

committee agenda



**Epping Forest
District Council**

***District Development Control Committee
Thursday, 20th March, 2014***

You are invited to attend the next meeting of **District Development Control Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Thursday, 20th March, 2014
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

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

Members:

Councillors B Sandler (Chairman), J Wyatt (Vice-Chairman), A Boyce, J Hart, Ms J Hart, Mrs S Jones, Ms H Kane, J Knapman, Ms Y Knight, J Markham, R Morgan, J Philip, Mrs C Pond, B Rolfe and J M Whitehouse

**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

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

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 are consenting to becoming part of the webcast.

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

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

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

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

5. DECLARATIONS OF INTEREST

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

6. MINUTES (Pages 7 - 10)

To confirm the minutes of the last meeting of the Committee held on 19 February 2014 (attached).

7. **PLANNING APPLICATION EPF2350/13 - VALLEY GROWN NURSERIES, PAYNES LANE, NAZEING, ESSEX EN9 2EX – CONSTRUCTION OF 92,065M2 GLASSHOUSE EXTENSION, CREATION OF STORAGE PONDS, TOGETHER WITH HABITAT ENHANCEMENT AND LANDSCAPING AND INSTALLATION OF COMBINED HEAT AND POWER UNIT. (Pages 11 - 52)**

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

8. **PLANNING APPLICATION REF EPF/2696/13 - FORMER ELECTRICAL SUBSTATION, STATION WAY, BUCKHURST HILL, IG9 - DEMOLITION OF EXISTING SUBSTATION AND FACILITIES BUILDING, AND ERECTION OF 2/3 STOREY BLOCK OF 9NO. 2 BED AND 2NO. 1 BED FLATS WITH ASSOCIATED CAR PARKING. (Pages 53 - 66)**

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

9. **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.

10. **EXCLUSION OF PUBLIC AND PRESS**

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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 Committee **Date:** 19 February 2014

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

Members Present: B Sandler (Chairman), J Wyatt (Vice-Chairman), K Angold-Stephens, A Boyce, J Hart, Mrs S Jones, Ms H Kane, J Knapman, L Leonard, J Philip, Mrs C Pond, B Rolfe and J M Whitehouse

Other Councillors: D Stallan

Apologies: Ms J Hart, Ms Y Knight, J Markham and R Morgan

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

46. 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.

47. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor K Angold Stephens was substituting for Councillor Mrs J Hart, Councillor G Waller was substituting for Councillor Y Knight and Councillor L Leonard was substituting for Councillor J Markham at the meeting.

48. DECLARATIONS OF INTEREST

(1) The following Councillors declared a non-pecuniary interest in item 7, 62 Whitehills Road, by virtue of the applicant being the spouse of a member of the Council:

B Sandler, D Stallan (non member), J Knapman, J Philip, S Jones, B Rolfe, A Boyce

The Councillors indicated that they proposed to stay in the meeting for the duration and voting on that application.

(2) The following Councillors declared a non-pecuniary interest in item 7, 62 Whitehills Road, by virtue of the applicant being the spouse of a member of the Council:

G Waller, H Kane, J Wyatt

The Councillors indicated that they proposed to stay in the meeting for the application but not vote.

(3) Councillors J Philip and S Jones declared a non-pecuniary interest in item 8 at Ripley Grange, Debden Lane as they had attended an early meeting with the agents for the application but had not expressed views on the scheme. The Councillors indicated that they proposed to stay in the meeting for the duration and voting on that application.

(4) Councillor G Waller declared a non-pecuniary interest in item 9, Conservation Area Appraisal by virtue of being the Portfolio Holder with responsibility for Conservation Areas. The Councillor indicated that he proposed to stay in the meeting for the duration and voting on that item.

49. MINUTES

Resolved:

That the minutes from the meeting held on 11 December 2013 be taken as read and signed by the Chairman as a correct record.

50. PLANNING APPLICATION EPF/2661/13 - 62 WHITEHILLS ROAD, LOUGHTON - PROPOSED SINGLE STOREY FRONT AND SIDE WRAP AROUND EXTENSION

The committee considered and approved an application for a single storey front and side extension to a property at 62 Whitehills Road, Loughton. The application had been referred to the District Development Control Committee as it was owned by the spouse of a serving District Councillor.

Resolved:

That planning application EPF/2661/13 at 162 Whitehills Road, Loughton 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; 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.

51. PLANNING APPLICATION EPF/2036/13 - ERECTION OF SINGLE DWELLING HOUSE AT RIPLEY GRANGE, DEBDEN LANE, LOUGHTON

The Committee considered an application referred by Area Plans South Sub-Committee on 8 January 2014 for the construction of a single dwelling house on land at Debden Lane, Loughton. The application had been referred with a recommendation that planning permission be refused. The matter had been referred by minority reference to the District Development Control Committee for a final decision.

The application sought the construction of a dwelling built partly underground with a flat roof glass box structure above ground level with associated parking/courtyard and bedrooms below ground.

Since the date of the subcommittee meeting an appeal decision has been issued in respect of an unrelated site where similar planning issues had arisen, District Council ref EPF/0457/12 at Coppice Farm, Coppice Row, Theydon Bois. That proposal was for a modern designed house that would be partially underground, produce 'low or no

carbon' and would achieve Code for Sustainable Homes Level 6. The appeal decision in that case was to dismiss the appeal and given the similarity of issues it was a material consideration when assessing the merits of the Ripley Grange proposal.

It was noted that the applicants had also changed the extent of the proposed curtilage of the dwelling and had offered community access to part of the site and/or its transfer to either the Council or Davenant School. Further comments from Loughton Town Council were also noted.

The committee heard from an objector and the applicants agent at the meeting.

Members of the Committee expressed concern that in this proposal there existed no special circumstances sufficient to outweigh the harm caused to the green belt, that there was no lack of forest land for public enjoyment in the locality and that the building was proposed to be placed in a strategic land buffer between Theydon Bois and Loughton. Members were also concerned that the proposed new vehicle entrance onto a busy road would mean the loss of mature hedging. The members also considered that the recent decision was relevant in this case and refused the application accordingly.

Resolved:

That planning application EPF/2036/13 at Ripley Grange, Debden Lane, Loughton be refused for the following reasons:

(1) The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposal constitutes inappropriate development and is harmful to the purposes of including land in the Green Belt contrary to the Government advice contained within the NPPF and Policy GB2A of the Adopted Local Plan and Alterations. Furthermore, there are no very special circumstances that outweigh the harm of the proposal to the Metropolitan Green Belt.

(2) The proposal leads to the creation of a new access onto Debden Road, which will result in a break in the continuous vegetation frontage and a result in a domestic intrusion to the detriment of the character of the existing streetscene, the Metropolitan Green Belt and the wider landscape. The proposal is therefore contrary to the Government advice contained within the NPPF and policies DBE4, GB2A, GB7A and LL10 of the Adopted Local Plan and Alterations.

52. STAPLES ROAD CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN

The Committee noted that under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority had a duty to 'publish proposals for the preservation and enhancement' of their conservation areas. This took the form of a conservation area character appraisal and management plan.

Work had commenced on an appraisal of the Staples Road Conservation Area in 2008 but, due to staffing changes, the final publication of the document had been substantially delayed. The original draft appraisal had been prepared between May 2008 and September 2010, with public consultation taking place in September 2010, including a public meeting on 23rd September 2010. Comments and suggestions arising from the public consultation had been incorporated into the document.

Members considered a final draft which had not varied in content since the 2010 public consultation, and has been proven to be adequate by the 2012 Heritage Asset Review.

Members noted that since the publication of the agenda that further legal advice was that approval of such plans was, in fact, a matter for the executive to determine. As such that committee welcomed the document and endorsed its approval by the Cabinet.

Resolved:

That the publication of the Character Appraisal and Management Plan for the Staples Road Conservation Area (Loughton) be endorsed and referred to the Cabinet for approval.

53. ANY OTHER BUSINESS

The committee noted that an additional meeting was proposed to be held on 20 March 2013 to determine an application for a glasshouse in Nazeing.

CHAIRMAN

Report to District Development Control Committee

Date of meeting: 20th March 2014



**Epping Forest
District Council**

Subject: Planning application EPF2350/13 Valley Grown Nurseries, Paynes Lane, Nazeing, Essex EN9 2EX – Construction of 92,065m² glasshouse extension, creation of storage ponds, together with habitat enhancement and landscaping and installation of combined heat and power unit.

