICATION EPF/1972/11 - PINE LODGE, LIPPITTS HILL, HIGH BEECH - ERECTION OF EXTENSION TO FORM RESIDENTIAL ANNEXE

The Committee considered and approved an application for the extension of the dwelling to provide a home office/utility room and rebuilding of the area, together with a further single storey addition, to provide a kitchen/diner and bedroom with en suite bathroom for use as an annexe to the existing dwelling.

The matter had been brought to the committee as the applicant was a serving Councillor.

Resolved:

That planning application EPF/1972/11 be approved subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice; and
- (2) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

33. PLANNING APPLICATION EPF1758/11 – PINE LODGE, LIPPITTS HILL, WALTHAM ABBEY – PROVISION OF ROOF MOUNTED SOLAR ARRAY ON EXISTING EQUESTRIAN BUILDING.

The Committee considered and approved an application for the installation of 150 solar panels on the south facing slope of an existing indoor riding building at the Pine Lodge site in Lippitts Hill. The panels would be mounted 50mm above the roof and would comprise of 5 rows of 30 columns. The solar panels would provide a renewable source of energy to the subject site.

Members were of the view that, given the proximity of the site to the Police Helicopter Base, non reflective coating should be applied to the panels and maintained to avoid glare being created for landing helicopters.

The matter had been brought to the committee as the applicant was a serving Councillor.

Resolved:

The planning application EPF/1758/11 be granted subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) The solar panels shall at all times be covered in an anti-reflective coating.

Reason: To minimise any glare or reflection from causing harm to the open character of the Green Belt or the safe operation of the flight paths of air support aircraft serving the Metropolitan Police Cadet Training Camp located north of the site.

34. ANY OTHER BUSINESS

The Committee noted that the Chairman had approved for an additional item of business to be considered at the meeting relating to an application at Oakley Lodge, Hoe Lane Nazeing, previously considered by the Committee.

35. EPF/1910/10 - OAKLEY HALL, HOE LANE, NAZEING - EXTENSION OF TIME TO COMPLETE SECTION 106 AGREEMENT

The applicant for the Oakley Hall site had been unable to complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 within the 6 months allotted due to issues relating to the changing ownership of the land. They had now advised the Council's Solicitor that they were in a position to complete the agreement, but were unable to do so as they are outside the timescale for completion set by Committee.

Officers are of the view that as there had been no change in circumstances since the original decision of the Committee, an extension of time of 3 months to enable satisfactory completion of the Legal Agreement was an appropriate course of action.

The matter had been brought as an urgent matter to the meeting with the permission of the Chairman.

Resolved:

That an extension a further 3 months of time from the date of this meeting be approved for the completion of the Section 106 agreement, previously required, to enable Planning Application EPF/1907/10 to be granted subject to the conditions set out in the minutes of the District Development Control Committee Meeting of 5 April 2011.

CHAIRMAN

This page is intentionally left blank

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting:

Subject: Olympic "Look and Feel" Plan

Officer contact for further information: J Gilbert Ext 4062

Committee Secretary: S Hill Ext 4249

Recommendation(s):

- (1) That the Look Plan proposals summarised in this report are noted; and**
- (2) That the Committee confirms that in this instance an application for express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is not required for these proposals subject to compliance with the standard conditions for the display of advertisements which are attached as Appendix B.**

Report Detail

Background

1. As an integral part of the London 2012 Games, the London Organising Committee for the Olympic Games (LOCOG) and the Government Olympic Executive (GOE) are promoting the delivery of a comprehensive 'Look and Feel' programme across the UK with the objectives of improving the spectator experience and engaging with the local community. The Lee Valley area has been allocated £270,000 to fund the dressing of the area around the White Water Centre in the run up to and during the Games. Broxbourne Borough Council is the responsible authority, in liaison with the other relevant authorities, for the development and implementation of the "Look Plan". This Council has also allocated around £1,500 to fund some local "Look and Feel" dressing in Loughton, with costs jointly shared with Loughton Town Council.
2. This report provides a summary of the "Look" proposals for the District and discusses the implications for this Committee under the Town and Country Planning (Control of Advertisements) Regulations 2007.

The "Look Plan"

3. In order to comply with the requirements of LOCOG and the GOE the main Look Plan has to focus on the area around the White Water Centre and the main spectator routes to the venue. The priority areas within this District are in the Waltham Abbey area, in the immediate proximity of the venue. These include:
 - part of the Olympic Route Network and park and ride route along the A121 from Junction 26 to the venue in Station Road
 - Waltham Abbey Town Centre from the district boundary to Sewardstone Road
 - the transport hub adjacent to the main venue
 - parts of the Olympic Torch route (cannot be disclosed for security reasons)

Plans of these locations are set out in appendix A as Zones C, D and H.

4. The government funding has also provided for some “Look and Feel” to be put into place in Merlin Way, North Weald and in the Park and Ride facility itself, situated on part of the North Weald Airfield.

5. This Council also sought the views of towns and parishes as to their wish to have “Look and Feel” in their communities as part of the Olympic celebrations. The Council was prepared to joint fund the purchase of “Look and Feel” to a maximum of around £1,200 per local council. In the event only one local council, Loughton Town Council, expressed a wish to participate, and it is proposed to implement lamp column banners in Loughton High Road.

6. Details of the proposals are set out in the attached plans, with examples of the type of “Look and Feel” materials to be implemented. The focus of the “Look Plan” will be on the installation of banners on lamp columns, fence scrim along highway railings, bridges etc. and feather banners in more rural areas. Examples from the “Look Book” are provided below. The opportunity is also being taken to provide some bespoke features which can be retained after the Games as legacy features. Some of these will probably require planning permission and will be the subject of separate applications.

Planning considerations

7. The issue for this Committee is whether express consent is required for the proposals under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These specify a number of types of advertisements which can be displayed without the need for express consent under the Regulations. These are set out in schedule 3 to the Act and includes:

Class 1 – Functional advertisements of government departments and their agencies, local authorities, statutory undertakers and public transport undertakers and Transport for London

1B - An advertisement displayed by a local planning authority on land in its area.

8. Whilst the Regulations are not wholly clear on the issue, it is proposed to accept the “Look Plan” advertisements as falling within this class. There are no restrictions in respect of Class 1B except within an area of special control. None of the proposals would be located within an area of special control.

9. In any event the banners and flags will only be in place for a maximum of 3 months from July through to September, and in some instances less. Given the temporary nature of the proposals, the fact that all the designs are from the official London 2012 Look Book published by LOCOG and the GOE and the national/international importance of this sporting event, which this Council is being asked to support and promote, it is recommended that a pragmatic approach is taken. The Committee is recommended to note the proposals as summarised in this report and confirm its agreement, subject to compliance with the standard conditions for the display of advertisements as set out in Town and Country Planning (Control of Advertisements) Regulations 2007, which are attached to this report as appendix B.

10. Members will be aware that the overall delivery of the “Look” plan for the venue rests with the host authority, Broxbourne Borough Council. Their Planning

and Regulatory Committee received a report on the 10th of January 2012 approaching the issue in the same way where Members approved the recommendations as set out in the report.

11. Members will wish to be assured that all other unauthorised advertisements will be investigated and enforced in the normal way. Furthermore, recently enacted regulations empower the Olympic Authorities to deal robustly with unauthorised advertising and ambush marketing in the vicinity of Olympic venues.

Financial and risk implications

12. The responsibility for the £270,000 budget rests with Broxbourne District Council. That said this Council is duty bound to behave reasonably and ensure so far as is practicable that Broxbourne Borough Council is able to meet the requirements of the funding agreement. The Council is providing around £1,500 of funding to Loughton Council to enable their community to participate in the “Look and Feel” arrangements for the Olympic Games.

13. Other risks include:

- (a) damage to the “Look and Feel” from adverse weather;
- (b) loss of “Look and Feel” through vandalism or theft.

Broxbourne has retained a contingency amount from within the £270,000 to manage these risks and to perform their overall management and monitoring role.

Appendix A –Examples of “Look and Feel” and location maps

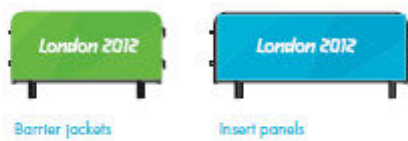
Banners

Designs

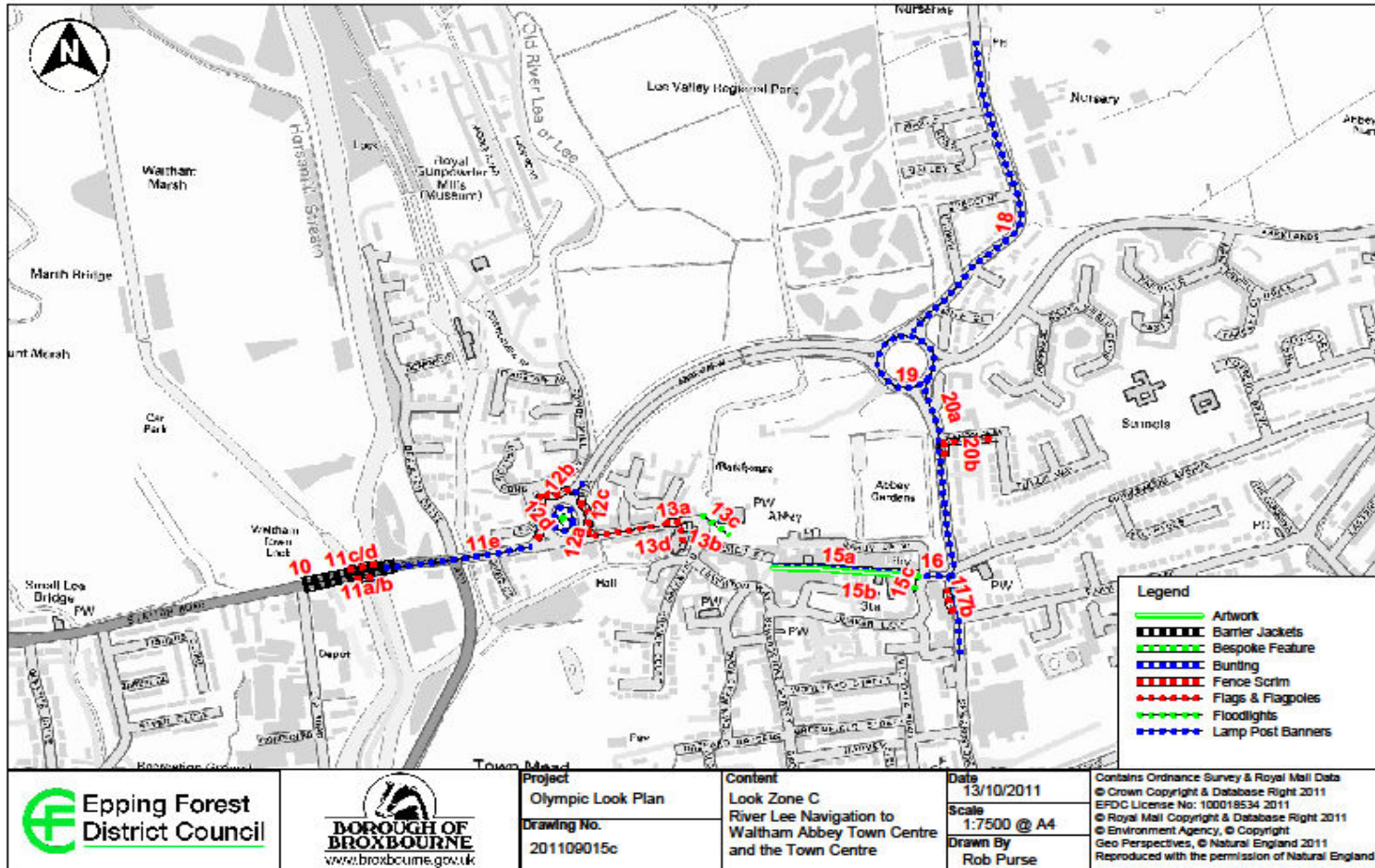


Barricades and fencing

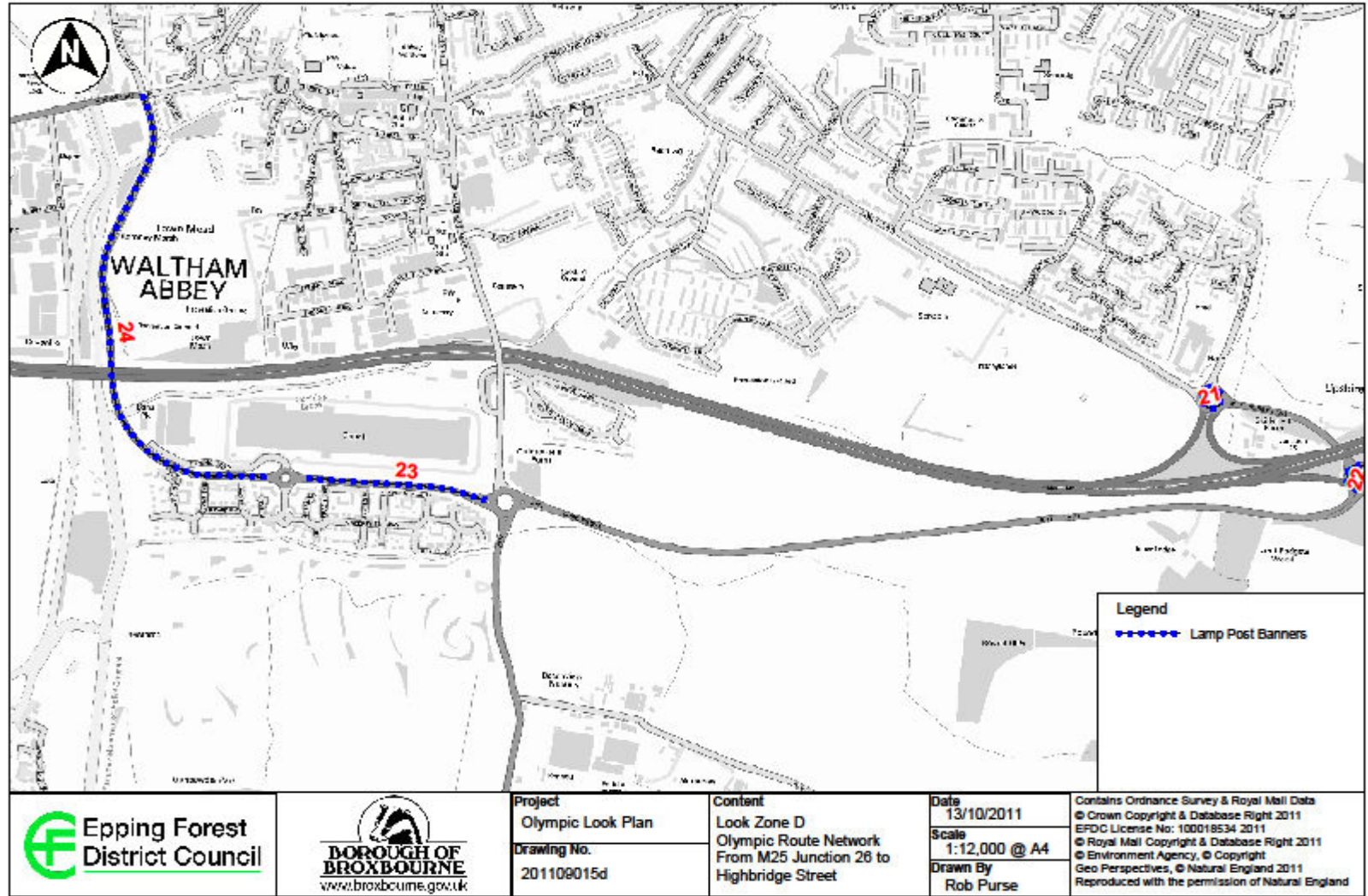
Design options



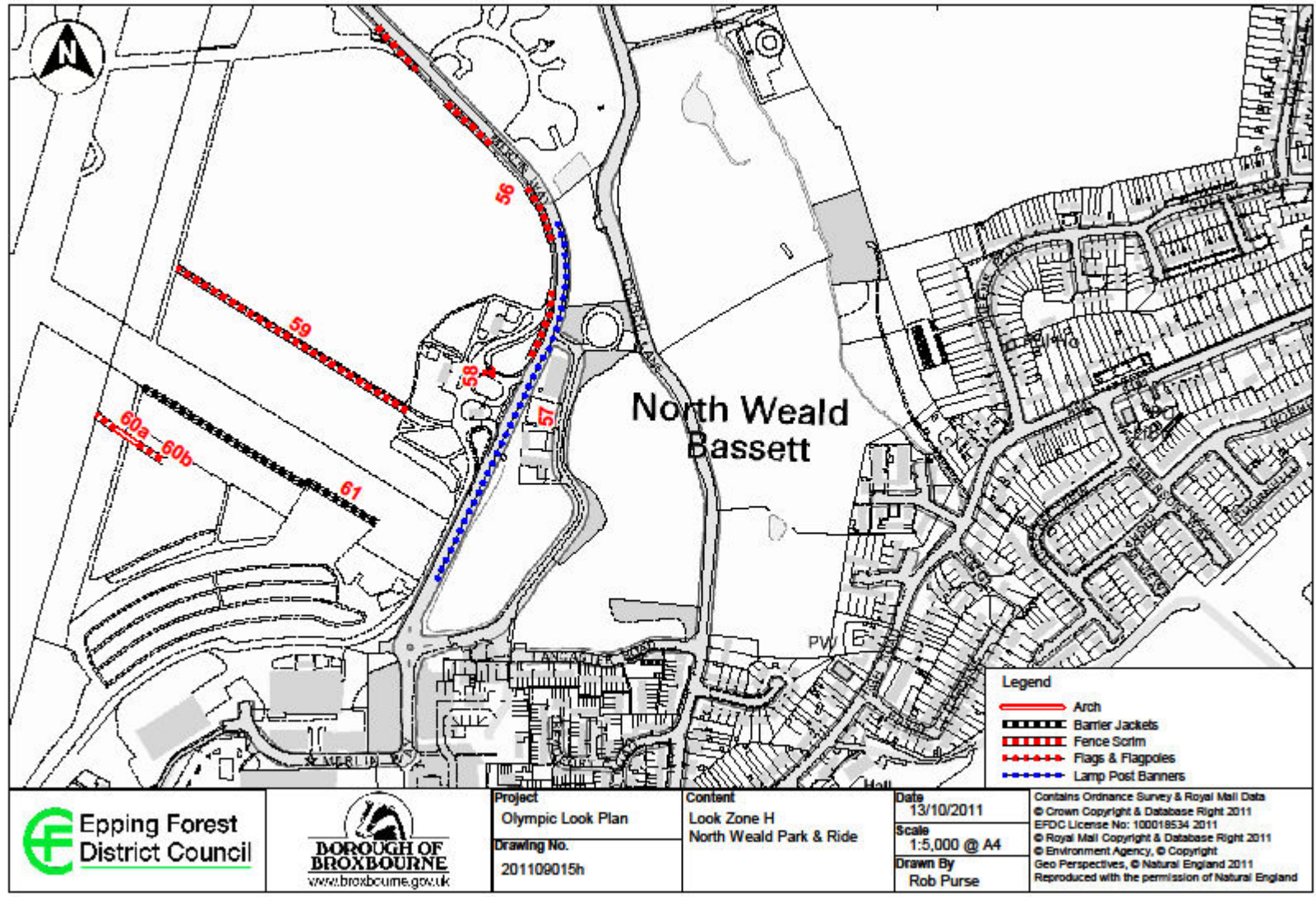
Look Zone C – Crooked Mile, Sewardstone Road, Waltham Abbey Town Centre, Highbridge Street



Look Zone D - A121 Meridian Way to Station Road



Look Zone H – Approaches to North Weald Park & Ride



Epping Forest District Council

BOROUGH OF BROXBOURNE
www.broxbourne.gov.uk

Project
Olympic Look Plan
Drawing No.
201109015h

Content
Look Zone H
North Weald Park & Ride

Date
13/10/2011
Scale
1:5,000 @ A4
Drawn By
Rob Purse

Contains Ordnance Survey & Royal Mail Data
© Crown Copyright & Database Right 2011
EPOC License No: 100018534 2011
© Royal Mail Copyright & Database Right 2011
© Environment Agency, © Copyright
Geo Perspectives, © Natural England 2011
Reproduced with the permission of Natural England

Appendix B – Standard Conditions

Standard condition 1 requires no advertisement to be displayed without the permission of the owner of the site (this includes land or buildings where the advertisement is displayed), or any other person with an interest in the site entitled to give permission.