Officer contact for further information: J 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 grant planning permission for the above development, subject to the completion of the applicants unilateral undertaking and officers recommended planning conditions listed in Appendix 1 to this report

Report Detail

1. This application is brought to this committee as it is a matter that is considered of major significance that raises policy issues that are of more than local concern. The application has not been reported to the West Area Planning Sub Committee as the previous applications for similar development were determined at DDDC 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 Development:

2. The proposal is to expand an existing establish nursery by the Construction of 92,065 m² of horticultural glasshousing for the growing of tomatoes and peppers, in one rectangular unit measuring 282.3m by 307.3m. As well as the large growing area a smaller element is proposed which will contain the service area, product area, staff facilities and an office area, this area attached to the main building will be of the same design and measure approx. 117m by 35.8m. The building is to be simple modular glasshouse design with 10m wide sections, 8.178m high to the ridge, consisting of a steel frame with glass sides and roof.

3. The proposal includes 3 access points from Paynes Lane into the site, a yard area along the northern boundary of the site and a car park area. Additionally the scheme incorporates the erection of a Combined Heat and Power Unit (CHP) to provide heating for the glasshouse. This is a simple flat roofed building measuring 22m x 20m and 4 metres in height and a circular CHP tank measuring 18m in diameter and 7m high is also proposed, these are to be located in the central yard area between the proposed glasshouse and the existing glasshouse.

4. The proposals include the backfilling of part of an existing lake which will be reconfigured and an open storage pond is to be created in the south eastern corner of the site to provide irrigation and also drainage attenuation. Detailed landscape and habitat management schemes are included with the application. Additionally the site slopes and it is proposed to level it using a cut and fill method, which means that the westernmost element of the glasshouse will therefore be built on land that will have been raised by about 1.8 metres. The glasshouse will however be located between about 20 and 30 metres from the western boundary of the site (Paynes Lane) and significant mounding and landscaping is proposed.

5. 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.

Description of Site:

6. 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.

7. 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. In 2011 an application EPF/1181/11 for 87,119m² of glass, with 4,514m² ancillary warehouse, 194m² of welfare facility together with habitat enhancements was refused by this Committee.

The Committee's reasons for refusal at that time were:

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.

10. Subsequently 2 applications were submitted EPF/2456/11 (for a new access route to the nursery from Green Lane) and EPF/2457/11 for the same 87,119 glasshouse and ancillary facilities. The hope was that these together would overcome the concerns regarding harm to residential amenity. These applications were refused by Committee in February 2012 for essentially the same reasons as the previous application but with the addition of a 5th reason:

5. The proposal is contrary to current adopted policy and is considered premature in advance of the emerging Local Plan which will address the future policy for glasshouse development on the basis of evidence provided by a study that is currently being undertaken.

11. Following these refusals, which made it clear that the alternate access proposed would not overcome the previous reasons and potentially could lead to other issues the applicants appealed the original refusal of EPF/1181/11. The written representations appeal was dismissed on 06/06/2012 and in upholding the decision to refuse, the appeal Inspector essentially agreed with reasons 1, 3 and 4 but did not agree that the development would cause harm to neighbouring amenity. A copy of that appeal decision is attached as Appendix 2

Policies Applied:

12. Epping Forest District Local Plan and 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

13. The above policies form part of the Council's 1998 Local Plan. Following the publication of the National Planning Policy Framework in March 2012 policies from the local plan are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the Framework and are therefore afforded full weight.

Summary of Representations:

14. 33 neighbouring properties were written to and three site notices were erected around the site. The following responses were received.

PARISH COUNCIL – After consideration the committee while recognising the enormous benefits of the application object on the grounds of the impact on Green Belt land through development. The Committee also believe the diversionary route of footpath 10 should be reconsidered.

WILLOW LODGE, PAYNES LANE- Object. - Our home is near the road and affected by traffic and the dust it brings. Already too much traffic going to and from the businesses in the lane. The lane is single track and not suitable for heavy vehicles. If approved will mean a big increase in Lorries and staff vehicles coming to the site let alone the construction traffic to build the greenhouses. The owners of this business live in a quiet residential street maybe they should try living in Paynes Lane. A previous application for this nursery was turned down in 2012 there is no alternative access mentioned in the new application so our previous objections still remain.

WOODSIDE BARN, PAYNES LANE- Object. 22 acres plus of glasshousing not in keeping with or sensitive to the local environment. 8.1m high on new earthworks, will block early morning sunlight from my home and ruin enjoyment of my house with industrial noise and pollution. The proposal will bulldoze and destroy the newly created wildlife sanctuary within the LVRP and will destroy the lovely park feature. The proposed educational benefits already exist and the wildlife sanctuary would be reduced by 2 thirds, there will be a loss of enjoyment for people using the footpath adjacent to these buildings, there would be vast amount of HGV traffic 24 hours a day 7 days a week to supply supermarkets. There are no passing points and Valley Grown don't have consent from residents to create them. An increase in articulated lorries would be madness and also create more HGV movements in Nazeing. I do not agree with the QC's opinion, I think the appeal inspectors decision was correct.

OAKLIEGH, PAYNES LANE- Object. The proposal represents a prominent development within the Green Belt, harmful to the openness and contrary to policies CP2, GB2A and DBE4 of the Adopted Local Plan and Alterations The proposal significantly impacts on the surrounding amenity, in particular, the residential properties at the southern end of Paynes Lane - this application is proposing to destroy what is currently a large expanse of open countryside and replace it with structures, including land –raising and base, some 27-35 feet high. The artificial lighting will severely impact on the residential properties at the southern end of Paynes Lane and the local wildlife. The increase in the number of employees – 40 full-time pickers, plus a further 10 in the peak season, plus a further 20 in quality control, etc would have a significant impact on traffic movements – far greater than is estimated or claimed by the applicant. Paynes Lane is a single-track private road with entrance and exit from one end only. Various Planning Inspectors, the Highways department of Epping Forest District Council and planning officers from Epping Forest District Council have deemed it as totally unsuitable for additional traffic. The applicant admits to an additional 30 2-way traffic movements per day suggesting no impact on the “surrounding road network”. It is the impact on Paynes Lane that should be focussed on. That is a significant amount of additional traffic on a single-track private road with entrance and exit from one end only. Paynes Lane is a public footpath – on safety grounds, the well-being of walkers should not be compromised by allowing further traffic into an already busy lane. (A problem that was exacerbated by Martin Harvey obtaining a certificate of lawfulness for his site several years ago).

We would draw your attention to planning applications EPF/1680/05, EPF/1132/06, EPF/0232/07, EPF/1546/07, EPF/0946/10 and EPF/2546/10. Many of the reasons given for the refusal of these applications are manifestly present in this application, but on a much larger scale. Paynes Lane is already in very poor condition in many parts. The upkeep and maintenance of the lane is at the resident's expense. Allowing this application would increase the amount of traffic and the number of heavy goods vehicles (throughout the entire year) to the detriment of the lane. In addition, the construction period would be over a fairly long timescale and the construction traffic could place an unacceptable burden on the lane. There have been a number of cases where traffic becomes backed-up, blockages, etc. The construction phase and the increased traffic post-construction can only make this worse. We attach 2 recent photographs, taken around 10.30am on 7 December 2013, showing a large HGV having to reverse outside our property because of traffic in the opposite direction – a recent example of a regular occurrence. There are no formal passing points on Paynes Lane – increased traffic on the lane will only increase any traffic/congestion problems on the lane. There are gas and other pipes laid at various points beneath Paynes Lanes. Any additional traffic on Paynes Lane could create weight problems that affect this pipework.. There are various weight restrictions within and close by Nazeing, in particular a 7.5 tonne restriction on Nazeing Road. If this application is approved it can only add to the existing problems of excessively large vehicles in the village. the National Planning Policy Framework (NPPF). In our view para 79 of the NPPF re-emphasises the importance of the Green Belt. The 'openness' concept stands apart from "inappropriate development". The opinion by Peter Villages appears to miss this point. Indeed, para 88 of the NPPF refers to "..... by reason of inappropriateness, **and any other harm**" . Any other harm will include the impact on openness. There can be no doubt that 22 acres of structure standing 30+ feet above the existing land level will impact severely on the openness, regardless of screening, which will take many years to have any effect. "The Lea Valley Glasshouse Industry – Planning for the Future" – we understand that this document refers to the expansion of E13 areas outside the LVRP. The application site is not a designated E13 area and is within the LVRP. Our understanding of the consultants' recommendations and report is that expansion of E13 areas within the LVRP should be resisted. They also acknowledged the difficulties of sites such as the application site when referring to "traffic issues and the incompatibility of glasshouses and LVRP – such designations should be considered to the east of Epping". Sustainability of application - compared to previous applications, the area of glass has increased from approx. 87,000 sq. metres to approx. 92,000 sq. metres but with no warehouse or office facilities. If this site were to be acquired by another operator its operation would be compromised without such facilities. The creation of such a large facility could be disadvantageous to other, smaller growers. Therefore, although financially advantageous to the applicants it may well be financially disadvantageous to smaller operators

4 KINGSMEAD, NAZEING ROAD. - Support. The existing business works well and causes no problems. This is a vital expansion, for consumer demands, let alone the benefits of increased jobs in our community. This is an agricultural use in an agricultural area and it defies belief that the proposals have previously been refused.

LANGRIDGE BARN, PAYNES LANE- Object. The land is Green belt and has not been designated for Glasshouses by the Local Plan. The site is within the LVRP and the Inner River Lee Country Park. The massive height and scale will dwarf the surrounding view, huge visual impact on walkers and park visitors.. Wildlife would be decimated by the lighting and 24/7 business. Footpath 10 goes through the middle of the site; it is well used to access Clayton Hill which is an important viewpoint. The proposal will be detrimental to wildlife and destroy existing wildfowl area, which won't

be properly compensated for. Concern that the works will adversely impact on the very delicate drainage balance in this area. There is inadequate provision for rainwater runoff and flooding will occur. Do not consider that the Counsel advice quoted is applicable to this location in the Green Belt and the national park. The NPPF also seeks to protect habitats and Green Belt. The Lawrence Gold Partnership consultation document states that glasshouse areas should be allocated to the east of Epping, avoiding the LVRP. The warehousing facility previously proposed has gone, if this is approved would a further application for warehousing be submitted. Paynes lane is completely unsuitable for HGV traffic and Nazeing Roads cannot be asked to carry any more through the village.

ESHAM ORCHARD, PAYNES LANE – No Objection- Our family moved to Paynes Lane thirty years ago when we purchased Esham orchard. We moved in with the full knowledge that Paynes Lane was an agricultural lane and had been for several hundred years. Langridge farm had, in fact, been there since the 1600s and very likely a long time before that. Paynes farm shows on the 1851 census, some 160 years ago and could have been there as long as Langridge. The lane had several operating nurseries when we moved in, and still has. Every one who has moved into the lane must have been aware that the lane was an agricultural lane when they purchased their properties. When Lea Valley nurseries applied for an extension a few years ago, we did not comment as we never believed for one moment that the application would be refused. We still cannot understand the reasons for the refusal. A commercial garage has operated in the lane for many years with no opposition from the council. In more recent years a large commercial rock crushing business has been established and allowed to operate in the lane, with the resulting influx of many very large lorries up and down the lane on a daily basis. Surely the council cannot consider these two businesses more in keeping in an agricultural lane than the extension of an existing nursery!! Unlike many of these lorries, the articulated lorry drivers from Lea Valley nurseries drive down the lane slowly and carefully. I trust that this application will be treated fairly on this occasion.

LANGRIDGE FARM, PAYNES LANE – Object -We have lived since August 2012 at Langridge Farm at the end of Paynes Lane in a property that is close to the Valley Grown Nurseries. We purchased the house fully aware of the advantages and limits of its location within the Lee Valley Park. The Lee Valley Regional Park plan adopted in 2000 defines the area of planned greenhouses as a landscape enhancement area by “protection and enhancement of existing positive landscape features.” Further it also specifies that “open space to the east, west and south of Paynes Lane to be protected and brought into recreational use through the use of the Authority’s land purchasing powers if necessary. Links between open spaces to be created. Over the long-term, non-Park compatible intrusive uses *to be removed or their adverse impact mitigated* (italics ours).” The southern part of Paynes Lane also copies the Greenwich Meridian that the park intends to celebrate (p. 62 item h. Section Three of the Lee Valley Regional Park Plan). Paynes Lane at that section is also a footpath for through-hikers into the Lee Valley. From our perspective, the greenhouses, and other legacy businesses along Paynes Lane, are in direct conflict with the stated aims of the Lee Valley Regional Park Plan as adopted by elected representatives of the citizens in the region. Paynes Lane is an unadopted one-lane road that already suffers greatly because it is serving not only the few residents but also the many businesses on a daily basis. The transportation of goods produced by Valley Grown Nurseries is served by Valley Grown Logistics that employs (from their website) a fleet of 44-ton, 13.6 metre, 26 pallet tri-axle trailers with air suspension. The size of these lorries is already excessive for the road and adding to the traffic is simply out of the question given the pedestrians, cyclists and others who are trying to share the

road. These lorries can't even cross the nearby Broxbourne Bridge on B194 because of their weight. To divert the trucks away from the bridge means lorry traffic heading into other residential neighbourhoods. The Valley Grown Nurseries are seeking to triple the size of their operations. It will need adequate facilities and an ingress and egress that can support the project. It will also bring more low-paid workers to the area who will have to walk and cycle down Paynes Lane in order to take up their positions each day. We also are concerned about emergency situations when Paynes Lane is blocked. This company, and so many of the other greenhouses, actually do NOT support local businesses or provide their wares to local shops. Instead of this being agricultural in nature (something we support as part of the Lee Valley) these greenhouses are largely industrial in nature. The narrow one-lane road and the proud efforts of the government to protect the Lee Valley are NOT the place to locate such an enterprise. To go further:

1. The owners understood the limitations of what would be possible as a public company when they purchased the property that abuts directly onto a wildfowl refuge in the Lee Valley. The site should either be sufficient for their needs or they should consider relocation or expansion elsewhere. To expand further will kill the very wildlife the government has said it is trying to protect in the name of England.

2. The area around the nursery is part of the protected wildlife zone that has already been eaten up by similar greenhouse companies whose activities run counter to the aims of what constitutes a protected zone. They all are heavily reliant on lorries to ferry their goods to market and on armies of workers to maintain their fruit and veg. To allow them to expand will be counter to the aims of the present government at Westminster and other regional councils that have sought to strike an appropriate tone with regard to the greenbelt and the Lee Valley.

3. Continued development in the area of a commercial nature runs the risk of destroying watershed and setting the conditions for flooding, especially even more now due to climate change. If there is flooding, it will be the council that will have to bear the costs of clean up and repair.

One can move a business - we cannot restore the Lee Valley once it is gone, and neither can we restore the essential balance between the rural, residential and commercial mix of the region, once it is destroyed.

LEA VALLEY GROWERS – SUPPORT- The Lea Valley Growers Association represents over 100 Horticultural Glasshouse growers in and around the Lea Valley. Lea Valley growers produce 75% of the UK's Cucumbers and 50% of the UK's Sweet Peppers with a retail value of £1bn to the UK economy. The Lea Valley once boasted the highest concentration of glasshouses in the world in the 1950's and fed London during the two world wars, however, the growing area has reduced by 80% since the formation of the Lee Valley Regional Park in the 1960's. The reduction in the growing area has resulted in significant falls in terms of production and self-sufficiency. British Crops of Cucumbers and Tomatoes grown in Glasshouses since the year 2000 have fallen. Despite a rise in consumer demand driven by healthy eating and locally produced food. Cucumbers self-sufficiency has fallen 25% to just 30% & Tomatoes have fallen 10% to just 19%. (Source- National Farmers Union Catalyst for change report 2012) The Lea Valley Horticultural industry provides over 1,000 direct jobs or 2.5% of total employment in the Epping Forest district and over 2,000 jobs overall. The Epping Forest District Council Local plan Glasshouse report states that glasshouses should be recognised and accepted as part of the distinctive landscape character of the area, following existence in the Lea Valley for over a century. Defra's Rural Statement (September 2012) underlines the governments commitment to Rural England and reflects their vision of successful rural businesses based around three key priorities of Economic Growth, Rural Engagement & Quality of Life. The government have initiated a wide range of significant national-level policies and initiatives, designed to promote business and deliver growth in both urban and rural

areas, such as cutting red tape, simplifying the planning system, delivering new infrastructure and supporting business, particularly SMEs who make up a significant element of the Lea Valley rural economy.

Defra's Food 2030 report sets out the Government's vision for a sustainable and secure food system for 2030.

The strategy is structured around six core issues for the food system, four of which are clearly supported by proposals in the Lea Valley:

- Ensuring a resilient, profitable and competitive food system

- Increasing food production sustainability

- Reducing the food system's greenhouse gas emissions

- Reducing, reusing and reprocessing waste

Proposals to install modern energy and heat infrastructure, in the form of an anaerobic digestion plant & Combined Heat & Power, demonstrates a commitment by Lea Valley Growers to reducing energy use and recognition of the environmental benefits, in particular reduced greenhouse gas (GHG) emissions, associated with this kind of technology.

This kind of proactive approach will contribute to the UK cutting its GHG emissions by 80% within the next forty years, as required under the 2008 Climate Change Act. Langridge Nursery in Paynes Lane has been established for over 100 years and is recognised and accepted as part of the distinctive landscape character of the Lea Valley. Valley Grown Nurseries are required to build an extension to the existing Glasshouse in order to maintain the viability of the business and their current levels of supply with their supermarket customer.

The supermarkets are expanding at a fast pace in line with population increases and therefore growers are required to expand accordingly in order to meet the increased demand for fresh produce.