Standard condition 2 prohibits the siting or display of an advertisement that would endanger anyone using any highway, railway, waterway, dock, harbour or aerodrome (civil or military), or would obscure or hinder the ready interpretation of any traffic sign, railway signal, or aid to navigation by water or air. It also prohibits the siting or display of an advertisement that would hinder the operation of any device used for the purpose of security or surveillance (such as closed circuit television cameras) or for measuring the speed of any vehicle (speed cameras or other speed-measuring devices).

Standard condition 3 requires the advertisement and any land or building used for the purpose of its display to be maintained in a reasonably clean and tidy condition so that it does not impair the visual amenity of the site.

Standard condition 4 requires any structure or hoarding used for the display of advertisements to be maintained in a safe condition that does not endanger the public.

Standard condition 5 is about the removal of advertisements and requires the site to be left in a safe condition that does not endanger the public and in a reasonably clean and tidy condition so that it does not impair the site's visual amenity.

Report to District Development Control Committee

Date of meeting: 15 February 2012

Subject: Planning Application EPF/2126/11 – Billie Jeans, 26 High Street, Epping, CM16 4AE – Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground floor level and 12 residential units at first and second floors together with 16 parking spaces, access and landscaping.



**Epping Forest
District Council**

Officer contact for further information: Nigel Richardson 01992 564110
Committee Secretary: S Hill Ext 4249

Recommendation(s):

To consider an application referred to this committee by the Area Plans Subcommittee East at its meeting on 11 January 2012 with a recommendation to REFUSE Planning Permission on the grounds that the proposal, because of its mass and cramped appearance, would be too overbearing and dominant to the detriment of the street scene.

Report

1. (Director of Planning and Economic Development) The planning application was reported to Area Plans Sub-Committee East with an officer recommendation to grant planning permission, subject to a number of planning conditions and a legal agreement requiring the applicant pay to Essex County Council an education contribution of £11,944 (report appended). The Committee refused to grant planning permission, however, four Members voted that the application be referred to this committee for a decision.

Additional Summary of Reps

2. A late representation was verbally reported at the meeting from:

43 HIGH STREET, EPPING – No objection. Since trading as Billie Jeans, there have been numerous fights late at night, even recently in my front garden opposite the site. It is noisy, the music heard from my back bedroom. The building is an eye-sore and a disgusting pink. Cannot park our car on Thursdays, Fridays and Saturdays as all clientele of Billie Jeans use the spaces.

Since the meeting, two further representations have been received from:

69 HEMNALL STREET – Should compare proposal with building there now without current façade, surprised building not listed as consideration be given to architectural and heritage value of the building, vehicles reversing into the site from narrow Half Moon Lane is unsatisfactory and add to traffic movement, parking will be added to considerably and will not be reduced in the area as spaces on site will be for residents and visitors, proposal of too great a mass, too high and too close at the front, not an area for governments high density

development in urban areas, too many dwellings, overlooking from balconies, if consent granted then all valued buildings in Epping be checked for protection, set an unsatisfactory precedence for even half its scale and number. Limitations on internal works when last refurbished implying building is protected in some way.

12 THEYDON PLACE – The old pub was an attractive building still evident from the rear façade, proposal unsuitable because it will destroy the original parts of the building, is too large for the area, cause problems for pedestrian users of Half Moon Lane and too high density.

Planning Issues

3. The main issue for the Committee was the position and the size of the new building in respect of its visual appearance on the street scene.
4. There was no specific objection raised to the principle of the mixed development in this town centre location, nor to its parking provision, highway safety or to its specific design. It was stated that the proposed A1 and/or A3 use would be less disruptive and noisy than the current A4 use and whilst there was some dismay at the loss of this former pub building, there were still other pubs serving the town centre, including the Duke of Wellington on the adjacent site. The tidying up of the front of the site, including the provision of a pavement was also welcomed.
5. The Committee, whilst acknowledging that the proposal would make the best use of land in a sustainable location such as this, considered that it would be too large and cramped for this site. In this location, it would be too excessive in size and given its forward projection beyond the existing building and height relative to neighbouring buildings in this prominent location, harm the appearance of the street scene.
6. Officers stated that the new building would come forward of the present one and would be higher, but there is relief in the appearance of the new building that breaks up its bulk to create a suitable design and appearance in a street scene of varying building scale and styles. The new building would be more prominent and greater in size across three floors of accommodation, but there is sufficient separation distance from neighbouring buildings, open areas to provide adequate off-street parking, access for deliveries at the rear and the retention of protected trees.
7. In respect of the late representations, the proposal will not be as noisy and residents parking will be freed up by the removal of the current evening club and bar use. The building is not locally nor statutory listed and a review of local listing was carried out in recent years when this would have been part of that assessment. Half Moon Lane does not have a pavement and is a traditional narrow lane which will be retained in this way. There are no highway objections and good visibility for both pedestrians and future users of the proposed parking spaces. There is no evidence of internal works being protected or that they were requested by the Council as part of the refurbishment works and in fact is more likely to be a result of building regulation requirements.

Conclusion

8. Should the Committee be persuaded by the Area Committee's recommendation to refuse planning permission because of its mass and cramped appearance and therefore be too overbearing and dominant to the detriment of the street

scene, then it should be supported by reference to relevant policies of the Adopted Local Plan, namely policies DBE1 and CP3(v).

9. Alternatively, should the Committee agree with the merits of the proposed development, then it is recommended that it be subject to the suggested conditions and legal agreement requirement in the appended officers report.

This page is intentionally left blank

Extract from Area Planning Subcommittee East 12 January 2012

APPLICATION No:	EPF/2126/11
SITE ADDRESS:	Billie Jeans 26 High Street Epping Essex CM16 4AE
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Kiko Ventures Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces , access and landscaping.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532058

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2768 L01-1A, 2768 PL04D, 2768 PL05D, 2768 PL06B, 2768 PL07B, 2768 PL10D, 2768 PL10-1D, 2768 PL10-2D, 2768 PL10-3D, 2768 PL10-4D and 2768 PL11-1A.
- 3 No development, including demolition or preliminary groundwork's of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 4 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 5 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 6 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 7 The use hereby permitted shall not be open for customers / members to enter outside the hours of 0700 to 2330 on Monday to Saturday and 0800 to 2300 on Sundays and Bank/Public Holidays.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 10 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the permanent closure of the redundant vehicular access onto the High Street and to include:
 - The construction of a footway with kerbing to replace the redundant lay-by/vehicular access across the site frontage,
 - Position and type/design of bollards on the new footway.
 - The provision of two dropped kerb crossing points with tactile paving across Half Moon Lane at its junction with the High StreetThe approved details shall be implemented prior to first occupation and use of the development.
- 11 There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway of Half Moon Lane. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.
- 13 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

- 14 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 15 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 16 No deliveries shall take place at the site outside the hours of 0700 to 2100 on Monday to Saturday and 0800 to 1800 on Sundays and Bank/Public Holidays.
- 17 Notwithstanding the details shown on the approved drawings submitted with this planning application, prior to commencement of works, details of waste storage shall be submitted to and agreed in writing by the local planning authority and shall be implemented and maintained in accordance with the approved details.
- 18 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smells to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to first commencement of use or occupation.

And subject to a S106 legal agreement to be completed within 6 months requiring the developer to pay an education contribution to Essex County Council of £11,944 (index linked).

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

This 0.09 hectare application site consists of a two storey detached contemporary drinking bar/late-night club building with a front forecourt area and enclosed rear yard with vehicular access. The outside walls of this building are a striking painted pink. There is a block of recently

built residential flats to the rear of the site, a petrol filling station immediately to the west and the Duke of Wellington Pub to the east located on the other side of a narrow side road, Half Moon Lane. The site has a frontage to the east on this side road, but its main frontage is north onto the High Street.

The site is at the south-western end of the commercial High Street, within the defined town centre of Epping. The character of the area is a mix of commercial and residential properties.

Description of Proposal:

Consent is being sought for the demolition of the existing buildings on the site to be replaced by a new building consisting of an A1 Retail/ A3 Restaurant use on the ground floor and two floors of residential over, comprising of four x 1-bed and eight x 2-bed flats, each served by a balcony amenity area. 16 off street parking spaces would be located to the side and the rear of the building. The building would be up to the front boundary of the site adjacent to the back-edge of the pavement.

Relevant History:

EPF/0167/77 – Alterations and extension including change of use of attached cottage and extension to car park – granted 1977

EPF/1310/04 – Side Conservatory – granted 2004

EPF/1311/04 – Single storey side bar extension – granted

EPF/0178/08 – Retention of elevation changes - Allowed on Appeal

EPF/1013/11 – Use of outside forecourt area for display of garden furniture – Refused 2011

Summary of Representations:

40 neighbouring properties were consulted and site notices were erected in Hemnall Street and the High Street.

TOWN COUNCIL – Object. The application brings the building much closer to the road and further forward than any neighbouring property, therefore likely to cause a problem with access and egress from the nearby side road as well as the garage. The loss of this property as a public house is actually the loss of a community asset. Although undesirable, the present use of the building has still been represented as a community function and the conversion of the premises from that function into residential or commercial property represents loss of yet any other community asset on top of the loss of The Globe, The Spotted Dog and others. If a change of use is to be granted, then this factor needs to be taken into account. Committee were also concerned that the building is too tall for its environment although there is a reasonably eclectic mix of heights present in the High Street and High Road, nevertheless, this property outstrips those premises near to it and would look incongruous and overdeveloped. Committee also expressed considerable concern over the inadequate parking provision. The property owner's representative was unable to advise Committee as to whether the parking would be devoted to the residential properties or would be ancillary to the commercial use. Committee was concerned that parking was inadequate for both uses and possibly even inadequate for either use given the dearth of alternative on street or off street parking in the vicinity of this development.

EPPING SOCIETY – Disappointed to see plans for part of our Town's heritage to be demolished. Aware building not listed nor in a conservation area and that its present use or that of former use as a public house is probably not viable, leaving little alternative but redevelopment. Wish to object because site is grossly overdeveloped with the building occupying nearly the whole site; building frontage to the back of pavement should conform to block of shops the other side of the Duke of Wellington public house; design does not follow town's vernacular, use of ground floor as a single unit may entice use as a mini-market on the edge of town to detriment of town centre; flats

are small; balconies are too small to be of practical use and do not have good outlook; parking spaces on side will have to reverse out, and two on rear have no room for manoeuvre; two spaces at front for disabled and loading are too close to light controlled pedestrian crossing. Elevation inconsistency with ground floor plan.

74 MADELLS – Object on basis this was an old building forming part of the beginning of the High Street which the builders ruined and should be forced to reinstate. If not, current building is too big and would be dangerous traffic wise in this busy part of Epping with roads leading off with not enough parking to be provided.

22 HIGH STREET – Aware of lack of footpath at the front and current front car park blocking pedestrian access particularly for disabled and parents with prams, therefore would be an ideal opportunity for the development to provide a dedicated raised footpath to link up with existing either side.

61 HIGH STREET – Strongly support the change of use. Since current Billie Jeans was given permission and changed from a pub to club has been nothing but noise on a Friday and Saturday night (and damage to our cars). Current building is an eye-sore.

3 CHAPEL VIEW, 90A HEMNALL STREET – Just about anything would be an improvement. We are in favour.

Policies Applied:

TC1 - Vitality and viability of shopping centre.
TC2 – Sequential Approach
TC3 – Town Centre Function
CP2 – Protecting the quality of the Rural and Built Environment
CP3 – New development
CF12 – Retention of Community facilities
H2A – Re-use of Previously developed land
H3A – Housing density
H4A – Dwelling mix
E4A – Protection of Employment Sites
E4B – Alternative uses for Employment sites
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
ST1 – Location of Development
ST4 – Road safety
ST6 – Vehicle Parking
I1A – Planning Obligations

Issues and Considerations:

The main issues that arise with this application are:

- Principle of development
- Vitality and Viability of Town Centre
- Loss of the Community facility
- Design, layout and impact on street scene
- Impact to neighbouring amenity
- Parking and highway matters

- Any other Material Planning Matters

Principle of Development - Vitality and Viability of Town Centre

The application site is a former public house located within the town centre of Epping. It is clearly Previously Developed Land (PDL) and, whilst there is no presumption that land that is previously developed is necessarily suitable for housing development, there is a national annual target set out in PPS3 that “at least 60 per cent of new housing should be provided on previously developed land”, which is reflected locally within policy H2A that seeks to deliver “at least 70% of all new housing on previously developed land”. The residential in this case is on the upper floors and is compatible with other similar developments in the High Street at this floor level. The proposal is supported by policy TC3 of the Local Plan, which states that the Council will permit residential developments in town centres, but not at ground floor level.

The proposed ground floor retail or restaurant use is again compatible with other ground floor uses in the town centre. Policy TC1 of the adopted Local Plan confirms that the Council will in principle permit proposals which sustain or improve the vitality and viability of any of the defined shopping centres. The flexibility to bring forward retail and/or restaurant units at ground floor level, as part of this proposal, conforms to this policy. It is outside the key retail frontage but both uses are appropriate to the town centre and benefit the functioning of the centre. In either case, it will strengthen the vitality and viability of the town centre and provide greater employment opportunities than as at present.

In recent years, the current drinking establishment has been a source of disturbance to the detriment of the town centre as well as residential amenity. There are residential properties both opposite and to the immediate rear and Members may well consider that this application provides the opportunity to remove this establishment. Planning permission would then be required to turn it back from an A1 or A3 use to its current A4 use.

Loss of the community facility

Public Houses are generally social meeting places and considered in policy terms to be a community facility. Policy CF12 seeks to ensure community facilities will only be lost where it is conclusively shown that:

- i) *The use is no longer needed or no longer viable in its current location; and*
- ii) *The service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users.*

Where planning permission is granted for proposals that will entail the loss of community facility, the Council will consider favourably alternative uses which fulfil other community needs.

This is no longer a public house and harkening back to this former use is now rather historical. Despite the closure of two pubs close to, but outside of, the town centre (The Globe and The Spotted Dog) the town is still well served by public houses (one of which is next door) and bars. The loss of the use is more than compensated for by the proposed use of the ground floor, which in any case could now be converted into retail or a restaurant use without the need for planning permission. The retail and restaurant use would be a suitable alternative community use that is appropriate to a town centre location.

Design, layout and impact to street scene

The proposed building at three storeys will be in keeping with similar scaled buildings that prevail in the townscape. It will be taller than the current two storey building and come further forward, beyond neighbouring properties, but not to the extent that it would appear discordant. A commercial frontage on the front boundary of the site is repeated in many other parts of the town

centre and the mass of this comparatively large building would be broken up by slight projecting gabled roof bay features and balconies. This reflects other High Street buildings and will use a mix of external materials that prevails in the locality, including brickwork broken by glazed frontage to the ground floor front elevation and timber weatherboarding to offer some relief. It is considered that rather than causing visual harm, it will provide an attractive frontage to passing traffic entering the town from the west.

Concerns have been expressed that the building should be set back to align with shops to the east (no.42 onwards), just beyond the Duke of Wellington pub. However, there is no strict defined building line that present buildings conform to and the fronts of buildings generally run in short stretches on both sides of this road in this part of the town centre, such that the proposal would not be out of keeping. It will also prevent on-site parking from appearing so visually unsightly and dominant at the front, which conforms to the principle design requirements of the Essex Design Guide.

The new building will be larger and have a greater footprint than the existing building on the site and those immediately surrounding, but it will still have the appearance of a traditional roof slope and ridge line. Maximising density is suitable for town centre location provided, of course, that it is not at the expense of other material planning considerations. Policy H3A of the Local Plan allows development of higher densities in areas of good public transport and other facilities. The proposed density will be 133 dwellings per hectare which is acceptable in a town centre location. The whole of the site area is not taken up by a building footprint and there is still room for 16 parking spaces together with a delivery and turning area at the rear and the retention of 2 protected trees in the north-east corner of the site. As with many town centre, mixed residential/commercial developments, there is limited scope for private gardens, but all the flats will have balcony areas providing some level of private amenity space. Outlook will be similar to other residential properties in this locality and therefore not a reason to withhold planning permission on this ground. Among objections raised is that this is gross overdevelopment. But, this generally has limited justification in a town centre location if the building scale and parking provision is appropriate with its surroundings and the development makes good use of urban land, as in this case.

Finally, it has been commented in one of the representations received that the current building should be retained. The building may be late nineteenth century, but it does not have any overriding intrinsic merit which would mean that its loss should be resisted. It is neither statutory nor locally listed and indeed would not meet the parameters to justify inclusion given there are no internal original features and externally it has been much altered. It is also well outside the conservation area boundary to the east, such that its loss would not harm its character and appearance.

Impact on neighbouring amenity

There are residential properties on the other side of the High Street to the north and in the recent residential flatted development to the immediate rear. Those houses opposite will be approximately 20 metres away, which across a main road is a reasonable separation distance. The flats to the rear at Forest Court do not have main habitable room windows on their rear elevation and despite the proposed use of balconies, there will be no undue loss of privacy to occupants of neighbouring residential properties. The rear area of these flats is a parking area and access, similar to that proposed at the application site. Compared with the present bar/club late night use, the proposal will result in less disturbance and noise to the benefit of the local area.

Parking and Highway Matters

The proposals would provide 16 off-street parking spaces to the side and rear of the site. The present use has 4 parking spaces accessed directly off the High Street. The plans have been

amended deleting two roadside disabled parking spaces/ loading bays in the High Street adjacent to the front boundary of the site following highway objections. This would have been within the zig-zag road marking of an existing signalised pedestrian crossing and have been in clear conflict with highway safety.

Policy ST4 and ST6 of the Local Plan requires that new development does not harm highway safety and should provide that development should provide parking in accordance with adopted standards.

Essex County Council Highway Officers would accept 12 spaces given its town centre location close to shops and services and proximity to frequent public transport facilities. However, the proposed 16 spaces, whilst a little tight at the rear, does allow one car space for each flat and a further 4 for visitor or for ground floor users. National guidance advises that in implementing parking policies, developers should not be required to provide more parking spaces than they wish, other than in exceptional circumstances. The town centre location prevents there being such circumstances and Half Moon Lane and Hemnall Street to the rear are roads with extensive double yellow lining, thus preventing on road parking from taking place. Similarly, parking is restricted from taking place at the front. Whilst the level of parking would be lower than the maximum level sought by the Essex County Council Vehicle Parking Standards, it would not harm highway safety. A Green Travel Plan is also required and therefore it is reasonable to assume that not all residents would choose to have cars. The parking standards also allow flexibility in town centres well served by public transport. This is such a location and in conclusion, the proposed level of parking provision is satisfactory and refusal in such a sustainable location is extremely unlikely to be supported on appeal.

Access arrangements are acceptable. Whilst the side boundary would be opened up to Half Moon Lane, this is not a heavily trafficked thoroughfare and the parking spaces have sufficient space to enter and leave the site and with good visibility. Similarly at the rear, there is an existing access point to the site and the Forest Court flats which would not result in highway safety conflict.

The development will finance and provide for a pavement to be formed and continue across the public facing frontage to link up with that existing on either side. This is clearly a highway benefit for all pedestrian users in this part of the town centre.

Other matters

The development is of a size where it is necessary to avoid generating additional runoff and provides the opportunity to improve existing surface water runoff. As such a Flood Risk Assessment is required, but this can be controlled by condition.

The layout is considered acceptable with regards to bin storage and collection, but a condition is still required to ensure that adequate space is provided to both serve the residential and ground floor use.

The site lies within the known extent of the built-up area of post-medieval Epping and immediately outside that of the medieval core. Very little archaeological fieldwork has been undertaken within Epping. As a result, little is known of the nature, complexity or preservation of archaeological deposits within the town's historic core. Future excavation of medieval and post medieval archaeological deposits within the town in order to establish its development, trade and distribution networks and social and economic context has been highlighted as a research priority at a regional and national level. An archaeological investigation of the proposed development site is likely to add considerably to our knowledge of the historic and spatial development of the market town of Epping. A full archaeological condition should therefore be imposed on this application, in line with Planning Policy Statement 5: Planning for the Historic Environment (PPS 5)

In addition, a financial contribution of £11,944 is sought for primary education contribution which has been assessed against the requirements of the 2010 Community Infrastructure Regulations. The development would generate an increased demand for additional spaces. The figure is calculated from Essex County Council's formula for education contribution requirements and is an appropriate need in this case.

Conclusion:

The proposal makes good use of previously developed land and brings forward mixed use to a site well served by public transport within a sustainable town centre location. It satisfies national and local plan housing objectives and promotes positive economic development through the provision of retail and restaurant uses, which will add to the vitality and viability of the town centre. The draft National Planning Policy Framework issued in July 2011 is also a material consideration in the determination of planning applications and introduces the presumption in favour of sustainable development, which this clearly is.

The loss of the current late night bar and club, in particular, is welcomed, as is the unsightly appearance of the building. The new building would be more prominent because of its more forward position and scale, but it is well designed and will visually benefit streetscape providing an attractive public facing frontage. It does maximise the density for the site, but it allows for improved parking provision and space for deliveries at the rear, as well as the retention of the two protected trees. Whilst the objections and concerns, particular from the Town Council and Epping Society, have been carefully considered, Officers conclude in this case that the proposal will complement the character and appearance of the area without causing undue harm to neighbouring amenity or highway safety. It is therefore recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Nigel Richardson
Direct Line Telephone Number: 01992 564110***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	4
Application Number:	EPF/2126/11
Site Name:	Billie Jeans, 26 High Street Epping, CM16 4AE
Scale of Plot:	1/1250

Report to District Development Control Committee

Date of meeting: 15 February 2012



**Epping Forest
District Council**

Subject: Planning Application EPF/2361/09 – Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)

**Officer contact for further information: K Smith Ext 4109
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the following revisions to the planning application EPF/2361/09 be approved:

- (i) The enlargement of the application site to accommodate surface level car parking, instead of the underground car parking which was previously approved (resulting in a reduction in the number of car parking spaces provided from 25 to 20);**
- (ii) A change to the proposed mix of affordable housing, resulting in 53% of affordable units being available for affordable rent and 47% available for shared ownership; and**
- (iii) The requirement for the proposed access to be built prior to commencement to be relaxed to allow the development to be built up to a height no more than 1 metre above ground to allow the securing of housing grant funding; and**

also subject to the application of the original planning conditions agreed on 8 June 2010 and to the completion of the original legal agreement (as amended above) within 6 months of the date of this meeting.

Report Detail

1. (Director of Planning and Economic Development) Members may recall this application, which was first considered by this Committee in June 2010. The Committee resolved to grant planning permission subject to referral to the Government Office and subject to the completion of a Section 106 legal agreement within 9 months to secure:

- The provision of the vehicle access to the site prior to the commencement of development;
- The amount, tenure and occupancy of the affordable housing;
- Highway Matters, including street lighting;
- Education Provision (financial contribution and/or other); and

- A contribution towards the re-opening of a Post Office facility within Manor Road.
2. Confirmation was received from the Government Office in August 2010, stating that the Secretary of State had concluded that the application should be determined by Epping Forest District Council.
 3. A copy of the report to the District Development Control Committee and minutes at that time are attached to this report.
 4. Following that resolution to grant planning permission, no action was taken on the completion of the Section 106 legal agreement within the required time period and in April 2011 the application was reported back to the Committee for further consideration. At that time Members gave a further resolution to grant planning permission, subject to the completion of a legal agreement within 6 months.
 5. Whilst that resolution has subsequently lapsed, the Applicant's Agent has engaged with officers from the Council's Planning and Housing Directorates and negotiations regarding the development have resumed.
 6. The Applicant has amended the scheme by slightly increasing the site boundary onto land which previously formed part of the application for the adjacent site. This has provided space to accommodate surface level car parking within the development, thereby reducing the construction costs by omitting the need to provide underground parking. This amendment does result in a reduction in the number of car parking spaces within the development from 25 spaces to 20. However, having regard to the highly sustainable location of the site, in particular its proximity to Grange Hill Underground Station, this reduction in car parking is considered to be acceptable.
 7. Amendments have also been proposed to the Heads of Terms for the legal agreement which will accompany this planning permission, if granted. These are discussed in greater detail below.

The Applicant's Position

8. The Applicant has provided the following statement, indicated why it has not been possible to sign the legal agreement subject to the terms set out in the Committee's decision of April 2011:
9. "Due to the downturn in the housing market since 2007 when the property was purchased and because of the change in government funding to Housing Associations together with additional construction costs and contributions we were unable to deliver the heads agreed by the committee in June 2010."

Revised Terms for Legal Agreement

10. The following revised terms for the legal agreement have been agreed in principle by the Applicant and officers from the Council's Planning and Housing Directorates:

(1) Affordable Housing (all 2 bed units)

- (a) 17 affordable units to be provided

- (b) 9 (53%) of the affordable units to be for affordable rent
- (c) 8 (47%) of the affordable units to be for shared ownership
- (d) All shared ownership properties to meet the Council's Shared Ownership Policy, i.e.:
 - (i) The *average* initial equity share sold to shared owners across all the shared ownership homes within to development to be no more than 35%;
 - (ii) Shared owners to be able to purchase a minimum equity share of 25% and a maximum equity share of 50% for shared ownership schemes;
 - (iii) Shared owners to be able to purchase additional equity shares (staircase) up to full 100% ownership; and
 - (iv) Shared owners to pay an initial rent of no more 2.5% of the unsold equity per annum, with subsequent rent increases determined in accordance with the selected housing association's Rent Setting Policy.
- (e) All the affordable housing to meet the HCA's design and quality standards.
- (f) None of the market housing on the development to be occupied until the developer (or subsequent developer) has entered into a legally binding agreement with the selected housing association for the sale of the affordable housing to the selected housing association.
- (g) The name of the housing association to provide the affordable housing is East Thames

(2) Other Matters

- (a) Post Office Contribution of £40,000
- (b) Education Contribution of £35,072
- (c) The approved development not to be built beyond a height which exceeds one metre above the ground level of the site, until the access road has been provided.
- (d) The delivery of required Highway improvement works (e.g. street lights)

Appraisal

11. The main changes in relation to the previously agreed Heads of Terms relate to the proportion of the affordable housing which will be available for affordable rent in relation to the shared ownership units and also to the requirement for the access road (the subject of a planning application on the adjacent site) to be provided.

12. In relation to the affordable housing, the Council's Director of Housing has agreed a mix of 53% affordable rent to 47% shared ownership following careful consideration of the circumstances and merits of this case.

13. Turning to the access road, it was previously agreed that this development would not be commenced until such time as the access road leading from Manor Road had been provided. This requirement was necessary as if the development

were to proceed in isolation to the access road proposed on the adjacent site, then there would be no access to the development by car. It is on the basis that the access would be provided via the adjacent site that the Council has previously accepted that this site is capable of sustaining the number of dwellings proposed.

14. However, East Thames, the potential housing association for the development, has advised that this raises a problem in relation to their intended use of grant funding, which is necessary to deliver the affordable housing. It will be a requirement of their use of grant funding that the development commences by a certain date. Compliance with this date may not be possible if the commencement of the development has to be preceded by the completion of the access road. It is, therefore considered reasonable that this requirement be relaxed as set out above, to provide the opportunity for a commencement to be made on the site to secure the funding, prior to the access road being provided. The limitation of the progress of the commencement to a maximum of one metre above ground level will safeguard against the development proceeding to completion without the access road.

15. The Applicant's agent has expressed some concern regarding the inclusion of an education contribution, because they consider that the site lies outside of the catchment area for West Hatch School and is not, therefore, necessary. However, previous resolutions given by the Committee have included this contribution and if the committee considered that this obligation is necessary, the Applicant is willing to make the contribution. It is the opinion of officers that the sum should be retained within any new resolution that is given, on the basis that additional demand for education services within the locality will arise from the proposed development.

Potential for the Future Delivery of the Development

16. The Applicant's Agent has stated that the developer confirms that he is now able to complete the development with all the aforementioned proposals in place.

Conclusion

17. In light of the above appraisal, it is considered that the amendments to the development and the Heads of Terms for the legal agreement do not have a material impact upon the proposed development, the principle of which has already been agreed by previous resolutions to grant planning permission.

Report to District Development Control Committee

Date of meeting: 8th June 2010



**Epping Forest
District Council**

Subject: Planning Application EPF/2361/09 – Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)

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

Recommendation:

That the Committee considers the recommendation of the Area Plans Sub-Committee South, on 26 May 2010, to grant planning permission.

Report Detail

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

Planning Issues

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

3. Officers agree with the Sub-Committee that the site is in a sustainable location and a residential development may be acceptable where it is of an acceptable design and the applicant has demonstrated a case for very special circumstances for allowing such development within the Green Belt. Notwithstanding this, Officers had several concerns the proposed scheme. In particular, the design and density of the scheme are considered to be unsatisfactory. Officers consider that the applicant has failed to demonstrate a case for very special circumstances which is capable of outweighing this harm to visual amenity and the harm caused by

reason of inappropriateness, to justify the acceptance of the proposed development within the Green Belt.

Conclusion

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

- The commencement of the development within five years;
- The use of suitable external materials;
- Highway matters (including details of the site access, the discharge of water from the site, the provision of the car parking);
- The submission of further information relating to tree protection and site landscaping;
- Construction matters including a restriction to working hours and the provision of wheel washing facilities;
- The submission of further information relating to site levels;
- Further information/mitigation relating to contaminated land issues;
- Further detail relating to facilities for refuse storage;
- Details of external lighting within the development (e.g. at car park entrance) and the restriction of additional lighting without planning permission;
- Details of boundary treatments;
- The removal of excavated material from the site; and
- The use of obscure/fixed closed glazing in accordance with the approved plans.

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

- The development is not to be commenced until the access road (which is subject to approval under planning application EPF/1399/09 relating to the adjacent site) has been constructed to an agreed standard;
- The amount, tenure, delivery and occupancy of the affordable housing;
- Provision of a financial contribution towards street lighting improvements within the vicinity of the site and the provision of public transport vouchers to the future occupants of the dwellings;
- Provision of a financial contribution towards school places within the local area; and
- Provision of a financial contribution towards the re-opening of a Post Office facility in Manor Road.

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.

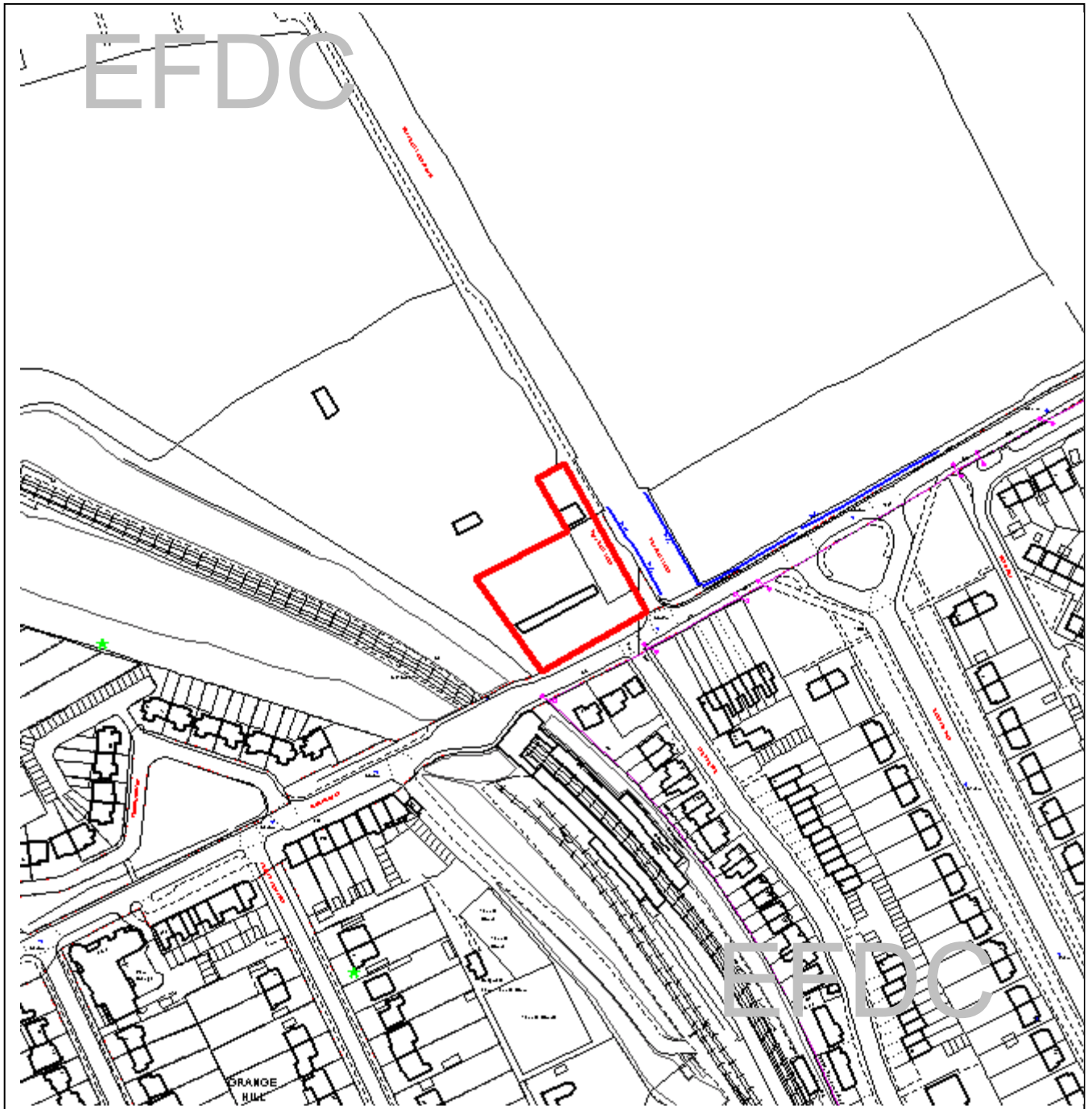
Conclusion

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



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	2
Application Number:	EPF/2361/09
Site Name:	Garden Centre, 212, Manor Road Chigwell, IG7 4JX
Scale of Plot:	1/2500

This page is intentionally left blank

EXTRACT

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 8 June 2010
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.30 pm
High Street, Epping

Members Present: B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, Mrs P Brooks, K Chana, D Dodeja, C Finn, Mrs R Gadsby, A Green, J Knapman, J Markham, Mrs M McEwen, H Ulkun and J Wyatt

Other Councillors: Mrs P Smith

Apologies: J Hart and R Morgan

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

PLANNING APPLICATION EPF/2361/09 – REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE AT 212 MANOR ROAD, CHIGWELL TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING. (REVISED APPLICATION)

The Committee considered an application referred to it by Area Planning Subcommittee South with a recommendation that permission be granted for the redevelopment of land at 212 Manor Road, Chigwell to provide 21 flats, 80% of which being affordable housing. The subcommittee had felt that the application put forward special circumstances to merit departure from Metropolitan Green Belt policy and the development plan. The special circumstances were (i) its sustainable location opposite a tube station and bus routes; (ii) the level of affordable housing proposed; and (iii) the site was previously developed land.

Members heard from an objector to the proposals.

The Committee concurred with the view of the Subcommittee and considered that the proposed development fitted the Streetscene in the road and had minimal impact on the Metropolitan Green Belt as the site was screened. Members were persuaded by the argument of its sustainable location and proposals for affordable housing.

Officers suggested an additional condition to ensure the provision of the underground parking scheme and heads of term of a proposed legal agreement which were agreed by members. It was noted that the application would need to be referred to the Government Office as a departure from the development plan.

Resolved:

That planning application EPF/2361/09 at the Garden Centre 212 Manor Road, Chigwell be granted subject to:

- (a) The applications referral to the Government Office for the East of England as a Departure from the Development Plan;
- (b) The prior completion of a legal agreement under Section 106 of the Town and County Planning Act within 9 months of the date of the resolution to grant planning permission to secure the following:
- The development is not to be commenced until the access road (which is subject to approval under planning application EPF/1399/09 relating to the adjacent site) has been constructed to an agreed standard;
 - The amount, tenure, delivery and occupancy of the affordable housing;
 - Provision of a financial contribution towards street lighting improvements within the vicinity of the site and the provision of public transport vouchers to the future occupants of the dwellings;
 - Provision of a financial contribution towards school places within the local area; and
 - Provision of a financial contribution towards the re-opening of a Post Office facility in Manor Road.

(c) The permission being subject to the following planning conditions:

1. The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

3. All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of noise sensitive properties.

4. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

5. Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

6. Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

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

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

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

7. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

Reason:- In the interests of visual amenity.

8. All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity and the protection of natural features.

9. Prior to first occupation of the building hereby approved the proposed window openings identified on the approved drawings (CMEF/09/04 revA and CMEF/09/05 rev.A shall be fitted with obscured glass and have fixed frames up to a height of 1.7 metres above finished floor level, and shall be permanently retained in that condition.

Reason:- To prevent the overlooking of neighbouring properties.

10. The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing tree is potentially maintained by the provision of an adequate replacement tree.

11. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the

development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

12. Prior to the commencement of the development hereby approved, details of external lighting within the development shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details. No additional external lighting shall be installed with the development at any time thereafter without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to protect the character of the Metropolitan Green Belt.

13. Notwithstanding the detail submitted, prior to the commencement of the development hereby approved, elevational details of the proposed refuse stores shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the refuse stores shall be available for use prior to the first occupation of any dwelling within the development.

Reason: In the interest of visual amenity and to ensure that adequate provision is made for the storage of refuse within the site.

14. No development shall commence until details of a means of vehicular access, to an adoptable highway standard has been agreed and created onto Manor Road.

Reason: In the interest of highway safety.

15. Before first occupation, the proposed car parking in the basement shall be laid out and remain available for the parking of vehicles thereafter

Reason: To ensure that the development makes suitable provision for the parking of vehicles within the site.

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 15th February 2012

Subject: Planning application EPF/2456/11. Valley Grown Nurseries, Paynes Lane, Nazeing. Additional access route from Green Lane, in connection with EPF/2457/11.



**Epping Forest
District Council**

**Officer contact for further information: Jill Shingler Ext 4106
Committee Secretary: S Hill Ext 4249**

Recommendation(s): That the Committee considers the recommendation of the Director of Planning and Economic Development to refuse planning permission for the above development for the following reason

- 1. The proposed development intrudes into an area that is being restored following gravel extraction within the Metropolitan Green Belt. The new road is considered excessive for the amount of traffic that is envisaged it will take. It is not considered that the development is necessary or proportionate in relation to the horticultural use that it is intended to serve and therefore it is inappropriate development within the Green Belt, Contrary to Policy GB2 of the adopted Local Plan.**
- 2. The creation of the new haul road across open land intrudes in the landscape and introduces additional commercial traffic into an area utilised for recreation, as such the development fails to conserve and enhance the landscape of the Lee Valley Regional Park or safeguard the amenity of the Park and is therefore contrary to policy RST24 of the adopted Local Plan.**

Report

- 1. This application is brought before committee as it is linked with the next item on the agenda which is of major significance.**

Description of Proposal

2. The application is to create a 9 metre wide stone track leading from the site of the proposed new glasshouses at Valley Grown Nursery in Paynes Lane, across the agricultural fields opposite the site and linking to an existing private track that leads from there across the extend an existing private road, previously used as an access track in connection with gravel extraction. This crosses the flood relief channel over and ultimately connects to Green Lane to the West. The intention is that the HGV's that will be generated by the proposed Glasshouse extension will utilise this access track, so that they do not need to access the site via Paynes Lane. The application also includes a 2m wide service strip to the side of the proposed track and continuing north along the existing track until it diverges north towards Nazeing Road at the point where the current haul road crosses the bridge over the flood relief channel.

Description of Site

2. The red lined application site is in this instance tightly drawn around the proposed route of the track and the service strip, the site runs to the west of Paynes Lane across arable land. It runs to the south of an existing hedgerow and joins up with the existing haulage track adjacent to the flood relief channel.

Relevant History

3. There is no planning history directly relevant to this application.

Policies Applied

Local Plan and Local Plan Alterations:

CP1 Achieving Sustainable Development Objectives

CP2 Protecting the quality of the environment.

CP3 New development

GB2A Development in the Green Belt

GB7A Conspicuous development

GB10 Development in the Lee Valley Regional Park

HC1 Archaeological sites

HC12 development affecting the setting of listed buildings

NC1 SPA's, SAC's and SSSI's

NC2 County Wildlife Sites

NC3 Replacement of lost habitat

NC4 Protection of established habitat

NC5 promotion of nature conservation schemes

RP4 Contaminated land

RP5A Adverse environmental impacts

RST2 Enhance rights of way network

U2A Development in Flood risk areas

U3A Catchment effects

U3B Sustainable drainage systems

LL1 Rural Landscape

LL2 Inappropriate rural development

LL4 Agricultural/forestry related development

LL7 Planting, care and protection of trees

LL10 Adequacy of provision for landscape retention

LL11 Landscaping Schemes

St1 Location of development

ST2 Accessibility of development

ST3 transport assessments

ST4 Road Safety

ST5 Travel Plans

I1A Planning Obligations

Summary of Representations.

4. Neighbours were notified by letter and 3 site notices were erected, the following responses were received

PARISH COUNCIL – The following objections were made:

1. The development would increase the number of HGV's using the roads within Nazeing. The use of Green Lane s is unsuitable for articulated vehicles with the access from Old Nazeing Road

2. It is understood that the original covenant for the use of Green Lanes, a private road maintained by the residents, was obtained by the owners of the land prior to the

acquisition by Lafarge. The access to and from the quarry should cease with the restoration and landscaping of the land as per IDO/EPF/4/92 as extended by EPF/0087/11. The times of access were restricted to 8am to 5pm Mon to Fri and 7am to 12 noon Saturday.

3. The access route is within the flood plain and in event of flooding the vehicles would use Paynes Lane which is unsuitable for this additional traffic.

4. The Bailey bridge on the route is believed to be unsuitable for 44 ton vehicles.

5. The proposed access track runs parallel with part of Footpath 10 and then crosses it meeting it again in Green Lane and crosses it again at the Bailey bridge.

NAZEING FOOTPATHS GROUP - Concerned about the service strip as no details have been provided. Object to the haul route because it will affect footpath 10 presenting a hazard to walkers and reduce enjoyment of this path.

LANGRIDGE FARM, PAYNES LANE – The proposal will not mitigate the effects of the large amount of ancillary traffic generated by the new glasshouse extension. Enforcement of use of the new track by HGV's will be impossible. Contrary to LVRP policies, harmful to wildlife, harmful to setting of listed buildings, harmful to the enjoyment of walkers along the resited footpath, the road would be liable to flood so traffic would be redirected to Paynes Lane. Contamination problems. They need access agreement with residents of Green Lane.

OAKLEIGH, PAYNES LANE – Object. Excessive impact on character of Green Belt, Noise disturbance and harm to residential amenity from HGV movements, Harm to LVRP. Will provide general access route that may lead to other activities and applications that further undermine the Green belt. More HGV traffic in Nazeing generally harmful to the area. Conflict with an existing footpath. If successful no way to guarantee other route would not be used. The proposal would create vehicle stacking with vehicles waiting for access times to commence, causing noise and disturbance on surrounding roads. Drivers likely to divert to Paynes Lane.

WOODSIDE BARN, PAYNES LANE – Object. Private road, VGN does not have permission to use Green Lane. Far more traffic than predicted is likely to use the lane, but Paynes Lane would probably still suffer. Harm to wildlife, noise and pollution, danger to walkers on Footpath

16 OLD NAZEING ROAD – Object – main concern health and safety from HGV's in Green Lane.

49 OLD NAZEING ROAD – Object. Private Road, damaged by large Lorries, poorly drained.

43 OLD NAZEING ROAD – Breach of restrictive covenants specified on our property title deeds. Harm to residential amenity, traffic congestion.

BRIDGEHOLME, GREEN LANE – Object. Green lane unsuitable for Lorries, increased danger. green lane is on blind bend, noise dirt fumes, damage to property, loss of property value, private road, who will pay for repairs? The restored area was to be parkland leisure facility, harmful to green belt.

WILLOW LODGE < PAYNES LANE – Object There is a formal agreement that the road be closed and land returned to Greenfield status by October 2011. There is footpath through the site, not a suitable access route for HGV's.

CHANTICLEER, GREEN LANE – (2 letters) Object. Private road, noise and pollution, highway danger and pedestrian danger, when cars are parked in the lane Lorries can not pass also adverse traffic impact on Old Nazeing Road. Area prone to flood. Harm to residential amenity, impact on wildlife, additional traffic from workers accessing Lee Valley Farm.

16 GREEN LANE – Object. Road too narrow two lorries could not pass. At present only light traffic; lives would be blighted noise and pollution. Lane is used by joggers and walkers.

14 GREEN LANE – Object, harmful to character and amenity for residents and walkers. Would spoil work of restoration carried out so far. Create additional highway danger.

LYNBROOK, GREEN LANE – Object. Lane too narrow, harm to safety, residential amenity, noise, fumes, dust, loss of view, lights from vehicles late at night, harmful to humans and wildlife. Lorry ban in Nazeing. NB there is a British Gas main pipe across the Lafarge site.

TIMBERS, GREEN LANE (2 letters) harm to Green Belt, loss of view (lorries intruding in the landscape), when road floods will traffic go to Paynes lane, Green Lane unsuitable for this kind of traffic, too narrow, dangerous. Harm to residential amenity, noise, dust, fumes, vibration, sewage pipe may be damaged; junction of Green Lane and Old Nazeing Road is unsuitable. Harmful to amenity of walkers, private road, residential area not suitable for commercial traffic. Nazeing can't cope with more HGV's,

17 GREEN LANE – (2 letters) Strongly object Entrance to Green Lane from Old Nazeing road is unsuitable for articulated lorries, Increased highway danger, possible damage to side of brook, harm to wildlife (water voles and birds), Harm to residential amenity. At present there are barriers across road to prevent illegal dumping, and squatting on Green belt Land, so problems would arise if removed and if left in place then they would have to be manned 24 hours a day or vehicles will queue up in the road. Possible congestion problems and delays to emergency vehicles. Potential to damage large sewer. If disturbance in Paynes Lane was a reason for refusal does this not also apply to Green Lane?

NATURAL ENGLAND – No Objection provided the proposal is carried out in strict accordance with the details of the application.

ENVIRONMENT AGENCY – Raised no objection subject to the imposition a condition to control surface water drainage to prevent leaching of contaminants into underlying aquifers.

OPEN SPACE SOCIETY – Object, harmful to recreation in the area, dangerous for walkers on footpath 10.

Issues and Considerations.

5. This application is linked directly to the application EPF/2457/11 and is intended to overcome one of the reasons for refusal of the earlier application for glasshouse development. Reason 2 for refusal of EPD/1181/11 was:

“The proposed development, by reason of the noise and disturbance caused by related vehicle movements, would cause material harm to the amenities presently enjoyed by nearby neighbouring residents, contrary to policies RP5A, DBE2 and DBE9 of the Adopted Local Plan and Alterations.”

6. The intention is that should planning permission be granted for the scheme under EPF/2457/11, then this would be subject to a unilateral undertaking that all HGV's to and from the new development would utilise this new access road via Green Lane to avoid increased noise and disturbance on Paynes Lane.

7. The main issues for consideration in the determination of the application are considered to be.

Green Belt
Impact on Landscape
Impact on the Regional Park
Highway safety
Impact on residential amenity
Flooding
Private Road and Covenants
Enforcement of Access via Green Lane
Wildlife and Conservation

8. **Green Belt.** The creation of a substantial (9 metre wide) hard surfaced roadway across an agricultural field, for use by HGV's will inevitably have an impact on the Green Belt. If such a road is reasonably necessary in connection with an agricultural/horticultural use of land, then it would be appropriate development in the Green Belt and no need for very special circumstances to be present. Without such a need, then the works would be inappropriate and by definition harmful to the Green Belt and the purposes of including land within the Green Belt.

9. It is officers view that the limited amount of traffic that (according to the submitted details) would be utilising this road would be minimal (essentially just 6 HGV's a day during peak production (3 in and 3 out) and therefore the road is not necessary, as there is an existing access route, via Paynes Lane, and the development is therefore inappropriate. Similarly if the application for the glasshouse development is refused then the access road is inappropriate as it is not needed in connection with an agricultural use.

10. **Impact on Landscape.** The provision of the haul road would result in a visually harmful feature within the rural landscape. Although it has been sited so as to be relatively close to an existing hedgerow, the road will be visible from Paynes Lane and from the south. In the absence of any need for the road it is considered intrusive and harmful to the landscape. Insufficient information has been submitted at this time to show that there will be no harm to existing trees and hedgerows from the development.

11. **Impact on the LVRP.** As it is considered that the development is harmful to the landscape it is also considered that it would be harmful to the character of the Lee Valley Regional Park. It introduces traffic into a part of the park that is currently just open land and is in the process of being restored. The continued use of the existing haul road and the introduction of the new extension to join Paynes Lane will result in continued conflict with the public footpath (10), which otherwise, with the restoration of the gravel workings and the cessation of use by Lafarge would have been a positive improvement to the recreational values of the area

12. **Highway Safety.** A large number of objections have been received in relation to the use of Green Lane, via Old Nazeing Road, to reach Lee Valley Nursery. Essex County Highways have considered the proposal and particularly in the light of the very limited predicted use of the lane they have raised no objection on Highway Safety grounds. They state that Green Lane was used as a haul road for gravel extraction and as such they do not consider that there are any issues associated with the small amount of traffic that would use it as part of the glasshouse extension. The width and layout of the new section of road the subject of this application is acceptable.

13. **Impact on Residential Amenity.** The new section of road is not located close to any residential properties and therefore would not in itself have any impact on residential amenity. The concern from residents of Green Lane is clearly that the creation of development will result in additional HGV's travelling past their properties along the residential parts of Green Lane and Old Nazeing Road. It is accepted that this element of the existing road network is not ideal for HGV traffic, but given that the lane has been used for many years for aggregate lorries, it is difficult to argue that the small number of additional HGV movements predicted would have a substantially harmful impact on amenity. As with the original application with access via Paynes Lane, officers are of the view that noise and disturbance to residential properties would not be so significant as to warrant refusal of the application. Alternatively however, if the Committee maintain their previous view that the commercial traffic would be harmful to residential amenity of occupants of Paynes Lane, and then it is difficult to see why shifting this harm to Green Lane would be beneficial.

14. **Flooding,** It is not considered that the proposed new haul road would result in any increased risk of flooding. No objections have been received from either the Environment Agency or the Councils Land Drainage Section. Whilst it is accepted that the existing roadway may suffer from standing water, it is not considered that this would amount to grounds for refusal.

15. **Private Road and Covenants.** A number of people have raised the issue that this proposal would result in increased use of a private lane without the residents' agreement and contrary to covenants and legal requirements that essentially required Lafarge to close the haul road once their restoration work was complete. These are not planning issues that can carry any weight. If Planning permission is granted, it does not give the applicant any legal right of access over land if it is prevented by other legal means. The permission can only be implemented if these other issues are satisfactorily resolved, but this is not a matter that the Planning Department would be involved in.

16. **Enforcement of Access via Green Lane.** Officers share the concern raised with regard to the enforceability of access via Green Lane. Although this can be part of a unilateral undertaking, and is not without precedent, ensuring ongoing enforcement of this as the access route could be difficult and divert resources from other cases.

17. **Wildlife and Conservation.** It is not considered that the proposed new access track and service route would result in harm to wildlife and ecology of the area. Natural England has raised no objection to the application.

Conclusion.

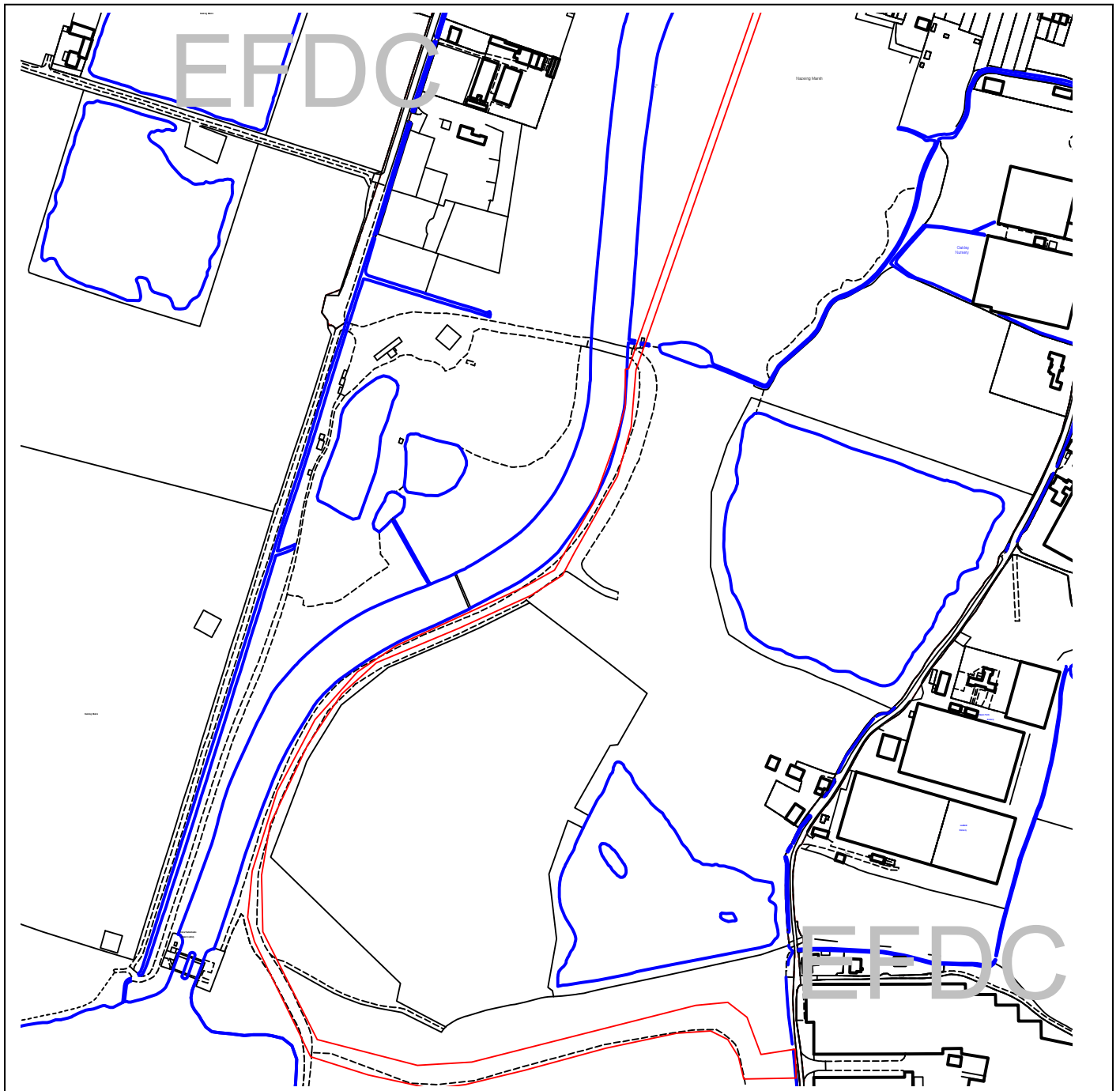
In conclusion it is considered that there is no justification for the development of this alternative access road. The proposal is inappropriate in the Green Belt and harmful to the character and visual amenity of the rural area and the Lee Valley Regional Park and is recommended for refusal.

This page is intentionally left blank



Epping Forest District Council

District Development Control Committee



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	
Application Number:	EPF/2456/11
Site Name:	Valley Grown Nurseries, Paynes Lane Nazeing, EN9 2EX
Scale of Plot:	1/5000

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 14 January 2012



**Epping Forest
District Council**

Subject: Planning application EPF/1181/11- Valley Grown Nurseries, Payne's Lane, Nazeing, Essex EN9 2EX. – Construction of 87,119m² glasshouse, 4,514m² ancillary warehouse area, 238m² of associated office space and 194m² of welfare facility space, together with habitat enhancement and landscaping. (Revised application)

Officer contact for further information: J Shingler Ext 4106
Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee considers the recommendation of the Director of Planning and Economic Development to grant planning permission for the above development, subject to the completion of the applicants unilateral undertaking and officers recommended planning conditions, appended at the end of this report.