Lea Valley Growers have a great opportunity to increase self sufficiency, displace foreign imports and create local jobs through glasshouse expansion.

The extension will create circa 60-70 local positions for manual roles and skilled crop workers jobs in addition to safeguarding an existing 100 jobs.

The extension will include environmental stewardship schemes an educational facility and a renewable energy installation.

The previous application for an extension received the full support of the local planning authority, Natural England and the Highways agency.

This application is backed by the National Farmers Union and failure to secure approval will place the existing workforce and the potential employment of local people at serious risk. The Lea Valley Growers Association support this extension to an existing glasshouse at an established nursery. I also support this application as the Vice Chairman of the Lea Valley Food Task Force who support economic growth of the Glasshouse Industry within the Lea Valley.

17 GREEN LANE. – Object. The articulated lorries together with trailers which will be used are far too large for local roads. The glasshouse will be an eyesore in the LVRP and the Green belt. There will be noise and light pollution day and night from the generators and machinery used for growing the produce, which will impact on residents and on wildlife. The proposal is not appropriate to the leisure and wildlife functions of the park. No doubt produce will be brought in from abroad as well as being produced here and this will put smaller growers in the area out of business. The developers will no doubt bring in workers from outside the local area and put more pressure on local facilities (schools, doctors etc). The only way to access the site from the M25 is via Nazeing village or over a very weak bridge from Broxbourne or through Dobbs Weir; none of these roads are suitable. I understand that the previous application was refused on grounds of noise and disturbance from vehicle movements...what has actually changed since that previous application.

NAZEING FOOTPATH GROUP – Object. The footpath is an important east west link between Clayton Hill and the River Lea, much of this route is across the open landscape of the valley floor. There is plenty of interest and a lot of wildlife. As a consequence the group views the proposals with some dismay and therefore must formally object however there is recognition that the footpath is only one consideration. Should there be a decision to grant then an application for diversion will have to be made to Essex County Council. Any Planning Consent therefore must include an express condition that the formal diversion order will be sought and the necessary costs paid for by the applicant. Clarity of any new route is essential. The present suggestion in the application that the new footpath route should run adjacent close to the southern perimeter of the new greenhouse is completely unacceptable to the Group. An alternative route further south may be possible with a link to the permissive route on land owned by the LVRPA.

PAYNES FARM, PAYNES LANE. – Object- I do not see any difference between this and the previous applications that were refused and dismissed on appeal. This is an unsustainable development that relies heavily on the applicants other operations in Dobbs Weir. If the company were to cease trading this would be a white elephant. I do not believe it creates additional employment as smaller operators will go out of business as they can't compete. causing more unemployment and derelict nursery sites.. It is unsustainable as it has no additional office or storage space. The development will be overbearing and oppressive and erode amenity. We will no longer be able to enjoy the peaceful country lane as there will be more HGV's using this totally inappropriate private lane, and would incur additional maintenance costs. I believe the applicants have already withdrawn from the association that contributes to the upkeep of the lane. Previous applications were refused on dangerous sight lines at the junction and I believe this would increase the danger at this point and along the public walkway. There are no passing places and they are reliant on the goodwill of residents allowing use of their gateways so vehicles can pass each other and pedestrians can jump out of the way. There are no special circumstances for this development in the Green Belt. It is commercially driven as the land is obviously cheaper than other more suitable sites. This sacrifices a huge open and varied landscape within the LVRP and will reduce the wildlife and bird populations/ there are no restrictions on lighting or vehicle movements and noise and disruption will lead to a contravention of my human rights with regard to the peaceful enjoyment of my own property. No doubt there are other breeches. The argument has been made that this is needed to offset a food shortage within the world but these only seem to grow peppers which are of no nutritional value whatsoever, we would be better off planting root vegetables in an open field.

THE NATIONAL FARMERS UNION - support for the above application.

I should make it clear that our comments in this context relate to the principle of what is proposed, and in particular the increase in glasshouse horticultural production, rather than site-specific matters. Agriculture and horticulture help to realise the three dimensions of sustainable development as outlined in the National Planning Policy Framework (NPPF): economic, environmental and social. Our industry is one of national as well as local importance. It responds to the shifting needs of the market, embraces innovation and has a wider role to play within the economy. We have seen total output increase by 60% in just five years to £24bn, and following a long period of pressure on incomes and under-investment our industry's contribution to the economy as measured by GVA (Gross Value Added) is at its highest since 1996. Modern agriculture and horticulture require development including new buildings for greater efficiency and competitiveness and to increase production.

Our sector needs to be seen in the context of the food supply chain as a whole. For every £1 that farming contributes to the UK economy, our food manufacturers and wholesalers contribute a further £5. At present farmers supply 62% of the nation's food and 74% of the sorts of food that can be grown in this country.¹ This figure is currently on a downward trend. A particular example is the horticultural industry where self-sufficiency in vegetables has declined from 73% in 1998 to 60% in 2010.² In the case of tomatoes self-sufficiency is down to just 19%, so there is enormous scope to displace imports.

In our report, Catalyst for Change (2012), the NFU set out the hallmarks of a successful British horticulture sector including:

- a) Growing (a sector that is increasing production, meeting consumer demand and boosting self-sufficiency)
- b) Competitive
- c) Innovative
- d) Market orientated
- e) Responsive

The need to promote the development of agriculture (including horticulture) is acknowledged in the NPPF, particularly in paragraph 28, which exhorts local planning authorities to develop policies that support economic growth in rural areas in order to create jobs and prosperity, taking a positive approach to sustainable new development.

For all these reasons we have no hesitation in agreeing to support the proposed development.

LYNBROOK, GREEN LANE – Object. This application in our Green Belt land is against government policy, too near to houses. 24 hour lighting causes light pollution bad for neighbours and wildlife. The development will result in loss of view and openness in the Park, harmful to visitor enjoyment and is not in keeping with the leisure and wildlife facilities of the Park. Paynes lane is narrow and winding and in a bad state of repair with no pavement. It is dangerous for employees to cycle or walk to work, there is no street lighting and the bus is hourly. The development is to be built on a flood plane area and would put surrounding land and property at greater flood risk.

UNNAMED PROPERTY- PAYNES LANE- No Objection I live in Paynes Lane and have no objections whatsoever regarding this application. Indeed, I was very surprised that the previous application was refused by the council. I have lived in Paynes Lane for 29 years and there has never been an issue with the vehicles from the nursery, the articulated lorries in fact, always drive with extreme care down the lane. The nursery itself is always kept neat and tidy. If there are any other issues that the council may have regarding the application, please let me know, thus enabling me to address them if I am able.

LEE VALLEY REGIONAL PARK AUTHORITY – OBJECT- on the following grounds:
(1) (a) the scale of the proposed development is incompatible with the function of the Lee Valley Regional Park as set out in the Park Act 1966 and the purpose of the Green Belt;

(b) the proposed glasshouse would adversely affect the landscape setting of the site to the detriment of visitor amenity. Proposed mitigation measures do not adequately compensate;

(c) the application contains insufficient up to date survey information to fully assess the likely impacts on the area's biodiversity;

(d) the proposed scheme will result in significant changes to the waterbody, Landgridge Scrape, an important ecological resource;

(e) the application would result in additional traffic generation leading to an

adverse impact on visitor amenity;

(2) for the reasons stated above the proposed application conflicts with the 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 adopted strategic aims for the landscape included in the Park Development Framework. Further, the proposed scheme will adversely impact on biodiversity contrary to policies NC2.1, NC2.3, NC2.5 and 2.6 of the Park Plan and the thematic proposals for the Park Development Framework Biodiversity; and (3) if Epping Forest District Council are minded to grant planning permission then a request be made to the council under the Lee Valley Regional Park Act 1966 for the decision to be referred to the Secretary of State was approved.

Issues and Considerations:

15. 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
- Employment

All with particular regard to whether there are any material considerations which would suggest that a different decision should be made to that made by Members in 2011 and the appeal Inspector in 2012. When Members originally refused the application the NPPF had not come into force and the decision was made on the basis of the adopted Local Plan and Alterations. However by the date of the appeal decision in June 2012 the NPPF was in force and the Inspector in reaching her conclusions had reference to the Framework as well as our policies.

Green Belt

16. 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.

17.. In considering the previous appeal the Inspector concluded that the development would be harmful to openness of the Green Belt and the purposes of including land within it. The NPPF however, whilst generally setting retention of openness at the heart of its Green Belt Policy, is strangely worded with regard to agricultural buildings. Para 89. States:

“A Local planning Authority should regard the construction of new buildings as inappropriate in the Green belt. Exceptions to this are:

- Buildings for agriculture and forestry
- Provision of appropriate facilities for outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it:
- The extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building...”

18. This wording clearly implies that unlike other forms of appropriate development, buildings for agriculture and forestry do not have to preserve openness and can conflict with the purposes of including land within it. This is actually quite logical as many agricultural buildings are by their very nature large and intrusive and will have a significantly adverse impact on openness.

19. The applicants have submitted with their application Counsel advice with regard to the Inspector’s suggestion that despite being appropriate development this does not set aside the fundamental requirement of keeping land permanently open. The Legal Opinion of Peter Village QC is that this is” fundamentally wrong and legally erroneous”

20. This is of course only an opinion and Planning case law is full of examples of opinions and legal precedents which provide conflicting views, on almost any issue but it is in officer’s view a logical interpretation of the wording in the NPPF and despite the fact that the previous appeal inspector placed weight on the openness of the Green Belt, it is not considered that this would be grounds to refuse the application. The Councils Policy GB11 relating to agricultural buildings (and is considered to be in accord with the NPPF) does not require that such buildings maintain openness.

Containment of the Glasshouse Industry

21. The Lea 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.

22. The existing nursery is within an identified E13A 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, although it is open to dispute whether the requirement not to have an adverse impact on the “open” character is in actually in compliance with the NPPF for the reasons set out in the Green Belt section above.

23. However it is acknowledged that the Council's Glasshouse policy is based on a study carried out in 2003 and is therefore not addressing the current needs of the industry; at the time of the previous decision the Council's Study on the Future of the Lea Valley Glasshouse Industry had been commissioned but was at an early stage. This report has since, however, been completed and was adopted in July 2012 as part of the Evidence Base for the New Local Plan.

24. The recommendations of the report are as follows:

Recommendation 1

Epping Forest District Council should adopt a clear strategic vision for the glasshouse sector. The current position of support for the sector within E13 designations but with E13 designations insufficient to allow large-scale expansion is not viable for the sector in the long-term.

Recommendation 2

The glasshouse sector makes a significant contribution to the local economy and employment. Support for large-scale expansion of the sector would be a positive economic step. Large-scale expansion will require new designations of E13 areas. To reflect the traffic issues and the incompatibility of glasshouses and the Regional Park, designations should be considered to the east of Epping.

Recommendation 3

To support small to medium sized growers, the Council should consider expansion of the existing E13 designation outside the Park Authority boundary. Large-scale growers moving to new designated sites would also create opportunity for smaller growers. However, expansion of the existing E13 areas within the Park Authority boundary would be resisted

Recommendation 4

Both growers and the Council should look to work closer together in developing new sites. Thanet Earth is an excellent example of what can be achieved through positive partnership.

Recommendation 5

The Council should consider using Section 215 amenity notices and discontinuance orders to avoid dereliction. In extreme cases compulsory purchase powers could be used. Where compulsory purchase powers are used the Council should look to communities to develop acquired sites for renewable energy, community projects and affordable housing.

25 As before the applicants have satisfactorily demonstrated that there are no suitable sites available for this development within the current adopted E13 areas. 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. These are important concerns and any decision here has the potential for significantly adverse consequences.

26. 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

27. The NPPF sets out a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making, in decision making this means

- Approving development proposals that accord with the development plan without delay and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole; or
 - specific policies in this Framework indicate developments should be restricted.

28. As such it is important to establish whether the proposed development is “sustainable”

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. Previous years crops have successfully been pesticide free and where intervention is needed it is specific and targeted.

Production under lights at the site will produce no additional carbon to that of conventional nurseries operating without CHP. Production without lights will be virtually carbon neutral; the development will include sustainable principles in its design, construction and end use.

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.

29. The previous application was not refused on sustainability grounds, and it is considered that the development is sustainable.

Landscape Impact

30. 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 development will be clearly visible from the LVRP viewpoint at Holyfield Hall to the south. 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.

31. The impact on the visual amenity and character of the area was a major consideration in the previous appeal decision and although this revised scheme has removed the higher, more structurally solid warehousing element, the fact remains that the development will due to its vast scale have an impact on the visual character and amenity of the immediate area but area. The Councils Tree and Landscape Officer concludes that the Landscape and Visual Assessment document submitted with the application shows that although there are likely to be adverse impacts associated with the development the key landscape character of the area will not be compromised.

Impact on The Lee Valley Regional Park

32. 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 Lea 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.

33. 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.

34. 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,

35. The Park Authority have raised clear 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. The 2012 Glasshouse Study referred to above acknowledges that expansion of E13 area within the Park Boundary will be resisted by the Park Authority and the previous appeal decision placed significant weight on the harm to the character and appearance of the Park. Should members determine to Grant Planning Permission the Park Authority will require that the application be referred to the Secretary of State.

Highway Issues.

36. 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 lines. 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.

37. The application has been accompanied by an updated 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.

38. 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.

39. 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.

40. 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.

41. The previous application was not refused on any highway grounds, and the Inspector at appeal considered that increase in movements would not have a material impact on the highway.

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 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.

43. 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.

44. 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.

45. Impact on residents from the traffic movements was used as a reason for refusal of the previous application, but at appeal the Inspector considered that the minor increase in traffic generation that would result would not significantly impact on the living conditions of residents along the access road.

Wildlife and Conservation

46. 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.

47. The application was accompanied by a series of survey reports regarding, wetland birds, bats, great crested newts, otters and water voles, reptiles and amphibians and a phase 1 habitat and Ecological Scoping Report. These all date back to 2011 and were submitted with the previous applications and are therefore not up to date. However, in addition the applicants have submitted a daytime ground based Ecological Walkover and updated site assessment carried out in September 2013. This concludes that the phase 1 habitat survey is still accurate and can therefore still be relied upon, and identifies suitable mitigation measures to ensure impacts on wildlife are minimised.

48. Natural England were consulted and based on the information provided consider that the proposal is unlikely to affect any statutorily protected sites or landscapes. And referred us to their previous advice with regard to the previous applications

49. 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.

50. 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.

51. 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.

52. In considering the previous appeal the Inspector felt that by bringing the public into the site with walkways and picnic areas, the lake would no longer be a distant and secluded feature and that the species associated with the SPA may not use it to the same extent, she noted the lack of objection from Natural England but concluded "I am not satisfied, on the basis of the evidence I have, that the scheme would not adversely affect the integrity of the European Site."

53. This leaves us in a difficult position, Natural England is the Statutory Consultee with regard to impact on Statutory Nature Conservation sites and they have concluded from the information provided that there is unlikely to be an adverse impact. The thrust of recent government guidance for dealing with planning applications is to avoid delay in the determination of applications and not to request excessive supporting information. On balance it is considered that despite the concerns raised by the Planning Inspector and the LVRPA with regard to potential impact on wildlife, adequate information has been provided and any likely impact will be suitably mitigated and not so great as to warrant refusal.

54. It should be noted that the previous applications were not refused on grounds of harm to wildlife or habitats.

Flooding

55. 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.

56. As with the previous applications a full Flood Risk assessment has been submitted. and subject to suitable conditions it is not considered that the proposal will result in an increased risk of flooding.

Public Rights of Way and Public Access.

57. 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

Employment/Economic Development

58. The NPPF emphasises 3 dimensions to sustainable development, an economic role, a social role and an environmental role and identifies that they are mutually dependant. Building a strong competitive economy is one of the main aspects of sustainable development. Para 20 of the NPPF states To help achieve economic growth , local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century. In addition Para 28 seeks to ensure that planning policies support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development.

59. Part of the applicant's case here is that the existing business (Valley Grown Salads and Valley Grown Nurseries together) employs between 80 and 100 people. The new proposals will require a further 40 full time nursery workers, rising to over 50 at peak picking periods. This is a significant consideration. A development of this scale is a significant local investment that will help to ensure that the existing businesses continue to be competitive in a market that increasingly requires large sites in order to remain competitive.

Other issues

Disruption during construction

60. Residents of Paynes 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

61. 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.

62. Once again in reaching a recommendation on this development we need to balance a number of competing issues and make a judgement as to which should carry most weight. The previous appeal decision which upheld member's decision to refuse the 2011 application is a material consideration that must be taken into account. Countering this, the applicant has submitted a strong argument that the weight the Inspector placed on maintaining the openness of the Green Belt was erroneous.

63. The development is clearly contrary to policy E13A which seeks to contain the glasshouse area, but this policy is outdated and the Council will not have a new policy until a new local plan is adopted, which is still some time away. Whilst the study on the future of the glasshouse industry has provided an evidence base it has not, nor was it intended to set out a way forward, this will need to be part of the local plan process.

64. The argument was previously made and supported on appeal, that to approve the development contrary to the adopted policy could have a significant impact on land use policy and set a dangerous precedent making glasshouses more difficult to resist elsewhere, and changing policy by default rather than through the proper plan process. The Inspector in May 2012 stated, "In the interests of ensuring that decisions are made locally where possible, it is important that the Council concludes this speedily and resolves the difficult local balance."