Report

1. This application is brought to this committee as it is a matter that is considered of major significance that raises issues that are of more than local concern. The application has not been reported to the West Area Planning Sub Committee as there were concerns that the committee would not be quorate and in addition as the development is contrary to the adopted policies of the Local Plan any decision to approve the scheme would have to be made by the Parent Committee.

2. Members will recall that an application for the same development but with access for all vehicles via Paynes Lane was considered back in August 2011 and was refused, (contrary to officer recommendation), on the following grounds:

1. By reason of its very large bulk and scale, together with its siting outside of an area designated for glasshouses on the Local Plan Alterations proposals map, the proposed glasshouse and associated warehouse would have an excessive adverse impact on the open character of the Green Belt, undermining planning policy objectives for the locality. The proposed development is, therefore contrary to policies DBE1, DBE4, GB7A, E13A and E13B (i) of the Adopted Local Plan and Alterations.

2. The proposed development, by reason of the noise and disturbance caused by related vehicle movements, would cause material harm to the amenities presently enjoyed by nearby neighbouring residents, contrary to policies RP5A, DBE2 and DBE9 of the Adopted Local Plan and Alterations.

3. *The proposed development would set an undesirable precedent for similar developments to take place on comparable sites within the Metropolitan Green Belt and outside of designated glasshouse areas, contrary to the principles of Policy GB7A and E13A of the Adopted Local Plan and Alterations.*

4. *The proposed development would have a significant adverse impact on the character of the Lea Valley Regional Park contrary to policy RST24 of the Adopted Local Plan and Alterations.*

Description of Proposal:

3. Construction of 87,119m² of horticultural glasshousing, 4,514m² of ancillary warehouse area, 238m² of associated office space and 194m² of welfare facility space, together with habitat enhancement and landscaping. The proposal is to expand an existing established Nursery located immediately to the north of the site, which grows peppers. The application is essentially the same as that refused in August of last year but some additional supporting information has been provided and in addition, in order to try and address the second reason for refusal, that related to harm to the residential amenity of occupants of Paynes Lane from increased vehicle movements, a separate application EPF/2456/11 has been submitted. The applications therefore need to be considered together and if Members consider that the proposed Haul Road with access from Green Lane is necessary to make the main application acceptable, then the provision and use of the Haul Road would need to be tied into a legal agreement.

4. The application is accompanied by a draft unilateral planning obligation should permission be granted that would;

a) prevent the development from being divided or segmented whereby any third party could own or operate any part of the glasshouse. This would prevent the possibility of the site being utilised by several different businesses that would lead to potential for significantly increased traffic movements.

b) require the owner to dismantle and remove any building from the site that is not utilised for production within 1 year of its use ceasing, and to reinstate the land to a specification to be agreed with the Council to remove foundations and to a condition suitable for agricultural use within 2 years of the proposed development permanently ceasing production. This is required to ensure that there is no risk of the site becoming derelict in the future, as previous glasshouse sites have.

c) create and maintain a long term wildlife habitat area on the lake and adjacent area, including, provision of an outdoor classroom and information boards, working with appropriate community and ecology groups to complete a programme of planting, creating and agreeing an ongoing landscape management plan and creating the new landscape and wetland area before the greenhouse facility becomes fully operational.

d) ensure that all HGV traffic making deliveries or collections from the new greenhouse facility access via the new haul road and Green Lane.

5. This application is as already stated essentially the same as that which was refused by Members in August last year. The original officer's report therefore is still relevant and sets out in detail the considerations that led to the balanced officer recommendation for approval. The original report is attached below for full reference.

6. Members previously considered that the evident harm from the massive scale and intensity of the development, on the landscape, the Regional Park and on residential amenity was not outweighed by the economic benefits of the proposal and accordingly fully applied the adopted policies of the Local Plan and refused the application accordingly.

7. This report therefore addresses only the changes that have been made with regard to the information submitted, the suggested HGV access from Green Lane and the consultation responses received.

Changes and additional information.

Access from Green Lane;

8. In an attempt to address the second reason for refusal, the applicants have submitted a separate application for a new 9 metre wide haul road which is considered separately. Should Members consider that the Haul Road proposal is acceptable, they then need to consider whether the use of the haul road for access is sufficient to overcome this reason for refusal.

9. The reason relates not to any highway safety issue but to harm to residential amenity from increased traffic movements. If approved and tied up with a legal agreement the haul road would prevent HGV's serving the extended site, from utilising Paynes Lane for access. This would reduce the impact on residents in Paynes Lane, but would introduce new heavy traffic on Green Lane. Green Lane is wider and less pot holed, and there consequently would be less potential for HGV's to be waiting in the road to allow vehicles to pass, which would be beneficial in amenity terms. On the downside however is the fact that Green Lane, with the removal of the Gravel extraction traffic is now a relatively quiet rural lane with very little commercial traffic. The creation of the haul road would lead to new HGV movement on this otherwise quiet road which could be regarded as more harmful to the amenity of the residents of that road than the small increase in HGV movements on Paynes Lane that is already used to commercial traffic

Predicted Traffic Movements.

10. The applicants have, with this application submitted what they describe as "more refined" traffic generation figures than with the original application. These indicate that at peak production times the number of daily deliveries/collections will be no more than 3 additional HGV's (6 trips) and that there will be just 12 additional staff and visitor movements (24 trips) These 30 additional trips are throughout the working day and not concentrated at peak times, due to the working patterns of the nursery. These figures have been considered by the County Council and subject to the implementation of the management strategy set out in a travel plan, including car sharing and mini bus staff pick up there is no reason to expect significantly more movements. The traffic survey from September 2010 indicated just 2 HGV trips and 26 light vehicle (17 in and 9 out) trips related to the existing valley grown site during the 11 hour period 7am to 6pm. With the economies of scale involved with the extension of the site it is difficult to dispute the limited increase envisaged.

Consultation Responses Received.

Environment Agency- They comment as follows:-

Planning permission should only be granted subject to the imposition of conditions regarding contamination and flood risk mitigation. In addition the LPA advises that concerns have been raised locally about the potential for the development to exacerbate existing local groundwater flooding problems. The applicants consultant

has assessed the risk and determined that it is unlikely to cause any additional problems due to the nature of the aquifer and the design of the proposed structure, potential mitigation measures have however been identified should any problems be encountered in the future. This involves the construction of a cut off trench along the western boundary in the unlikely event of any increased flooding. You may wish to secure this through planning condition if permission is granted.

RSPB- We objected to the previous application and still consider there to be insufficient evidence available to determine whether this development would have a likely significant effect on the SPA. In addition without a full assessment of the ecological function of the site, it is impossible to know with any certainty whether the mitigation measures will ensure no adverse impact on the SPA. The objection therefore remains.

Natural England – No Objection to the proposed development subject to the inclusion of our recommended conditions and the proposal being carried out in strict accordance with the details of the application.

Whilst Natural England accept that in the absence of mitigation the proposed development has the potential to adversely affect the integrity of the European Site but considers that the mitigation included in the application should be capable of providing an adequate extent and continuity of supporting habitat, in order to ensure that there would not be a detrimental impact upon those bird species which are designated interest features of the Lee Valley SPA and Ramsar site.

Nazeing Parish Council- The following objections were made:

1. The development would increase the number of HGV's using the roads within Nazeing with considerable impact on residents of Paynes Lane and Green Lane. Nazeing is covered by a 7.5 t weight restriction and additional HGV's using the premises would add to the existing problem and would be contrary to Policies ST2, ST3 and ST4,
2. Paynes lane is a narrow lane and there is a safety issue with vehicles on this public footpath (contrary to Policy E12a)
3. The planned development is not within the area covered by E13 and would be contrary to Policy E13a as it is not a replacement or small scale extension or a modest expansion.
4. The site is within the LVRP and would not enhance the functions or enjoyment of the park which is contrary to policies GB10 and RST 24.
5. Due to the size and scale of the proposed development and the lack of natural landscaping it would be visually intrusive in the landscape contrary to Policies DBE4, LL1 and LL2.
6. There are also concerns with regard to adequate facilities for parking, foul sewerage and flood risk.
7. The large modern glasshouses could reduce the opportunities for employment and may bring about the dereliction of smaller nurseries in the area.
8. Any further enlargement of glasshouses should be in conjunction with adequate road infrastructure.
9. If the District Council is minded to grant permission then a condition seeking clearance and restoration of the land supported by an appropriate index-linked performance bond be sought from the applicant. (prevention of dereliction of new glasshouse sites- policy 13C of the adopted local plan and alterations)
10. Also suitable S106 agreement should be sought.

Neighbouring properties were consulted, site notices were erected and the application was advertised in the local press. The following responses were received:

OAKLEIGH, PAYNES LANE – The previous reasons for refusal still apply alternative access can not be controlled by condition. Previous objections remain

- A. Overdevelopment in the Green Belt
- B. Prominent and harmful to openness
- C. Paynes lane unsuitable for additional traffic.
- D. Previous applications have been refused, this is on much larger scale.
- E. Loss of countryside no valid special circumstances
- F. Lane is in poor condition and this would exacerbate it.
- G. Congestion, lack of passing places
- H. Heavy vehicles may cause damage to pipes under the lane
- I. It will bring more large vehicles through. Nazeing adding to existing problems.
- J. There are significant shortcomings with the sustainability statement, transport statement and framework travel plan. No Planning Statement is available on the website.

WOODSIDE BARN, PAYNES LANE - Object. Harm to wildlife, loss of newly built bird sanctuary, Harm to highway safety, congestion, pollution, noise disturbance, pollution of water and increase harm to wildlife, excessive height and visual impact. Too close to my home, loss of view and loss of privacy. VGN should look for sites nearer to motorways and not congest our small village and country lanes.

LANGRIDGE BARN, PAYNES LANE – Object. Harmful to wildlife, the LVRP and the Green Belt. Paynes Lane already has too much commercial traffic and can't cope, this will make matters worse. Harm to the Public footpath. Increased traffic through Nazeing. Traffic generation has been severely underestimated. Excessive visual impact, harm to the setting of our property. Shottentons was recently for sale so not accurate to say no other land was available.

LANGRIDGE FARM, PAYNES LANE – Object. Inadequate and inaccurate information. Increased flood risk. Harm to the Regional Park, harm to protected birds. Contaminated Land issues, inadequate parking, loss of jobs on smaller nurseries, , harm to highway safety, increased HGV's through Nazeing, congestion in Paynes Lane. Prominent and overbearing buildings harmful to openness a, character and amenity of the Green Belt and the LVRP Contrary to the policies of the Local Plan . Harm to existing wild fowl area, loss of amenity for users of footpath, If approved need at least £2.5million to go towards infrastructure with a bond to ensure land returned to agriculture. Harm to setting of listed buildings at Langridge Farm. Previous reasons for refusal have not been overcome Such a huge development needs to located close to good major roads and not in Nazeing.

HAWTHORNES, PAYNES LANE.- Object. Harm to the Green Belt, the LVRP, wildlife and habitats and the local environment . The change to provide access from Green Lane will alleviate traffic to some extent on Paynes Lane but will have a greater adverse impact on the environment by reducing viable habitat. Concerned about flood risk, highway safety, and adverse impact on condition of road.

BRIDGEHOLME, GREEN LANE – Object Green Lane is private road the landfill traffic has almost ceased this would bring in new traffic, noise and filth. The Glasshouses would be harmful to the LVRP, wildlife and leisure , harmful to the Green Belt, Too close to residential properties, harmful to amenity and outlook.

THE SHIELING, GREEN LANE – Green Lane access is inappropriate, dangerous, and too narrow. This is overdevelopment harmful to green belt and the environment.

17 GREEN LANE – (2 letters)Object. Overdevelopment in the Green Belt. The Glasshouses are too near to residential properties. 24 hour lights will cause light pollution and be harmful to nocturnal animals and will be noisy with the constant humming of electricity. Harmful to the LVRP

THE BUNGALOW- PAYNES LANE- Concerned that the application drawings include land as part of the site that does not belong to them . **(NB since this was queried the applicants agent have acknowledged a Drafting error on the plans and have submitted a revised plan that excludes the area in dispute which is not within the applicant's ownership or control.)** The secondary access route may result in other vehicles using this route and causing disruption on Paynes Lane. The development would cause disruption to residents.

TIMBERS, GREEN LANE – (2 letters) Totally opposed to covering the Green Belt in Glasshouses. Massive overdevelopment Harmful to openness of the Green Belt, loss of views from surrounding residential properties. Noise and lighting harmful to wildlife, contrary to the intentions of the LVRP.

CHANTICLEER, GREEN LANE – (2 letters)Object. Harmful to Green Belt and wildlife. Harmful to the recreational value of the regional park. 24 hour lighting will impact on wildlife and local residents.

LYNBROOK, GREEN LANE – Oppose. Green Belt, too close to housing, light pollution, harmful to views, harmful to LVRP recreation remit, Blot on the landscape, Use of Green Lane is unacceptable.

Planning Considerations

11. Given that this is a repeat of the earlier application with only minor changes, together with an agreement to utilise the proposed new access from Green Lane for HGVs visiting the site, the main consideration is whether there has been any material change since that refusal that would lead either to a change in officer recommendation or overcomes the reasons for refusal.

12. It is Officers view that the changes made do not make the application materially less acceptable than previously, and as such the previous cautious recommendation for approval subject to legal agreement and conditions is maintained.

13. However equally, it is clear that revisions to the application do not address the previous logical and supportable reasons for refusal that were put forward by Members. The proposed new access road is intended only to address the 2nd reason for refusal and it is clear that even if suitably enforceable it will remove only limited traffic from Paynes Lane, while potentially creating additional problems elsewhere.

14. The other 3 reasons for refusal, relating to impact on the Green Belt, Precedent and impact on the Regional Park have not been mitigated in this application, and it is difficult therefore to envisage Members now coming to a different decision on the application. Should the accompanying access route application be refused, Members will need to consider whether the slightly revised traffic movement figures that have been submitted are sufficient to overcome the disturbance issues that they are concerned about.

Conclusion

15. In concluding therefore Officers reiterate the reasoning behind their previous recommendation for approval:

16. There are competing issues in the determination of this application which make the recommendation difficult. On the one hand this is a well thought out sustainable development in a traditional glasshouse area that will provide large scale production of peppers to supply the British market, reducing reliance on foreign producers and increasing job opportunities and economic growth. There is no site within the areas identified by current policy in which a development of this scale could reasonably be accommodated, therefore if refused on policy E13a grounds the development could not be located in the District. Essentially we would be pushing the developer to locate outside the District possibly resulting in the relocation of the existing successful business, which could have knock on adverse environmental impacts in the locality and result in job losses and dereliction. The scheme, would not in officers views result in *excessive* harm to residential amenity, ecology or highway safety, and it will provide opportunities to enhance habitat provision and education within the Lee Valley Park..

17. On the other hand the development due to its sheer scale, no matter what extent of landscaping is proposed, cannot be described as an enhancement of the rural environment. It will replace what is at present an open and attractive agricultural field with buildings in excess of 8m high and could be regarded as harmful to the character and appearance of the locality. The site is within the Lee valley Regional Park and would be, in the view of the Park Authority harmful to the recreational purpose of the park. The development is therefore clearly contrary not only to current Glasshouse policy E13A, but also to Policy RST24 which seeks to protect the park. The access road is narrow and not ideally suited to this level of development and there will be some increased conflict with existing users of the road and footpath. There will also be short term impacts during the construction period

18. Officers are of the view, on balance that, although there are policies that could be used to refuse this application, the potential benefits of the development in terms of economic development, and sustainability outweigh the limited harm to the character and amenity of the area that would result. It is unlikely that a more suitable location, with less visual impact and impact on wildlife, landscape and residential amenity could be found within the District. If the District is to continue to enable the growth of the Glasshouse industry that has been such an important part of its heritage and not push growers to find sites further afield then development of this nature which provides suitable landscaping, ecological mitigation and transport plans and can not be located within E13 areas should be considered favourably. It is acknowledged that this could set a precedent for other large horticultural development in the District, but such applications would also need to be considered on their individual merits.

19. Therefore, particularly in the light of the emphasis in Governments latest Draft Planning Policy Framework that “significant weight should be placed on the need to support economic growth through the planning system”, officers consider that the balance is in favour of the development. The revised application is therefore recommended for approval, subject to the raft of conditions set out in Appendix 1 and subject to the prior completion of a legal agreement covering factors a), b) and c) set out in Para 4 above (but not requiring access for HGV’s to be via Green Lane as this is not in officers opinion necessary or helpful and raises other concerns).

20. However Members must be aware that the recommendation is contrary to the adopted Policies of the Local Plan and is contrary to the views of the Lea Valley Regional Park Authority. As a departure from the plan, should Members be minded to grant permission for the development, the matter would need to be referred to the Secretary of State. Referral is also required under Section 14 (8) of the Lee Valley Regional Park Act. This means that the matter is referred to the Secretary of State to consider whether the application should be called in to be determined by the Secretary of State following a Public Inquiry.

21. Should Members however maintain their objection to the scheme, officers are of the view that the revised proposal does not address previous reasons 1, 3 and 4 for refusal.

Suggested Conditions for EPF/1181/11

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
3. No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
4. No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
5. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
6. The access and parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the access and parking of staff and visitors vehicles.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoardings
 5. Measures to control the emission of dust and dirt during construction
8. Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a

working methodology for site clearance and construction work. These details shall include: no excavation, infilling or noisy construction works (ie those involving heavy machinery, or particularly noisy equipment such as angle-grinders, or hammering) are to take place within the southern half of the proposal site during the period from 1 October to 31 March inclusive in any year.

The infilling of the northern part of the existing lake or „splash“ shall not commence until after the completion of the excavation works to extend this lake to the east.

The lake and its margins shall be managed in such a way as to maintain the balance of habitats and features as detailed on drawing NK016844_SK035 Revision B.

Development shall be undertaken only in accordance with the agreed strategy and methodology.

9. No development shall commence until a scheme to enhance and manage the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and maintained thereafter in accordance with the agreed management scheme.

10. Prior to the first use of the development hereby approved a Full Travel Plan setting out key methods of minimising traffic movements in connection with the development shall be submitted and agreed in writing by the Local Planning Authority. All strategies set out in the agreed travel plan shall be implemented and maintained thereafter in accordance with the agreed timetable and details.

11. Artificial lighting within the glasshouse hereby approved shall only take place within the area identified on the approved drawings and the lights shall only be operated when the full blackout blinds (details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to installation), are in position and fully closed.

12. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

13. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.

14. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

15. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

16. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

17. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

18. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

19. The development shall be carried out strictly in accordance with drawing numbers:

NK016844_100 Location Plan
NK016844_101 Site layout Context
NK 016844_102A Existing Site layout
NK016844_103 Overall Layout
NK016844_104 A Glasshouse Layout
NK016844_105 Warehouse Layout
NK016844_106 Section1-1
NK016844_107 Warehouse Building Elevations
NK016844_108 Building elevations
NK016844_109 Site Yard Layout tracking Design
NK016844_110 Site Yard Layout Levels
NK016844_111A Artificial Lighting
NK016844_SK015 B Fundamental Finished Level Profile Principles
NK016844_SK017A Envisaged Site Levels for Cut and Fill Balance
NK016844_SK033 A Areas of Site Where Bulk Earthworks are Not required
NK016844_SK034 Bulk earthworks in relation to Potential Archaeology
NK016844_SK035B Habitat Enhancement and Landscaping
NK016844_SK058 Section Through Landscape Bund

20. Prior to the commencement of the development or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

21. Prior to commencement of development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

22. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be

given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

24. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

25. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA and its appendices:

Limiting the surface water run-off generated from the site to 2011/s, representing a 60% reduction in existing runoff rates from the site

Provision of on-site attenuation storage to manage the 1 in 100 chance in any year storm event, taking the effects of climate change into account

Provision of compensatory flood storage on the site to a 1 in 100 year plus climate change standard.

26. The development hereby permitted shall not be commenced until such time as a scheme has been submitted to, and approved in writing by, the local planning authority.

Divert the existing ordinary watercourse along the eastern boundary of the site.

Details of native planting within the buffer zone

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

27. Details of mitigation measures to be completed should there be any increase in groundwater flooding problems shall be submitted to the and agreed in writing by the Local Planning Authority prior to the commencement of development and shall be implemented in full in the event of any increased groundwater issues arising as a result of the development.

Report to District Development Control Committee

Date of meeting: 24 August 2011



**Epping Forest
District Council**

Subject: Planning application EPF/1181/11- Valley Grown Nurseries, Payne's Lane, Nazeing, Essex EN9 2EX. – Construction of 87,119m² glasshouse, 4,514m² ancillary warehouse area, 238m² of associated office space and 194m² of welfare facility space, together with habitat enhancement and landscaping.

Officer contact for further information: J Shingler Ext 4106
Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee considers the recommendation of the Director of Planning and Economic Development to grant planning permission for the above development, subject to the completion of the applicants unilateral undertaking and officers recommended planning conditions, appended at the end of this report.

Report

1. This application is brought to this committee as it is a matter that is considered of major significance that raises issues that are of more than local concern. The application has not been reported to the West Area Planning Sub Committee as there were concerns that the committee would not be quorate and in addition as the development is contrary to the adopted policies of the Local Plan any decision to approve the scheme would have to be made by the Parent Committee.

Description of Proposal:

2. Construction of 87,119m² of horticultural glasshousing, 4,514m² of ancillary warehouse area, 238m² of associated office space and 194m² of welfare facility space, together with habitat enhancement and landscaping. The proposal is to expand an existing established Nursery located immediately to the north of the site, which grows peppers.

3. This is a proposed extensive mass of glasshouse and associated buildings essentially covering an additional 9 hectares of mainly arable land with intensive modern horticultural development. The proposed glasshouse is to be a single rectangular unit over 300 metres in length and 8.2 metres high and the maximum height of the ancillary buildings is 9.5m. Additionally, the site slopes and it is proposed to level it using a cut and fill method, which means that the western area of the site will be higher than existing. The westernmost element of the glasshouse will therefore be built on land that will have been raised by 1.8 metres. The glasshouse is however located about 30metres from the western boundary of the site (Payne's

Lane) and significant bunding and planting is proposed along this boundary. Three new accesses into Payne's lane are proposed along with 10 additional car parking spaces and 5 HGV parking spaces.

4. The proposals include backfilling a third of an existing lake, which will be reconfigured, and enhanced as a wildlife habitat, and the provision of an open storage pond in the south east corner of the site to provide irrigation and drainage attenuation. The proposal would obstruct an existing Public Right of Way, but an alternative route is proposed and would be the subject of an application for diversion if planning permission is granted.

5. The application was accompanied by a request for an Environmental Impact Screening Opinion, and following consideration of the nature of the proposals including the creation of replacement wildlife habitats, it was not considered that the proposals would have wide significant environmental impacts and that in their totality the works are not EIA development and that an EIA was not required.

6. The application is accompanied by a draft unilateral planning obligation should permission be granted that would;

a) prevent the development from being divided or segmented whereby any third party could own or operate any part of the glasshouse. This would prevent the possibility of the site being utilised by several different businesses that would lead to potential for significantly increased traffic movements.

b) require the owner to dismantle and remove any building from the site that is not utilised for production within 1 year of its use ceasing, and to reinstate the land to a specification to be agreed with the Council. This is required to ensure that there is no risk of the site becoming derelict in the future, as previous glasshouse sites have.

c) create and maintain a long term wildlife habitat area on the lake and adjacent area, including, provision of an outdoor classroom and information boards, working with appropriate community and ecology groups to complete a programme of planting, creating and agreeing an ongoing landscape management plan and creating the new landscape and wetland area before any construction commences on the areas adjacent to the lake.

Description of Site:

7. The overall site comprises 18.2 hectares of land located at the southern end of Payne's Lane. The land is mainly arable, but includes a former mineral extraction pit in the south west corner which has recently been restored to create a wildlife area and splash pool, a shallow lake that currently takes surface water runoff from the existing glasshouse via a ditch that runs due south across the centre of the site. The existing, established Valley Grown Nursery, covering several hectares of glass, is located immediately to the north; there is established woodland to the east where the land rises significantly (Clayton Hill). There is open agricultural land to the south. Holyfield Lake lies to the west. The site lies within the Lea Valley Regional Park and the Green Belt and is adjacent to a Local Wildlife Site. Payne's Lane is a private single track road that serves a number of businesses and residential properties. The nearest residential properties to the site are those at Langridge Farm that lies to the west of the site. A public right of way crosses the application site and Payne's Lane itself is also a public footpath.

The site itself rises gently with the central and western area being at about 23m Above Ordinance Datum (AOD) rising to 30-35 AOD to the east. The highest point of Clayton Hill to the east is about 79 AOD.

Relevant History:

8. There has been nursery development on the current Valley Grown Nursery site to the north for a considerable period. The current glasshousing was approved in 1997.

9. Whilst there is no other relevant history relating to the current application site, Valley Grown Nurseries did apply to extend their business with an additional 4 hectares of glass on land to the west of Payne's Lane (opposite their current site) in 2001 under planning application ref: EPF/0633/01. This application was refused at District Development Control Committee for the following reasons:

- 1. The proposals, being sited within the Lee Valley Regional Park, are contrary to the provisions of the Lee Valley Park Plan and do not enhance the functions and enjoyment of the Park and are thereby contrary to policies GB10 and RST24 of the adopted Local Plan.*
- 2. The proposals by reason of their size, scale and prominence and lack of natural landscaping, would be intrusive in the landscape, contrary to policies DBE4, LL1 and LL2 of the adopted Local Plan.*
- 3. The site is accessed by a single track road with few passing places and the proposed development is likely to lead to conditions more detrimental to users of the lane whether in vehicles or on foot by virtue of its status as a public footpath, contrary to policy T17 of the adopted Local Plan.*

Policies Applied:

East of England Plan:

SS1 and SS4 relating to sustainable development

Local Plan and Local Plan Alterations:

CP1 Achieving Sustainable Development Objectives

CP2 Protecting the quality of the environment.

CP3 New development

CP4 Energy conservation

CP8 Sustainable economic development

GB2A Development in the Green Belt

GB7A Conspicuous development

GB10 Development in the Lee Valley Regional Park

GB11 Agricultural Buildings

HC1 Archaeological sites

HC12 development affecting the setting of listed buildings

NC1 SPA's, SAC's and SSSI's

NC2 County Wildlife Sites

NC3 Replacement of lost habitat

NC4 Protection of established habitat

NC5 promotion of nature conservation schemes

RP3 Water quality

RP4 Contaminated land
RP5A Adverse environmental impacts
E13A New and replacement glasshouses
E13C Prevention of dereliction of new glasshouse sites
RST2 Enhance rights of way network
RST23 Outdoor leisure uses in the LVRP
RST24 Design and location of development in the LVRP
U2A Development in Flood risk areas
U3A Catchment effects
U3B Sustainable drainage systems
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE4 Design in the Green Belt
LL1 Rural Landscape
LL2 Inappropriate rural development
LL4 Agricultural/forestry related development
LL7 Planting, care and protection of trees
LL10 Adequacy of provision for landscape retention
LL11 Landscaping Schemes
St1 Location of development
ST2 Accessibility of development
ST3 transport assessments
ST4 Road Safety
ST5 Travel Plans
ST6 Vehicle parking
I1A Planning Obligations

Summary of Representations.

10. 20 neighbouring properties were consulted, 2 site notices were erected and the application was advertised in the local press. The following responses were received.

PARISH COUNCIL – Objections. Considerable impact on residents in Payne’s Lane with additional vehicle movements especially HGV’s in a narrow lane that is also a public footpath (contrary to Policy E12a) Nazeing is covered by a 7.5t weight restriction and additional HGV’s using the premises would add to the existing problem and would be contrary to Policies ST2, ST3 and ST4. The Planned development is not in an area covered by Policy E13 and would be contrary to E13a as it is not a replacement or small scale extension or modest expansion. The site is within the LVRP and would not enhance the functions or enjoyment of the park which is contrary to GB10 and RST24. Due to the size and scale of proposed development and the lack of natural landscaping it would be visually intrusive in the landscape contrary to DBE4, LL1 and LL2. There are also concerns in respect of adequate facilities for parking, foul sewerage and flood risk.

LEA VALLEY REGIONAL PARK AUTHORITY - The planning application was considered by the Authority’s ULV Regeneration and Planning Committee on 21st July 2011, when it was resolved that:

- (1) Epping Forest District Council be informed that this Authority objects to this application on the following grounds:
 - (a) the scale of built development is incompatible with the function of the Regional Park, as set out in the Lee Valley Regional Park Act 1966;
 - (b) the proposed glasshouse would fundamentally affect the landscape setting of the site, as it is located in an open area of the Regional Park and is widely visible;

(c) the proposed landscaped bund would not offer an effective, reliable and permanent screen to shield the raised west elevation of the glasshouse;

(d) the further ecological surveys and habitat management plan recommended in the Phase 1 habitat survey are not complete, and there is not adequate information upon which to base a decision;

(e) the significant increase in HGV movements along Payne's Lane would lead to an increase in the likelihood of conflicts with users of two footpaths that access areas of the Regional Park to the west and east;

(2) for the reasons stated above, the proposed glasshouse fundamentally conflicts with Lee Valley Regional Park Plan Policies 3.1, LS, L1.1, L2.1, LS1.2 and LS1.6 that seek to protect the landscape setting, openness and visual amenity of the Regional Park, along with the Landscape proposals in the Park Development Framework (2011);

(3) the proposed screening does not adequately mitigate the impact of the proposed glasshouse; and

(4) if Epping Forest District Council are minded to grant planning permission, the Lee Valley Regional Park Authority requests that the application be referred to the Secretary of State under Section 14 (8) of the Lee Valley Regional Park Act.

OAKLEIGH, PAYNE'S LANE- Object in strongest possible terms. Inappropriate development in the Green Belt. Prominent development in the Green belt, Adverse impacts on amenity, particularly residents of properties at southern end of Payne's Lane. Road totally unsuitable for additional traffic. Adverse impact on walkers from increased traffic. Other recent applications in Payne's lane have been refused. Loss of open countryside to 27 to 31 feet high development. Only special circumstance apparent is financial gain for applicant. Proposal will result in further deterioration of the lane. Already significant traffic problems at times due to HGV's, no formal passing points. Additional weight of traffic may impact on gas and other pipes beneath Payne's Lane. Will add to existing problem of too many HGV's through Nazeing. Harmful to safety of walkers, harmful to character and visual amenity of the area, Concerned also that information submitted is lacking and or contradictory.

WILLOW LODGE, PAYNE'S LANE. - Object. Already significant traffic, noise, congestion etc from existing businesses in the lane, any increase would exacerbate this. Not a suitable road for heavy vehicles, already traffic accidents. Business owners should try living in Payne's Lane. Would not object if an alternate access to the site could be found.

THE HAWTHORNES, PAYNE'S LANE-Strenuously object. The land is Green belt and LVRP. The landscaping proposed is unlikely to offset the enormous proposal. Adverse impact on wildlife in the area. Harm to highway safety, road too narrow, no passing points, blind corner just past our property, pedestrians at risk as no pathway and no room on the road. Cyclists similarly at risk. No lighting, road surface deteriorating. Noise and disturbance/vibration from lorries. Harm to wildlife habitat and the local environment.

WOODSIDE BARN, PAYNE'S LANE. The application should be turned down. Harm to local wildlife, loss of newly built bird sanctuary. Unacceptable increase in traffic on unsuitable road, noise and pollution through Nazeing Village. Increase in discharge of water full of fertilisers and sprays, into watercourse of sailing lake at rear of my property, adversely impacting on wildlife. Development excessive in height. Development would back on to my front sitting room and I would look onto a sea of glass or white reflective blinds. Workers would look straight into my home. Loss of property value. Developers should look for sites closer to motorways. And not congest country lanes.

LANGRIDGE BARN, PAYNE'S LANE – Strongly object. Payne's lane unsuitable for additional traffic, no formal passing places reliant on goodwill of residents and businesses who allow their accesses to be used as passing places. Already too much unsuitable commercial traffic in the lane. The lane is a designated public footpath, no separate pavement; additional traffic will increase danger to walkers. Already too many HGV's go through Nazeing. Proposal will result in dramatic daily increase in number of huge container lorries taking deliveries to major supermarkets. Loss of new wildfowl refuge. Waste of public money? Concern that the development will result in drainage problems and problems to cesspits, boreholes and land drainage. The proposed footpath diversion is not acceptable in policy terms. The development will be conspicuous and intrusive within the Green Belt and the LVRP, when viewed from Clayton Hill. Large and unsightly, out of keeping with the Park. Not an E13 area and is unsuitable for expansion. Concerned about disruption, noise, lighting along our eastern boundary. Harm to wildlife. Previous expansion plans were refused in 2001 those reasons remain valid. Finally proposed trees on western boundary if of height suggested my obstruct light to the glasshouse, can we be sure that they will plant and maintain them at that height?

LANGRIDGE FARM, PAYNE'S LANE – Object. Concern over increased use of unsuitable road, risk of increased flooding, contaminated land, inadequate parking facilities, potential for 24 hour working, major development equivalent in area to 768 units of housing with no infrastructure to support it. Increase in HGV movements thro Nazeing which has 7.5t weight limit. Vehicles could block the lane and prevent or delay emergency vehicles. Not within a glasshouse area, harmful to character and appearance of the countryside, Contrary to the adopted policies of the Local Plan, potential flood risk. Wild fowl area already exists; footpath would be diverted but would be adjacent to 31 foot wall of glass. Need at least £1.5 million towards infrastructure. Previous application was refused. More time is needed to consider everything.

ESSEX AREA RAMBLERS –If granted then diversion of footpath 10 will be required, the Council may wish to consider the recent County Council scheme to divert Footpaths 8,9 and 26 in Nazeing that are at present under consideration by the planning inspectorate due to a number of objections being lodged. If Planning permission is granted it should be conditional on the applicants securing the necessary diversion of footpath 10 before any other part of the proposed development may proceed

Issues and Considerations:

11. The main considerations in the determination of this application are:
 - Impact on the Green Belt
 - Containment of Glasshouse Development
 - Sustainability
 - Landscape Impact
 - Impact on the Regional Park
 - Highway Issues
 - Impact on Neighbouring Residents
 - Impact on wildlife and nature Conservation
 - Flooding
 - Public Rights of Way

Green Belt

12. The proposed development is required for the purposes of horticulture and is therefore “appropriate” in the Green Belt in terms of national guidance and Policy GB2A of the adopted Local Plan and Alterations. The applicant does not therefore need to demonstrate very special circumstances in order to justify the development. The visual impact, and impact on amenity, the environment and on highway safety do however also need to be addressed in accordance with GB7a and GB11 of the Plan and these matters are considered below.

Containment of Glasshouse Area

13. The Lee Valley has a long tradition of Glasshouse development and there are a large number of nurseries in and around the District. In the latter part of the 20th Century the Glasshouse industry declined and the district suffered with many smaller nurseries becoming uneconomic and falling into disuse, resulting in large areas of derelict and unsightly land within the Green Belt. Local Plan policies were therefore drawn up with the intention of preventing the spread of glasshouses outside of existing glasshouse areas, to ensure that old glasshouse sites would be reused rather than new glass being developed on green field sites. The current adopted policy E13A of the Plan states:

Planning permission will be granted for new and replacement glasshouses within areas identified for this purpose on the Alterations Proposals Map. Glasshouses will not be permitted outside the areas subject to this policy unless the proposed development is either

1) A replacement of, or a small scale extension to the glasshouse or nursery outside the areas identified in the Alterations Proposals Map: or

2) Necessary for the modest expansion of a glasshouse or existing horticultural undertaking on a site at the edge of an area identified on the Alterations Proposals Map which is unable to expand because all the available land in that designated area is occupied by viable glasshouse undertakings and where there is no suitable land, including redundant glasshouse land) in this or the other glasshouse areas identified on the alterations proposals map:

And in all cases the proposal will not have an adverse effect on the open character or appearance of the countryside.

14. The existing nursery is within an identified E13 Glasshouse area but the proposed site is not. The development cannot in any way be described as a *modest* extension and the proposal will have an adverse impact on the open character of the countryside in this location due to its sheer scale. It is therefore clearly at odds with this policy.

15. However it is acknowledged that the Councils Glasshouse policy is based on a study carried out in 2003 and is therefore perhaps not addressing the current needs of the industry; a new study has been commissioned but is in too early a stage to be a consideration

16. As part of this application the applicant has looked at whether any existing sites within the designated glasshouse areas could meet their requirements. The site needs to be large enough to accommodate 9 hectares of glass and ancillary service buildings. They argue that to make a fully contributing combined heat and power unit viable it needs to be capable to generating 4 MgW of power. Based on its heating requirements a modern insulated glasshouse generates about 0.45MgW/hectare hence 9 hectares is required to generate 4 MgW. The site also needs to be large enough to accommodate a 35000m³ capacity reservoir to meet surface water

recycling and stormwater storage requirements of a 9 hectare glasshouse. This adds a further hectare the required site area and the developers have concluded that to meet all requirements a minimum 12 hectare site is needed. In addition there needs to be suitable power grid in the vicinity with practical cable routing distance. Close proximity to the existing nursery would achieve better economies of scale by sharing a single workforce, sharing transport, staff facilities, loading, offices etc, bulk buying of gas and bulk generation of electricity. Finally the site needs to be flat or have scope for levelling with cut and fill. A flat site is needed to provide consistent temperatures across the glasshouse area and for ease of movement of staff and produce within the site.

17. With these criteria in mind the applicants carried out a search for potential sites. Whilst there are about 4 hectares of land to the north of the application site that is designated glasshouse land this land is unsuitable for many reasons, The land is in two sections a western field of about 1 hectare of which about 0.72 hectares could be built and an eastern section of about 3 hectares of which only about 1.8 hectares could be built. Therefore only about 2.5 hectares of glass could be built which added to the existing 3.3 hectares at the site would give a total of about 5.7 hectares which is below the required size. In addition the western field is separated from the current site by six separately registered land parcels and two strips with no registered title, it would be extremely unlikely that the applicant would be able to successfully connect a glasshouse development on this field to his existing glasshouse development. A land registry search shows that the eastern section has 9 registered titles and one parcel with no registered title. On enquiry the applicant was told this was in perhaps as many as 25 different ownerships and that there would be difficulties identifying the owners many of whom had returned to Ireland. On this basis it is not considered that this area to the north of the site has any real prospect of becoming available for development.