65. Now nearly 2 years further on unfortunately despite best efforts, we are still in the same position. This leaves the applicants in a state of complete impasse, with no certainty about how to best ensure the continuation and expansion of their business. Government policy seeks to prevent delay and to push forward suitable sustainable development and the policies of the NPPF are supportive of economic development and the rural economy, it is considered that with the passage of time the ability to resist development on the basis of Policy E13 has been undermined.

66. On the basis therefore that the openness argument and the E13 argument are not as strong as they were in 2012 we need to weigh up whether the harm from the

development is such as to outweigh the presumption in favour of sustainable economic development.

67. The main harm argued previously was the harm to the Lee Valley Regional Park, and the Park Authority are clearly maintaining their objection, however their concern regarding traffic generation was not previously upheld on appeal and the impact on the ecology of the area was not a previous reason for refusal nor is it backed by Natural England. This leaves essentially two related issues; the scale of the development being incompatible with the function of the park and that the glasshouse would adversely affect the landscape setting of the site to the detriment of visitor amenity.

68. The question is really whether this impact is such that that the use of this area of the park for recreation is undermined. This is open to debate, while some may consider that the glasshouse and its almost industrial nature will significantly impair enjoyment, there is an argument that to be able to see a modern large scale glasshouse development of this kind in the Lea Valley, (which is historically known for its glasshouse industry) will add interest. The provision of suitable educational and information boards not only about the wildlife but also about the glasshouse industry could add to the attraction of the area for some. The Inspector at appeal stated that the experience of walkers would “simply be a different experience, neither better nor worse”. However the Inspector did place significant weight on the impact of the development when viewed from the LVRP Viewpoint at Holyfield Hall Farm over a km to the south of the site. She states; “This has been created and promoted as a public viewpoint and looking north-west the new glasshouse would be a significant element in the landscape.... There would be significant harm to the character and appearance of the LVRP” She therefore concluded that the development was contrary to policy RST24.

69. It is accepted that the development does not enhance the park and that there is harm to the landscape. This is inescapable for a development of this size; however this is just one of the competing factors that need to be balanced.

70 Officers are of the view that even taking into account the previous appeal decision and that 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 and to the LVRP 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.

71. Therefore, particularly in the light of the emphasis in the NPPF that “significant weight should be placed on the need to support economic growth through the planning system”, officers again 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 5 above.

72. 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 Lee 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.

73. Should Members however maintain their objection to the scheme, it is considered that the revised proposal could still be refused as it is contrary to current adopted policies and does not overcome the previous reasons for refusal 1, 3 and 4 as set out in Para 9 above, we could however face criticism at appeal on the basis that the current plan is not up to date and we have as yet no clear strategy to meet the future needs of the Glasshouse Industry.

Suggested Conditions EPF/2350/13

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 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.
4. 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.
5. 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.
6. 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
7. Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to and agreed in writing by the Local Planning Authority 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 „splashı 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 C. Development shall be undertaken only in accordance with the agreed strategy and methodology.

8. 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.

9.. 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.

10. 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.

11. 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.

12. 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.

13. 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]

14. 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]

15. 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]

16. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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 with regard to diversion of the existing ordinary watercourse along the eastern boundary of the site and 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 agreed scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

24. 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.

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

NK016844_800 Location Plan

NK016844_801 Site layout Context

NK 016844_802A Existing Site layout

NK016844_803 Overall Layout

NK016844_804 Glasshouse Layout

NK016844_805 Warehouse Layout

NK016844_806 Section1-1

NK016844_807 Warehouse Building Elevations

NK016844_808 Building elevations

NK016844_109 Site Yard Layout tracking Design

NK016844_110 Site Yard Layout Levels

NK016844_811 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_SK035C Habitat Enhancement and Landscaping

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Quality Assurance Unit
Temple Quay House
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Bristol, BS1 6PN

Direct Line: 0117 372 8252
Customer Services: 0117 372 6372

Theresa Parker Epping Forest
District Council
Planning Services
Civic Offices
323 High Street
Epping
Essex
CM16 4BZ

Your Ref: EPF/1181/11
Our Ref: APP/J1535/A/12/2170274/NWF
Date: 6 June 2012

Dear Ms Parker

**Town and Country Planning Act 1990
Appeal by Valley Grown Nurseries
Site at Valley Grown Nurseries, Paynes Lane, Nazeing, Waltham Abbey, EN9
2EX**

I enclose a copy of our Inspector's decision on the above appeal together with a copy of the decision on an application for an award of costs.

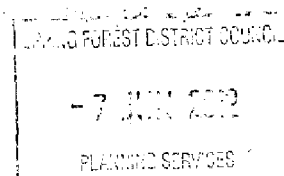
If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

You should also note that there is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for judicial review. This must be done promptly. Please contact the Administrative Court for further information.

Yours sincerely



Jackie Whitworth

Jackie Whitworth

COVERDL2

You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casereport.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Appeal Decision

Site visit made on 2 May 2012

by **G D Grindey MSc MRTPI Tech.Cert.Arb**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2012

Appeal Ref: APP/J1535/A/12/2170274

Paynes Lane, Nazeing, Waltham Abbey, EN9 2EX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Valley Grown Nurseries against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1181/11, dated 6 June 2011, was refused by notice dated 24 August 2011.
 - The development proposed is 87,119 sq m glasshouse; 4514 sq m ancillary warehouse area to adjoin the northern elevation of the glasshouse; 238 sq m of associated office space and 194 sq m of welfare facility space.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Main Issues

3. From my inspection of the site and surroundings and the representations made I find that the decision on this appeal turns on 4 main issues. These are (i) whether the proposal would be 'inappropriate development' for the purposes of the National Planning Policy Framework (NPPF) and development plan policy (ii) the effect of the development upon the openness of the green belt and the purposes of including land within it (iii) whether the appeal site would be an appropriate location for the development bearing in mind the policy objectives for the Lee Valley Regional Park (LVRP) and (iv) the effect of the vehicle movements that would be generated by the scheme on the living conditions of nearby residents in terms of noise and disturbance.

Reasons

Policy background and the business requirements

4. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise¹, so my starting point must be the relevant policies.

¹ National Planning Policy Framework, paragraph 2

5. The application sites lies entirely within the LVRP, the Authority for which has a statutory responsibility to provide facilities for sport, recreation, leisure, entertainment and nature conservation throughout the Park. Policy RST24 of the Epping Forest District Adopted Local Plan (LP) seeks to ensure that all development within the Park should have regard to the importance of the Park for the uses described above; should safeguard the amenity of the Park and conserve and where possible enhance the landscape of the Park.
6. LP policy E13A is permissive of new and replacement glasshouses within the areas identified for this on the Alterations Proposals Map. The appeal site is not within such an area so identified. Glasshouses will not be permitted outside the areas except in a small number of specified circumstances, none of which apply here. While 'modest' expansion of an existing undertaking on a site at the edge of a designated area may be considered favourably, the appellants acknowledge that the appeal scheme cannot be considered as such.²
7. I think it would be fair to say that there is a general acceptance by both main parties that LP E13A is an aged policy which, when drafted, did not really foresee the current circumstances of the glass house sector. With this in mind the Council has begun a review of the policy and has published a draft discussion document for consultation. This contains a useful summary of the differing elements which will need to be balanced: "significantly larger glasshouse units"; "current policy will not support significant expansion"; "EFDC needs to make a clear strategic decision on the future of the sector"; "the sector makes a significant economic and employment contribution to the area"; "large scale expansion will most likely require new sites"; "there will always be conflict between the sector and greenbelt policy"³. I find that many of these elements also flow through this appeal decision.
8. In terms of the last quote from the draft discussion document above, as the National Planning Policy Framework (NPPF) states: 'the essential characteristics of green belts are their openness and permanence.'⁴ Paragraph 89 of the NPPF continues that the construction of new buildings is inappropriate in the green belt. "Exceptions to this are buildings for agriculture....". LP policy GB7A gives further guidance and seeks to restrict development conspicuous from within or beyond the green belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the green belt.
9. I appreciate that the appellant has put a great deal of effort into formulating a scheme which takes account of the problematic location of his site, within the LVRP and the green belt. I have read with interest the business case statement and alternative site assessment carried out. It is forecast that demand for some salad lines is likely to increase by over 50% in the next 5 years and, if it is not grown here, supplies will be bought probably from outside the UK. Glasshouse technology has improved with larger glass panes, thermal screens, irrigation recycling, management controls and combined heat and power (CHP) systems; together the best systems can produce 20% higher yields.
10. These economies of scale lead the requirements for a site large enough to accommodate a 9ha glasshouse because a CHP unit needs to be capable of

² Planning Statement, paragraph 5.56

³ RPS Appeal statement, appendix VI the DRAFT Lee Valley Glasshouse Industry :Planning for the Future January 2012

⁴ NPPF, paragraph 79

generating about 4MgW of power. Based on its heating requirements, a modern insulated glasshouse generates about 0.45MgW/ha, so 9ha are required to generate 4MgW. The site would also need to accommodate a 35,000 cubic m reservoir and have suitable power connections. Clearly, if sited close to the existing glasshouses and the packing depot this would be efficient too. The appellant conducted a well documented search for such a site within the LP designated glasshouse sites; none were satisfactory.

Issue (i) whether the proposal would be 'inappropriate development' for the purposes of the NPPF and development plan policy.

11. 87,119 sq m of glasshouse would be for agriculture, one of the very limited exceptions to the construction of new buildings referred to in paragraph 89 of the NPPF. In addition, of course, there would be the associated warehouse area, office space, welfare facilities, large hard-surfaced areas for parking for HGVs and the irrigation tanks. It seems to me that, with the scale of agricultural production envisaged within the glasshouses, these uses, although large floor spaces in their own right, would be essential to the functioning of the agricultural use, and might be regarded as ancillary to the main use. I conclude the proposals would not be inappropriate development for the purposes of national and local planning policy.

Issue (ii) the effect of the development upon the openness of the green belt and the purposes of including land within it.

12. While not inappropriate development, the effect of the development on the *openness* of the green belt is still a material consideration and a potential harm factor to be weighed in the balance. The fact that a development is not inappropriate does not set aside the fundamental green belt aim of 'keeping land permanently open'⁵.
13. The appellant argues that through the implementation of the habitat enhancement and landscaping, supported by the findings of the Landscape & Visual Impact Assessment the proposals are demonstrated not to have an excessive adverse impact upon the openness, rural character or visual amenities of the green belt⁶.
14. But this cannot be correct; the scheme would involve the construction of 8.7ha – huge on any scale – of new building that is not there at present. Regardless of whether the building would have some landscaping associated with it and/or enhanced habitat creation, the area where the glasshouse would be located would not, any longer, be open; the ground would not be free of solid, tangible development; it would not be being kept 'permanently open'. Such huge additional volume and bulk *must* diminish the openness of the green belt and the purpose of including land within it, such as safeguarding the countryside from encroachment. 'Openness' is referred to in the new NPPF; where it is noted that one of the essential characteristics of green belts is their openness;⁷ I repeat that a policy objective is *keeping land permanently open* [my emphasis]. The proposal must conflict with national policy as expressed in the NPPF and LP policy; I accord this harm significant weight.

Issue (iii) whether the appeal site would be an appropriate location for the

⁵ NPPF, paragraph 79

⁶ RPS Planning Statement, paragraph 5.57

⁷ NPPF, paragraph 79

development bearing in mind the policy objectives for the LVRP.

15. The site is within a currently open area; the Park authority argues that "the development of such a large glasshouse within the Park boundary significantly affects the ability of the Park to function as a place of recreation and reserves for nature and would undermine the purpose of the Act."⁸ While I would not go this far, (in terms of the ability of the whole Park to function) I find that it would be a massive structure for walkers on the adjacent footpaths (north-south Paynes lane footpath and the east-west to-be-diverted one) to experience and walk alongside.
16. I am aware that, from these shorter-range views from these footpaths, there is already glasshouse development as part of the wider scene. Nevertheless, there would be this new unit here - on a grand scale - which must, inevitably result in some additional diminution of the experience of the existing open rural landscape character. We walked some of these lengths at my site inspection and the change would be from open farmland to built form. When adjacent to them, on foot, these would be tall and very large buildings, and a total contrast to the experience of walking in the open with space around. I note that a landscaped bund is proposed on the western side but these often look contrived and it would, in any event, be an unnatural feature in the landscape.
17. I accept that the appellant has sought to include enhanced habitat provision around the re-modelled lake, interpretation boards, a picnic area and an outdoor classroom⁹ and to increase footfall. This would quite probably provide a destination for school visits and the like but, for the majority of the public just out for a walk, I cannot find any great advantage. To my mind these elements would simply be a *different* experience, neither better nor worse.
18. At present, the east-west walk is through open fields with views of the existing water body to the south and the glasshouses away to the north. This would change to a rather more 'managed' appearance; even looking south across the re-modelled water body from the diverted footpath I think one would be aware that the huge glasshouse development was directly behind your back¹⁰. Heading eastward the walker would then pass the storage reservoir which would have a distinctly utilitarian appearance with the necessary bunding and pipework similar to that illustrated in the letter from Steve McVickers of 23 August 2011.¹¹
19. I agree that the timber boardwalk, viewing platform and nesting island, outdoor classroom, picnic area, new planting and so forth would all provide added interest for some but, I repeat, the experience would be different; some will enjoy it, some will prefer a less managed, more semi-wild trip.
20. I find that the visual impact conclusions of the LVIA to be fair; the viewpoints examined immediately adjacent to the site will be most affected due to the closer proximity of the development. The Assessment continues that 'even with a sensitive landscaping scheme it is unavoidable that the glasshouse building will be more noticeable within the landscape than the current arable field and woodland backdrop'.¹² I agree. Where I differ from the view of the

⁸ Appeal Statement, LVRP March 2012

⁹ All secured by the S106

¹⁰ Habitat Enhancement & Landscaping plan

¹¹ Sent with initial appeal documents

¹² L&VIA, paragraph 5.9

LVIA is the statement that the 'glasshouse building will create a fundamentally agricultural scene'. While that would be their use internally, and some may perceive them as such, I think most viewers would recognise these simply as giant, industrial scale buildings in the landscape, wholly different from an open arable field.

21. Viewing the appeal site from further away, I agree with the LVIA that longer distance views from the west would be shielded, as would those from the east, including from the path along Clayton Hill. However, the site would be seen from the viewpoint at the LVRP's Holyfield Hall Farm which we viewed at my site inspection. This has been created and promoted as a public viewpoint destination and, looking north-west, the new glasshouse would be a significant element in the landscape and rather more so than shown in the indicative photomontage (view 16).¹³ There would be serious harm to the character and appearance of the LVRP.
22. Objectively bearing in mind the Park Authority's straightforward responsibility to provide facilities for sport, recreation, leisure, entertainment and nature conservation throughout the Park, the erection of 8.7ha of building over open arable land does not seem to me to further those objectives. I accord this harm significant weight. The scheme would conflict with LP policy RST24.

Issue (iv) the effect of the vehicle movements that would be generated by the scheme on the living conditions of nearby residents in terms of noise and disturbance.

23. Paynes Lane is a narrow, single track privately owned lane; it is in poor surface condition with no proper passing places or pavements; it is also a public footpath. The appellant company has produced a Transport Statement and a Framework Travel Plan. I saw an HGV being loaded at the existing site and also saw another in the lane. I saw the packing and distribution depot at Sedge Green Roydon nearby where all the existing produce is taken and where the produce from the proposed glasshouse would be taken to be packed.
24. I consider that there would be every incentive for the appellant Company to operate at peak efficiency in transport terms because of the sheer imperative to minimise unit costs. It would simply make more economic sense to fully load 3 HGVs than despatch 6 half-full ones to the packing depot. I would not be surprised if the appellant could achieve the limited increase of, on average, just 3 HGV movements per day predicted. Staff and other callers are more difficult to control, but I understand the appellant already facilitates staff mini-bus journeys to work and I have no reason to doubt the suggestions in the Framework Travel Plan could be implemented.
25. Clearly a mix of pedestrians on the footpath and HGVs is not an ideal one; there are no refuges; pedestrians simply have to move into a gateway or push into the hedgerow when any vehicle passes. Large vehicles passing close will be intimidating and unpleasant. But I bear in mind that the present operation of Valley Grown Nurseries, at the end of Paynes Lane, is entirely unrestricted. A different agricultural operation here could result in any amount of additional traffic. Additionally, by far the majority of vehicle movements in Paynes Lane are not associated with the appellant's company.¹⁴ This situation would not

¹³ RPS appeal statement, Appendix VII

¹⁴ See the Transport Statement, paragraph 4.4

change significantly with the appeal proposal. The fact that the highway authority raised no objection to the scheme adds weight to my conclusion on this issue that the minor increase in traffic generation here would not significantly impact on the living conditions of residents along the access road.

Finding the balance

26. I acknowledge the contribution to home-grown food that would result from the scheme and the apparent lack of alternative sites which would meet the appellant's criteria for his business. I realise there would be improvements to public access to a small area at the south of the site. But there is nothing out of the ordinary with these factors and I accord them minimal weight. In contrast, the harm to the openness of the greenbelt and the purposes of including land within it, and the harm to the character and appearance of the LVRP and the objectives of the LVRP Authority should be accorded considerable weight in my decision. I conclude that the proposals would be contrary to national green belt policy as set out in the NPPF together with LP policies RST24, E13A and GB7A.