18. The applicants have therefore looked for potential sites within other designated glasshouse areas. There are only 2 sites with sufficient land capable of accommodating a scheme of the necessary size. These are an area of about 25.7 hectares between Sedge Green and Hoe Lane in Nazeing and a 33.8 hectare site to the north of Parklands Waltham Abbey. The applicants' consideration of these sites is as follows;

Shottentons Farm

19. This is the western section of the designated land. Although capable of meeting VGN's requirements, Shottentons Farm was bought last year by Glinwell PLC, one of the Country's largest growers and a commercial rival of VGN. Since purchasing the site they have converted an existing 2.8ha glasshouse to tomato production and intend to build a further 2.8ha at the end of this year. A planning application to develop a further 11ha of glasshouses on the remaining designated land at the site is expected later this year. It is intended to build this over the next 2 -3 years. No part of the site would therefore be available for VGN's proposals.

Hoe Lane

20. This is the eastern part of the designated land. Vehicular access is from Hoe Lane. In the centre of this site is a block of existing glasshouses with a total area of about 5 hectares, which is currently in horticultural production. There are four blocks of designated open land around these glasshouses. On the western side of the vehicular access from Hoe Lane are existing dwellings and an existing active nursery. To the north of this is a former compost manufacturing site, now in use for industrial purposes. These sites are unavailable. Apart from being a bad neighbour

the industrial site separates the land at the southern end of the allocation from the land in the north-western part of the allocation.

Southern Parcel

21. In October 1997 planning permission was refused by the Council for the construction of 2.72ha of glasshouses on this land because:-

.The proposed operational needs of the development are likely to be severely detrimental to the character of Hoe Lane and to the safety and amenities of occupiers of nearby properties contrary to Policy T18 of the Deposit Draft of the District Wide Local plan... A public footpath crosses the southern part of this parcel. With this constraint and taking into account the need for a reservoir and ancillary buildings it is estimated that an awkward L shaped glasshouse of about 5.5ha could be built, but still well short of VGN's minimum requirement.

Northern & Western Parcels

22. Together these two sites form an L-shaped parcel. To retain existing field boundaries it would be logical to develop a reservoir on the north-western field, thus leaving sites for two independent blocks of glasshouses with a total area of 6.96ha, well short of the VGN's minimum requirement.

Eastern Parcel

23. This field is part of Virus Nursery and is used by them for the growing of outdoor herbs as part of the herb growing business and is therefore unavailable. Due to the Council's previous refusal of planning permission on part of the Hoe Lane land for a relatively small glasshouse area in 1997 it is very probable that an application for a larger area of glasshouses would be opposed for similar reasons. Any development would therefore need to take access through Shottentons Farm, which is in the ownership of a rival grower. It is not considered a practical possibility to achieve access by this means.

Parklands

24 The applicants have submitted a letter from Aaron Forbes of Paul Wallace Commercial dated 6 July 2010 describing their failed attempt to purchase the Parklands site on behalf of Valley Grown Nurseries. The site is clearly not available for glasshouse development.

25. Officers are of the opinion that the applicants have satisfactorily shown that there is no reasonably viable location within the designated glasshouse areas for a development of the scale that is being proposed here. On this basis, although the development is contrary to the policy, it is not appropriate simply to conclude that it should not be allowed, the scheme throws up wider issues that relate to the future of the glasshouse industry in the Lee Valley and this councils response to the needs of the industry.

26. The Council has accepted that the study on which the existing glasshouse policy is based is now outdated and has commissioned a new study which is underway. However this application has been submitted before the completion of that work and must therefore be considered on its merits, in the absence of an up to date policy framework.

27. The recently published draft National Planning Policy Framework includes the following: *"The Government is committed to ensuring that the planning system does everything it can to support long term, sustainable economic growth....significant weight should be placed on the need to support economic recovery through the planning system To help achieve this, the Government's clear expectation is*

that we move to a system where the default answer to development is “yes”, except where this would compromise the key sustainable development principles set out in national planning policy. Planning should help to deliver a strong, flexible and sustainable economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation.....”

28. If the Council wishes to continue its support for the glasshouse industry, there has to be a greater understanding of how it is changing with increased pressure for economies of scale, new technology etc, and growing competition from Europe, North Africa and significant sites elsewhere in the UK (notably Thanet Earth). The application reflects these trends and if the decision is to refuse on policy grounds, the consequences may be that the growers will seek to find suitable sites outside the District, leaving the potential problem of a large derelict site, and the loss of employment of 40 full time posts (now) and the potential loss of an additional 40 full time posts.

29. These are important concerns and any decision here has the potential for significantly adverse consequences.

30. In the light that there is no site within the existing identified glasshouse areas that could meet the needs of the developer it is not considered that this site can be dismissed simply because it is outside the scope of policy E13A. The particular merits of the development in this location therefore need to be looked at in detail.

Sustainability

31. The Sustainability Statement accompanying the application outlines the use of CHP that “*will provide significant electricity back to the national grid*” and with filtered CO2 exhaust gases being re-circulated within the glasshouses to supplement photosynthesis. There has been minimum use of pesticides on this unit for a number of years, which was noted as one of the advantages compared with the southern European growers at the time of the last Glasshouse Industry study (in 2003). Significant attention is being paid to water use and storage. The site is not isolated, it is relatively close to major transport links and it is considered that the scheme generally meets the sustainability policies of the Local Plan.

Landscape Impact

32. Clayton Hill is a significant feature to the east of the site which will shield views from further to the east. Similarly, views from the north are restricted by existing developments. The major impacts are therefore on views from the west and the south. This is recognised by the Landscape & Visual Impact Assessment document submitted with the planning application, and mitigation includes extensive bunding with planting along the western edge of the application site and a mixture of additional planting/habitat creation along the southern edge. These measures may eventually be successful, but this will take several years to be effective, and will need to be monitored to ensure that they are being maintained and managed. The existing glasshouses provide a very stark edge when viewed from the south, and this effect will only be increased when the much larger (and higher) buildings are constructed. The eastward views of open countryside currently enjoyed by the residents of the Langridge buildings will be lost. Policy DBE4 of the Plan requires that buildings respect the wider landscape setting, due to its scale it is not considered that the proposal accords with this element of the policy, although given the long tradition of glasshouse development in the area the scheme could be regarded as respecting local character.

Impact on The Lee Valley Regional Park

33. The site is within the Lee Valley Regional Park and pays heed to para (i) of policy RST24, which requires new development in the Park to have regard to the importance of the park for leisure, recreation and nature conservation and make provision, where appropriate, for improved public access and landscaping. The developers have from the outset included habitat provision within the reconfigured lake area and seek to provide access and education at the site through the provision of picnic site, interpretation boards and an outdoor classroom. With the intention of protecting and enhancing wildlife provision while enabling visitors not only to view the wildlife from but also to find out about the history of the Lee Valley Glasshouse industry and showcase the modern development. The intention is to forge links with schools and work with the Councils Countryside team and the Lee Valley Park to provide facilities appropriate to the location.

34. It has to be acknowledged, however, that the proposal is contrary to aims (ii) and (iii) of the policy – i.e. safeguarding the amenity and conserving the landscape of the Park. The application site is included in a “Landscape Enhancement Area” in the Park Plan of 2000. The area immediately south of the application site is described thus, *“The positive and attractive landscape character to the south of Langridge Farm to be retained and protected. This strong identity of woodland, wetland and open parkland to be extended north to Nazeing Road..... The primary focus is to continue the restoration of degraded land and bring it into use for informal recreation.”* Whether this is practical or achievable in the current economic climate is open to question, but this remains the most detailed approach of the Authority to this area of the Park. The action presumably taken since this plan was published was to restore the application site to arable use, rather than for informal recreation.

35. The more recently published “Park Development Framework: Thematic Proposals” (January 2011) pays slightly more heed to other land uses within the Park. Objective 6.3 (Production) states *“Commercial food production remains a significant land use in the Park, particularly through glasshouse operations and other farming operations to the north of the Park.”* The Authority wants *“production to be part of the visitor destination”* and for *“.... The Park to continue to provide food for the region in a way that does not compromise the delivery of the wider objectives of the Park”*. The purpose of the Park is defined in the 1966 Act as *“a place for the occupation of leisure, recreation, sport, games or amusements or any similar activity, for the provision of nature reserves and for the provision and enjoyment of entertainments of any kind.”* Even though there has been some movement towards acknowledging food production in the Park, there is still little acceptance of glasshouse production,

36. The Park Authority have raised objection to the proposal as set out above and it is clear that the Authority consider that this development would be significantly harmful to the aims of the Park and the development may set a dangerous precedent if approved for other such development within the park boundaries.

Highway Issues.

37. Payne’s Lane is a narrow single track private road with speed humps along its length and no formal passing places. Vehicles utilising the track have to pull into private accesses to allow other vehicles to pass, or reverse. The road runs from its junction with Old Nazeing Road, southwards to a dead end, ending at Langridge Farm. The road serves a variety of business uses as well as nurseries and

approximately 20 residential properties. It is also a Public Footpath, so is utilised by walkers accessing pathways within the Lee Valley Park. There are no pavements and the lane is not lit. The lane already carries a significant number of HGV's in connection with the business uses along its length. The junction onto Nazeing Road is wide and has good sight line. The County Highway Authority is content that this junction meets standards, and as such has raised no objection to the proposal. The Highway authority do not however have any jurisdiction over the private road and have not therefore commented on the safety aspects of the proposed development with regard to the impacts on the lane itself. The Footpaths Officer has raised concern that the development may adversely affect people utilising the lane as a public right of way.

38. The application has been accompanied by a Transport Statement and a framework travel plan. The Transport Statement includes a traffic count carried out in September 2010 which indicated that 287 vehicles travelled along Payne's Lane in each direction on the day of the count of which 29 were accessing the existing Valley Grown site (approximately 10%). The existing nursery employs two management staff and 14 full time crop handlers, with the proposed expansion it is expected that a further 40 full time nursery workers will be needed rising to over 50 at peak cropping times, 20 further staff will be needed for quality control etc. This increase in staff would normally mean a significant increase in traffic movements, but the applicants suggest that the majority of staff will car share or use the company minibus as they do at present and that trips will be outside of the usual peak traffic times. They anticipate that the number of daily deliveries will increase to about 24 movements in/out of the facility and that the overall increase in traffic movement will be about 32. The applicants envisage that on average the number of *additional* HGV's visiting the site daily following the development will be only 2-3. Such an increase would not be considered significantly harmful.

40. Given the nature of the lane and that it is a surface shared by walkers and cyclists as well as the HGV's mini bus and cars, officers are concerned that the development will cause more conflict with other highway users. Ideally road improvements are needed before any development that would lead to intensification is approved, but the lane is a Private road and there is no overall ownership of it. The applicant has been actively seeking ways to improve the roadway in the interests of all the residents and businesses accessed from it, including of course their own, but is unable to gain control over the length of the lane or land adjacent to it to be able to enter any legal agreement requiring improvements to take place. It is therefore in the hands of those who own and have rights of access over the road to negotiate any upgrading of the road.

41. The applicants have included their Framework Travel Plan as part of the application and adherence to a more detailed plan can be required by condition. This can require that a staff mini bus is operated and that full details of car sharing opportunities, and public transport options and cycling are available to all staff with incentives to avoid car trips.

42. The nature of the road and its current usage, mean that anyone utilising the road is aware of the safety issues and is already expecting HGV movements. The development is not introducing commercial traffic to an area that is unaccustomed to such movements. It is therefore considered that subject to suitable safeguards within a Travel Plan via conditions the development would not result in an increase in traffic so significant as to warrant refusal of the application.

Residential Amenity.

42. In terms of the impact on the amenity of neighbours the proposed development, the most immediate neighbours reside at Langridge Farm and its associated barns that lie to the west of the development. The nearest property is a converted farm building, part of which is used as a dwelling. The glasshouse itself would be about 80m from the rear of the dwelling and about 30metres from the boundary of that property. The raised bund and significant planting, providing a screen of some 25-30 metres in width, which is proposed along this along this boundary, will reduce the visual impact of the proposal. There will however be a significant change in view and given the height of the glasshouse, which is equivalent to the height of a two storey dwelling, there will clearly be an impact on outlook. The screening bund and planting will take a few years to become fully established. However there is no right to a view as such and given the distance involved neither the buildings nor the screening will be overbearing or cause loss of light to the property.

Further to the west is the listed farmhouse itself and a converted barn. Similarly there will be a significant change in outlook, but no direct harm from the built form of the development.

43. Of perhaps greater concern is the potential impact of any increase in traffic movement in Payne's Lane on the residential amenity of occupants of properties that front on to the lane. As explained above in the Highway section there are existing problems along Payne's Lane due to the narrowness of the road and the lack of pavement and passing places. Large vehicles utilising the lane no doubt cause noise, vibration and visual harm to the occupants of premises that front the road, some of which have front windows very close to the road edge. Whilst it is understood that local residents will be unhappy at the prospect of any increase in traffic on this road it must be remembered that the area is traditionally an area of nurseries and gravel workings, and there will have been large vehicles utilising the lane in connection with previous and existing agricultural use of the land. It is considered therefore that the predicted increase in vehicle movements will not have a significantly adverse impact on the residential amenity of neighbours as this is not currently a quiet rural backwater, but a moderately busy commercial/residential area.

Wildlife and Conservation

44. The site contains a recently created wildfowl lake, part of the restoration work by Le Farge following gravel extraction from the area, in addition it is adjacent to a Local Wildlife Site and within 2km of SSSI, RAMSAR and SPA sites. The area therefore has potential for significant wildlife and ecological value. As such a Phase 1 Habitat and ecological Scoping Report was submitted with the application and Natural England have been consulted.

45. The Lee Valley SPA that lies about a km from the site is classified for its wintering bird interest, Natural England has advised that they do not consider that the proposed development is directly connected with or necessary to the management of the site for nature conservation and would not directly impact on the European or RAMSAR Site. They are also satisfied that any issues relating to increased surface water run off resulting from the large glasshouse should be capable of being addressed by the provision of the proposed balancing pond. However the small lake at the site has been identified as being used by birds including Gadwall and Shoveler for which the Lee Valley SPA is classified and the Ramsar site is listed. Without mitigation the development would potentially have a significant effect on the

European Site and could adversely affect the integrity of the European Site. However the development proposes significant mitigation as part of the application and Natural England have concluded that these measures should be capable of providing an adequate extent and continuity of habitat in order to ensure that there would not be a detrimental impact. As a result Natural England has raised **no objection** to the proposed development subject to the imposition of conditions and the development being carried out in strict accordance with the details of the application. The RSPB have raised concern that inadequate information has been gathered regarding overwintering birds, but in the light of the response from Natural England who are the statutory consultee, it is not considered that there are grounds to delay the development to carry out further survey work.

46 As well as the species mentioned above the Habitat Survey suggested that the site may have the potential for Great Crested Newts, Reptiles, otter, water voles, bats and other water birds and that further survey work is needed. This work has largely been undertaken and again indicates that there will not be harm to species or habitats provided suitable mitigation is included. A further reptile survey is still required, that needs to be carried out in October but conditions requiring protection and mitigation should reptiles be found, can be included should permission be granted.

47. The proposals do include part of the glasshouse being lit to increase production, however automated internal blackout screens are included that would prevent light spillage and this can be conditioned, so there would be no adverse impact on wildlife or indeed residential or visual amenity from the proposed lighting.

48. As explained above the development includes significant mitigation in the form of habitat creation and is therefore considered acceptable in terms of its impact on wildlife.

Flooding.

49. The site is identified by the Environment Agency as Flood Zone 3, although in reality, since the land has been restored following mineral extraction this may not still be the case and further modelling would be required to establish this. At present however it is classified as Zone 3 that is having a high probability of flooding. There needs therefore to be a sequential test, that is, the applicants need to show that there is nowhere else at lesser risk of flooding, where the development could practically take place. As set out above the District has only a limited number of sites identified as suitable for glasshousing, and none of these appear to be capable of being developed for a scheme of this size. Additionally the development is clearly intended as an expansion of an existing established facility, and separation from the existing development is not logical. There is no other land in the District, at less risk of flooding and within an identified glasshouse area that could be developed in this way and as such Officers consider that the sequential test has therefore been met. The Environment Agency has accepted this evaluation.

50. At time of writing the Environment Agency still maintain objection to the proposals as they have technical issues with the submitted Flood Risk Assessment., and have objected on the following grounds:

Objection 1

We object to the proposed development as submitted because the information submitted with the application does not demonstrate that the risk of pollution to

controlled waters is acceptable. There are three strands to this objection. These are that:

We consider the level of risk posed by this proposal to be unacceptable.

The application fails to give adequate assurance that the risks of pollution are understood and that measures for dealing with them have been devised. The risk therefore remains unacceptable.

Therefore, under Planning Policy Statement 23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason *To prevent pollution to groundwater as contaminants has been identified. The site is an historic landfill and lies on Secondary aquifers in both the Alluvium and Lambeth Group.*

Resolution *The submitted 'Phase 2 Geo-Environmental Site Investigation Report' (HLEI16639/001R) has not satisfactorily addressed the risk to groundwater from the proposed development. There is an insufficient coverage of sampling locations to fully characterise the extent of contamination in the land and groundwater (there is also no scale on the Exploratory Hole Location Plan). There is no hydrogeological assessment of the risk to groundwater caused by loading of the landfill material with material excavated from another part of the site. The samples taken have shown that there are elevated concentrations of nickel, ammonia, and chlorinated solvents in groundwater. There is no demonstration that the contamination identified in the groundwater within the landfill is not sourced from the site and reflects a regional aquifer concentration, as is stated in the report. As there are elevated concentrations of contaminants identified in the groundwater at the site the risk to groundwater should not be classified as low.*

Objection 2

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons: Reason The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

Demonstrate that the development will not increase flood risk.

Quantify existing and proposed runoff rates.

Resolution

quantification of the existing total site runoff rate (including the existing glasshouse development that drains to the splash).

quantification of the proposed total site runoff rate once the drainage scheme has been reconfigured. At the moment the FRA states that there will be a reduction equivalent to three hectares but the rates have not been given.

demonstrate that no floodplain storage capacity will be lost at any level as a result of the works to reconfigure the splash. Drawing SK02 shows that the existing splash area is within the floodplain. The FRA needs to demonstrate that the work to alter this area to accommodate the development will ensure that the

same volumes of floodplain storage will be available at the same levels as exists now.

clarify how the pond inlet system shown in Drawing NK016844_0321 will work. Currently, there would have to be significant pressure for the water to be forced up the pipe and over into the pond. Our view is that a more appropriate solution would be to pass the pipe through the bund into the pond with a non-return flap on the end. With the current design there is a risk the system will back up before the storage in the pond is utilised. We would appreciate clarification on this system to address this point.

Objection 3

We object to the proposed development which involves culverting works and recommend that planning permission be refused for the following reasons.

Reason *Our policy includes a general opposition to culverting except for access purposes. Planning Policy Statement 9 (Key Principles and paragraph 12) establishes the value of such corridors and requires the planning system to avoid damage to biodiversity. We are opposed to the unnecessary culverting of watercourses, because it can increase the risk of flooding and the maintenance requirements for a watercourse. It can also destroy wildlife habitats, damage a natural amenity and interrupt the continuity of the linear habitat of a watercourse. In this application, the proposed culverting of the ditch is unacceptable because:*
the culvert would cause a restriction of flow in the watercourse
the culvert would increase the risk of blockage of the watercourse
damaging impact on nature conservation

Resolution

We would not accept any culverting of watercourse (due to biodiversity and flood risk reasons) this is also inline with River Basin Management Plan. The ditch should remain as it is or it may be possible for the applicant to divert the watercourse in open channel around the development. The applicant would need to provide sufficient information that this option is technically feasible and would not have flood risk implications.

51. Although these are major objections that need to be addressed the applicant has already submitted further information and analysis to the EA to resolve these issues and are clearly working towards meeting the requirements. The EA's response is expected before the Committee Meeting and will be reported verbally. Should these issues not be resolved at that point then they would amount to a reason for refusal, or deferral as the development would be contrary to the Flooding policies within the adopted Local Plan.

Public Rights of Way and public access.

52. As has been mentioned there is a Public Right of Way that currently crosses the site that would need to be diverted should the development go ahead. The applicants have addressed this issue in their submission and shown a possible route for diversion which is a logical alternative. Should planning permission be granted, the applicants would still need to make a formal application for diversion of the footpath under other legislation. The suggested line would take the path from the south western corner of the site and out on to Payne's Lane between the two proposed lakes and to the south of the glasshouse within a landscaped area, and

although clearly the glasshouse will be a very prominent feature to anyone utilising the path, adequate space is available to ensure that using this pathway would be a pleasant experience. The application includes suggested provision of hides, timber boardwalks, pond dipping platforms, and wildlife information and interpretation boards to make public access to this part of the site more interesting. A small octagonal shelter building is also proposed for possible use as an outdoor classroom for school trips. The details of any such works can be tied up with conditions and legal agreement.

Other Issues

Disruption during construction

53 Residents of Lane have raised concern about the scale of the development in terms of factors such as noise, dust, disruption and congestion during the construction period of the development. Given the scale of the development this does need to be taken into account. The developers envisage 3 phases of development. Phase 1 Earthworks. The existing topography will be remodelled to create a level plateau, remodelling of the splash and creation of the new water storage pond. There will be no bulk exportation or importation of material since the development will utilise a cut and fill method. Earth moving equipment will be used. Phase 2. Service buildings and office. The buildings and associated hardstandings will be constructed, utilising "normal" building methods. Phase 3 Glasshouse. The glasshouse will be erected and will comprise the formation of a concrete ring beam around the perimeter and mini pile foundations. Specialist equipment will be used. Specialist lifting platforms and cranes will be used to erect the framework followed by the installation of the glass. The construction phase is expected to take place over a 12 month period and only during normal working hours. Conditions can be included regarding hours and methods of working to minimise disruption to residents, and as such it is not considered that the short term impacts of the development would be so great as to warrant refusal of the application

Archaeology

54 Although there are no known sites of finds recorded within the proposed site area a wider 1km study provided indications of general archaeological potential and in particular for potential farming settlements and or landscapes of prehistoric, Roman and/or medieval date due to the sites advantageous location adjacent to the River Lea floodplain and due to the existence of the adjacent medieval moated site of Langridge. The County archaeologists therefore advised no works of any kind should take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation. The applicants have liaised with the County Archaeology Team and a written scheme of investigation for trial trenching has been prepared and submitted.

Conclusion

55 In conclusion there are competing issues in the determination of this application which make the recommendation difficult. On the one hand this is a well thought out sustainable development in a traditional glasshouse area that will provide large scale production of peppers to supply the British market, reducing reliance on foreign producers and increasing job opportunities and economic growth. There is no site within the areas identified by current policy in which a development of this scale could reasonably be accommodated, therefore if refused on policy E13a grounds the

development could not be located in the District. Essentially we would be pushing the developer to locate outside the District possibly resulting in the relocation of the existing successful business, which could have knock on adverse environmental impacts in the locality and result in job losses and dereliction. The scheme, would not in officers views result in *excessive* harm to residential amenity, ecology or highway safety, and it will provide opportunities to enhance habitat provision and education within the Lee Valley Park..

56. On the other hand the development due to its sheer scale, no matter what extent of landscaping is proposed, can not be described as an enhancement of the rural environment. It will replace what is at present an open and attractive agricultural field with buildings in excess of 8m high and could be regarded as harmful to the character and appearance of the locality. The site is within the Lee valley Regional Park and would be, in the view of the Park Authority harmful to the recreational purpose of the park. The development is therefore clearly contrary not only to current Glasshouse policy E13A, but also to Policy RST24 which seeks to protect the park. The access road is narrow and not ideally suited to this level of development and there will be some increased conflict with existing users of the road and footpath. There will also be short term impacts during the construction period

57 Officers are of the view, on balance that, although there are policies that could be used to refuse this application, the potential benefits of the development in terms of economic development, and sustainability outweigh the limited harm to the character and amenity of the area that would result. It is unlikely that a more suitable location, with less visual impact and impact on wildlife, landscape and residential amenity could be found within the District. If the District is to continue to enable the growth of the Glasshouse industry that has been such an important part of its heritage and not push growers to find sites further afield then development of this nature which provides suitable landscaping, ecological mitigation and transport plans and can not be located within E13 areas should be considered favourably. It is acknowledged that this could set a precedent for other large horticultural development in the District, but such applications would also need to be considered on their individual merits.

58 Therefore particularly in the light of the emphasis in Governments latest Draft Planning Policy Framework that “significant weight should be placed on the need to support economic growth through the planning system” officers consider that the balance is in favour of the development. The application is therefore recommended for approval, provided the Environment Agency Comments that will be available by the Committee date and reported verbally, agree that the development will not result in any increased risk of flooding or contamination, and subject to the completion of the legal agreement that is attached as Appendix 1 and to the raft of conditions attached as Appendix 2.

59 However Members must be aware that the recommendation is contrary to the adopted Policies of the Local Plan and is contrary to the views of the Lea Valley Regional Park Authority. As a departure from the plan, should Members be minded to grant permission for the development, the matter would need to be referred to the Secretary of State. Referral is also required under Section 14 (8) of the Lee Valley Regional Park Act. This means that the matter is referred to the Secretary of State to consider whether the application should be called in to be determined by the Secretary of State following a Public Inquiry.

DRAFT

DATED

2011

SECTION 106 UNILATERAL UNDERTAKING

BY

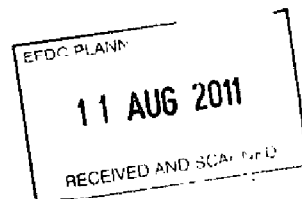
VALLEY GROWN NURSERIES LTD

TOWARDS

EPPING FOREST DISTRICT COUNCIL

REGARDING

NURSERY DEVELOPMENT / EXTENSION AT PAYNES LANE, LOWER NAZEING



Ref ASM/106unilateralundertaking

1

This Deed is dated [] and is given by:

(1) **VALLEY GROWN NURSERIES LTD** (Company No 03481811) whose registered office address is Nazelow Nursery, Sedge Green Road, Roydon, Harlow, Essex CM19 5JR ('the Owner')

towards

(2) **EPPING FOREST DISTRICT COUNCIL** whose registered office is at Civic Offices, High Street, Epping, Essex CM16 4BZ ('the District Council')

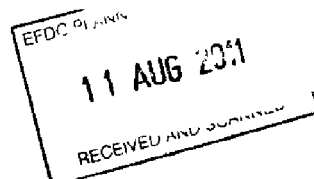
1. Background

- 1.1. The Owner is the registered proprietor under title number N12345 of the land at Paynes Lane Lower Nazeing shown for identification purposes only edged red on the Plan ('the Red Land')
- 1.2. The Red Land is wholly owned without charge by 'the owner'
- 1.3. Epping Forest District Council ('the Council') is the local planning authority
- 1.4. The Owner has by planning application number EPF/1811/11 applied to the Council for planning permission to develop the Red Land by the erection of a greenhouse and associated service buildings ("the Application")
- 1.5. The Owner is willing to give an undertaking to perform the obligations set out in this Deed in order to facilitate the grant of planning permission by ensuring that the District Council can regulate the Development by securing the benefits contained in this Deed

2. Interpretation

In this Deed

- 2.1. 'the Act' means the Town and Country Planning Act 1990
- 2.2. 'agreed' or 'approved' means agreed or approved in writing and given for the purpose of this Deed
- 2.3. 'the Application Site' means the Red Land
- 2.4. 'the Development' means the development of the Application Site proposed in the Application and permitted by the Permission
- 2.5. 'the Permission' means the planning permission reference EPF/1811/11 granted pursuant to the application



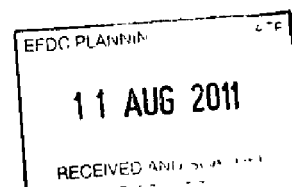
- 2.6. 'Ecology Mitigation Works Plan' means the plan to be agreed by the council which provides for the development of the lake and adjacent area as a wildlife habitat area and for its future maintenance
- 2.7. Words importing the masculine include the feminine and vice versa
- 2.8. Words importing the singular include the plural and vice versa
- 2.9. Words importing persons include companies and corporations and vice versa
- 2.10. Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually
- 2.11. Any reference to a clause or schedule or plan is to one in or attached to this Deed
- 2.12. In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument direction specification made or issued under the statute or deriving validity from it
- 2.13. References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the District Council the successors to its functions as local planning authority and local housing authority

3. Enabling provisions

- 3.1. This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and all other enabling powers
- 3.2. The obligations contained in clause 5 of this Deed are planning obligations for the purposes of Section 106 of the Act and are entered into by the Owner and the Applicant with the intention that they bind the interest held by those persons in the Red Land and in respect of its successors and assigns.

4. Commencement and determination

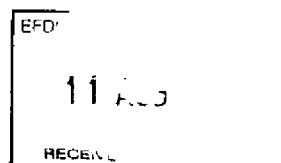
- 4.1. This Deed shall come into effect on the date of the grant of the planning permission granted pursuant to the Application but the obligations in clause 5 save 5.5 shall become effective only on the commencement of a material operation as defined in Section 56(4) of the Act ("Material Operation") but for the purposes of this Deed works involving soil investigations, archaeological investigations, demolition, site clearance, site preparation, the diversion and laying of services, the erection of fences and hoardings and the preparation of site access shall not constitute a Material Operation



4.2. If the planning permission granted pursuant to the Application shall expire before the commencement of a material operation or shall at any time be revoked then this Deed shall be determined and shall have no further effect

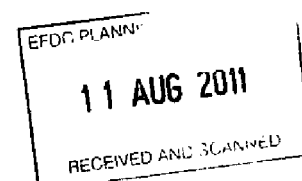
5. Planning Obligation

- 5.1. Not to divide or segment any of the Development whereby 3rd parties would own or operate all or part of the new greenhouse facility
- 5.2. to dismantle and remove from the Red Land any individual buildings forming part of the Development and erected pursuant to the Permission within 1 year of that building permanently ceasing production unless otherwise previously agreed in writing by the Council.
- 5.3. to reinstate the Red Land in accordance with the Specification which shall have been previously agreed with the Council to include the method of removal of any foundations to a condition suitable for agricultural use within 2 years of the Proposed Development permanently ceasing production unless otherwise previously agreed in writing by the Council.
- 5.4. The Owner covenants with the Council to create and maintain a long term wildlife habit area on the lake and adjacent area as detailed on the Red Line title by;
 - 5.4.1. Developing and agreeing a Ecology mitigation works plan before any development commences
 - 5.4.2. Creating the new landscape and wetlands area before any construction commences in the area directly adjacent to the lake
 - 5.4.3. Providing the features of the lake landscape as detailed in the Landscaping plan
 - 5.4.4. Constructing the additional hard landscape features as detailed in the Landscaping Plan
 - 5.4.5. Providing the 'Outdoor classroom' and information boards as detailed in the Landscaping Plan
 - 5.4.6. Working where appropriate with interested community and Ecology groups to complete the planting programme at the site
 - 5.4.7. Creating and agreeing an on-going site landscape management plan which will ensure the site retains its character and features
 - 5.4.8. Carrying out the required works to achieve 1.8m on an annual or ,where required, more frequent basis
- 5.5. To complete the development of the lake and adjacent area in 5.4 of this agreement before the greenhouse facility becomes operational [Plan identifying area to be included]



6. General

- 6.1. The Owner and the Applicant acknowledge and declare that:
- 6.2. the obligations contained in this Deed are planning obligations for the purpose of Section 106 of the Act and are enforceable by the District Council.
- 6.3. this Deed does not nor is intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999
- 6.4. no person shall be liable for any breach of the covenants restrictions or obligations contained in this Deed after that person has parted with its interest in the Application Site or the part of it in respect of which the breach occurs but without prejudice to liability for any breach subsisting prior to parting with such interest
- 6.5. this Deed may be registered as a local land charge in the Register of Local Land Charges maintained by the Council
- 6.6. that the Owner has the sole proprietary interest in the Application Site and that there are no third party interests which would require any other party to enter this Deed
- 6.7. This Deed shall be determined and have no further effect if the Planning Permission granted pursuant to the Application expires before the commencement of any material operation on the Red Land or is varied or revoked other than at the request of the Applicant or is quashed by a successful legal challenge.
- 6.8. The Owner undertakes to pay the Council legal costs in the sum of £290.00 (no VAT) on the date hereof.



IN WITNESS etc

SIGNED as a deed by
VALLEY GROWN NURSERIES LTD
acting by a director and the secretary

Director

..... (Signature)

..... (Name in Block Capitals)

Secretary

..... (Signature)

..... (Name in Block Capitals)

In the presence of

(Signature of Witness)

.....
(Name of witness - in block capitals)

.....
.....
(Address of witness)

EFDC PLANET DATE
11 AUG 2011
RECEIVED

VN VALLEY GROWN NURSERIES

PAYNES LANE, NAZEING, ESSEX. EN9 2EX
Telephone: (01992) 461093 Fax: (01992) 461816

9th August '11

Dear Neighbours,

Many thanks to those of you who have visited the nursery recently to see details of our proposed development. It has been good to have the opportunity to explain the project in more detail and get your thoughts and feedback on the scheme.

Some neighbours understandably expressed concern about whether the additional greenhouse will mean significant additional traffic to Paynes Lane. As we have explained in the briefings at the site, this will not be the case but we thought it would be useful to communicate this to everyone and to hopefully put your minds at ease.

Long term residents will have noticed that over the years there has been fewer and fewer lorry movements associated with the nursery. This has come about as we have changed the way we do business and the new greenhouse operation will be even more efficient. At maximum output during the summer we will be able to get all we produce onto just three lorries per day, in normal circumstances this will be just two and during the winter just one lorry can take everything we grow off site. We have prepared detailed calculations on this which have been submitted to the council.

Pick up and material deliveries will take place during normal working hours Monday to Friday and on Saturday mornings. Occasionally we may need to work Saturday afternoon and Sunday but this will be very rare.

We intend to keep the project presentation at the nursery open for several further weeks. If any of you would still like to visit or know more about any aspect of the development, please do give us a call.

With kind regards

Jimmy and Vince Russo

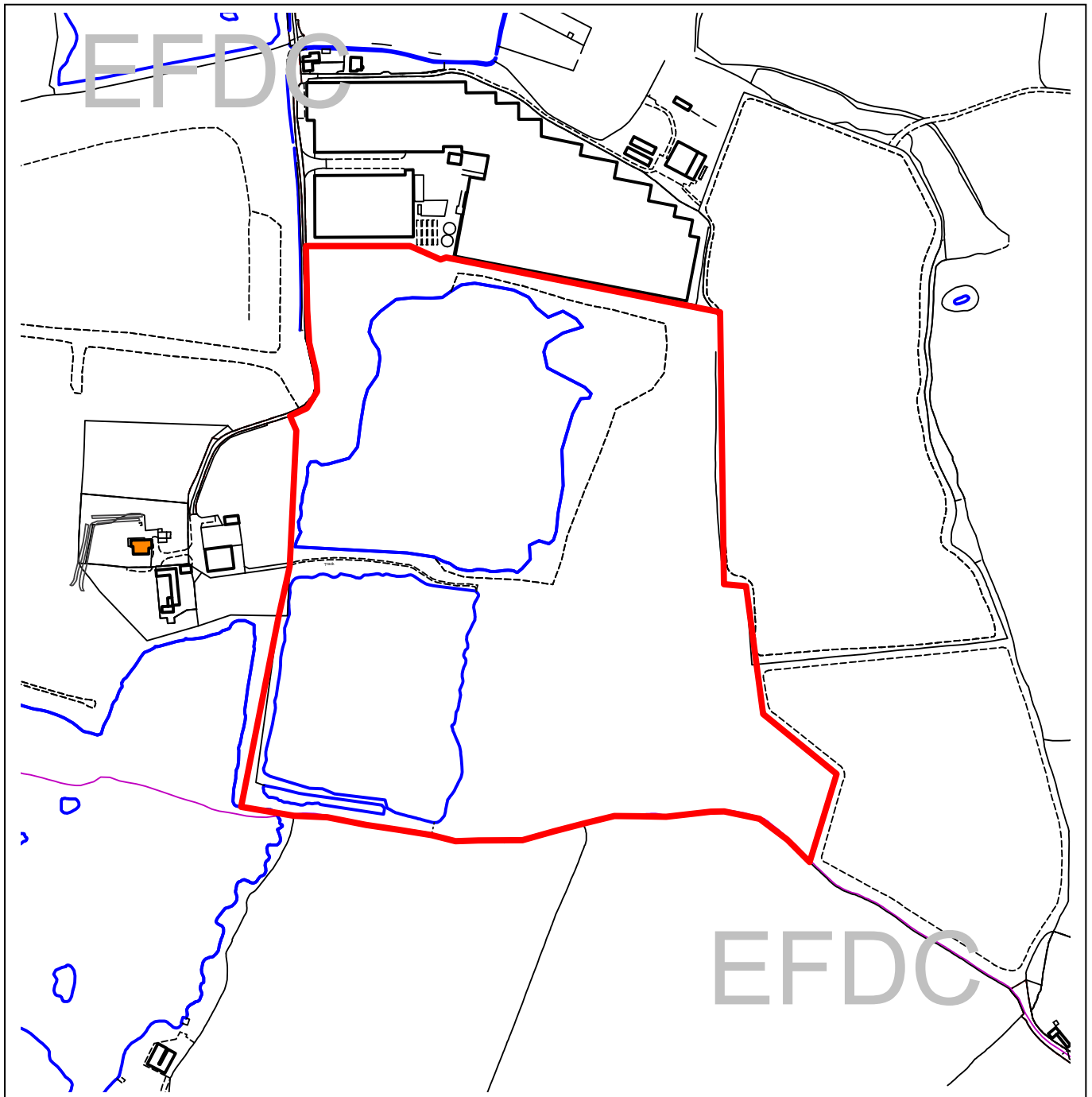


This page is intentionally left blank



Epping Forest District Council

District Development Control Committee



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	
Application Number:	EPF/1181/11
Site Name:	Valley Grown Nurseries, Paynes Lane Nazeing, EN9 2EX
Scale of Plot:	1/5000

This page is intentionally left blank