Other matters

27. While the existing lake on the site is not part of the Lee Valley Special Protection Area (SPA) and Ramsar site, the ecological report states that during the course of the scoping survey there were 30 gadwall and 5 shoveler noted. The RSPB is of the opinion that the lake is functionally linked to the SPA since species for which the SPA has been designated are dependant on this habitat. It is therefore necessary to consider the ecological importance of the lake habitat in supporting a proportion of these species.
28. I understand that this lake has only been created in very recent times following the termination of gravel extraction and is part of the restoration work. It is interesting therefore that these species have taken so readily to the lake and indicates that, all other circumstances being similar, they might take readily to the re-modelled lake. However, the proposals aim to bring greater numbers of people right up to the water edge and over it on timber walkways. The public footpath would be rerouted immediate adjacent to it, the picnic area and glasshouses would be within a few metres. The re-modelled lake would not be the relatively secluded and distant body of water it is at present and the species associated with the SPA may not use it to the same extent. While I note that Natural England raise no objection I am not satisfied, on the basis of the evidence I have, that the scheme would not adversely affect the integrity of the European site.
29. The Council refused the application, among other reasons, because the proposals would set an undesirable precedent for other similar developments within the greenbelt and on areas outside the designated glasshouse areas. It seems to me inevitable that the cumulative effect of like proposals would soon undermine the objectives of the NPPF and local planning policy. It is common sense that if permission is granted in breach of greenbelt and glasshouse area policies then other applications equally devoid of justification will follow and will be difficult to resist.
30. If allowed, this development would be so large it could have a significant impact upon the land use policies concerned. As I mentioned in my paragraph 7 above, the Council has begun the preparation of a new glasshouse policy

document. They are, therefore demonstrating their compliance with the government's new agenda of locally based decision making. In the interests of ensuring that decisions are made locally where possible, it is important that the Council concludes this speedily and resolves the difficult balance locally. Allowing the appeal could undermine the Council's and the local community's deliberations and, while this is not a determining issue, this adds weight to my findings on the main issues.

31. I have taken account of all other matters raised, including the planning officer's favourable recommendation to committee, but find nothing that changes my decision on this appeal. Regarding the report to committee, it is evident that the recommendation was an 'on balance', finely judged one and could easily have tipped the other way.

32. For the reasons given above I conclude that the appeal should be dismissed.

Gyllian D Grindey

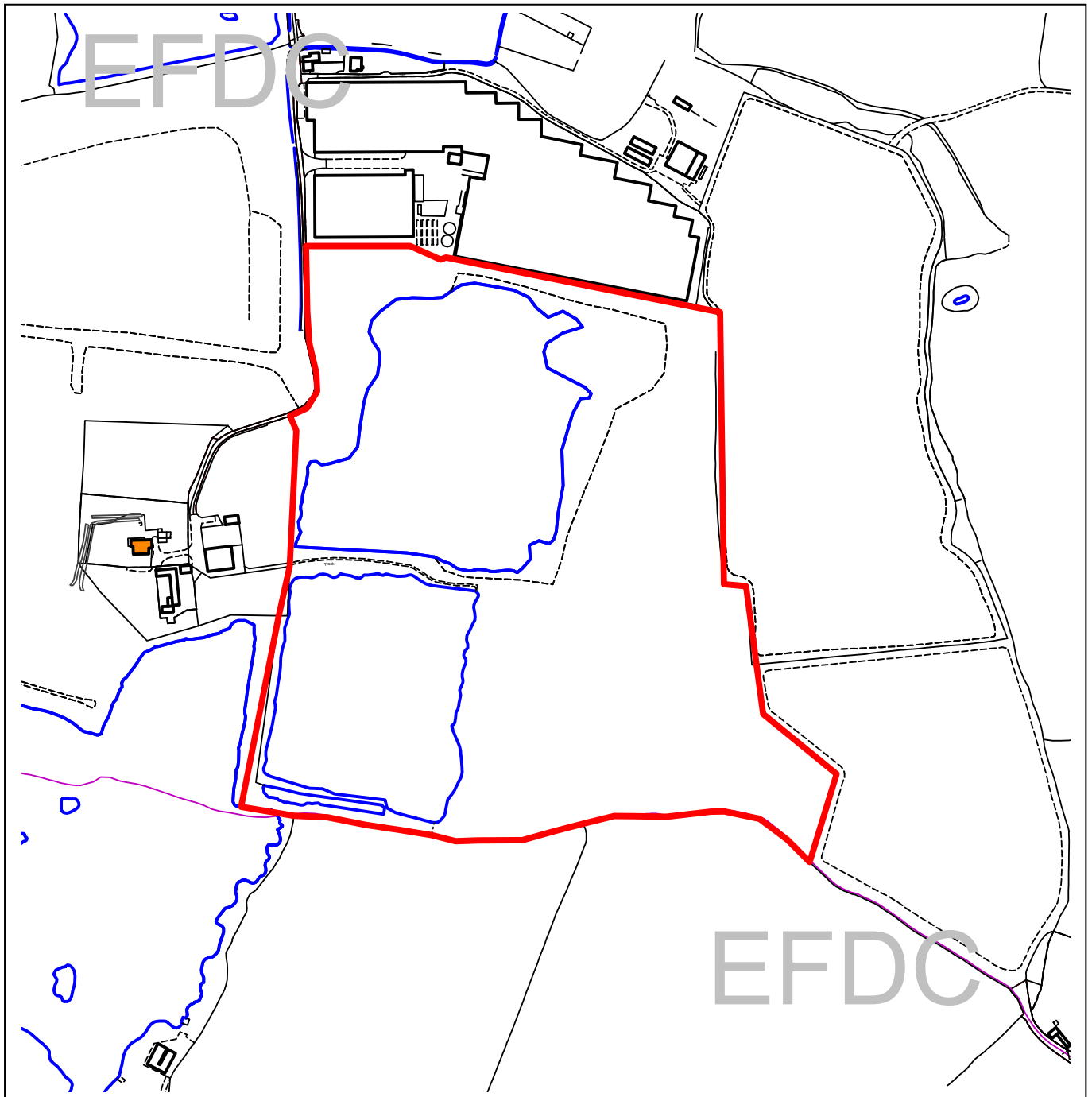
Inspector

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Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	
Application Number:	EPF/2350/13
Site Name:	Valley Grown Nurseries, Paynes Lane Nazeing, EN9 2EX
Scale of Plot:	1/5000

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Report to District Development Control Committee

Date of meeting: 20 March 2014



**Epping Forest
District Council**

Subject: Planning Application ref EPF/2696/13 - Former Electrical Substation, Station Way, Buckhurst Hill, IG9 - Demolition of existing Substation and facilities building, and erection of 2/3 storey block of 9no. 2 bed and 2no. 1 bed flats with associated car parking.

**Planning Officer contact for further information: Katie Smith, Ext 4103 and
Stephan Solon, Ext 4018**

Committee Secretary: Simon Hill, Ext 4249

Recommendation:

To consider a planning application at the former Electrical Substation, Station Way, Buckhurst Hill referred by Area Plans Subcommittee South on 5 March 2014 with no recommendation.

Background:

1. This application was considered by the Area Plans South Sub-Committee on 5 March 2014. The Sub-Committee voted on an Officer recommendation to grant planning permission. The recommendation was not agreed. The Sub-Committee did not consider any motion to refuse planning permission since no Member proposed such a motion. That was because Members found they were unable to propose reasons for refusal that were likely to be supported at appeal. As a consequence, Members referred the application to the District Development Control Committee to consider it afresh. Members made clear the Sub-Committee did not refer the application with any recommendation of its own in view of the narrowness of the vote on the Officer recommendation and since no motion to refuse planning permission was considered.
2. The Director of Planning and Economic Development maintains a recommendation that planning permission should be granted. An updated recommendation with additional conditions and an appropriately updated report on the application attached:

Amended report

APPLICATION No:	EPF/2696/13
SITE ADDRESS:	Former Electrical Substation Station Way Buckhurst Hill Essex IG9
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Greenplace Capital Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing Substation and facilities building, and erection of 2/3 storey block of 9no. 2 bed and 2no. 1 bed flats with associated car parking. (Revised application following EPF/2249/13)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=558133

Recommendation of The Director of Planning and Economic Development:

That planning permission be granted subject to the following conditions and subject to a Unilateral Undertaking under S.106 of the Town and Country Planning Act 1990 given by the applicant in respect of a financial contribution of £28,330 (index linked to April 2013 costs) for the provision of education.

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 No construction works above ground level shall take 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. The development shall be implemented in accordance with such approved details.**
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FBE_010; FBE_100 rev. A; FBE_101 rev. A; FBE_102 rev. A; FBE_103 rev. A; FBE_104 rev. A; FBE_200 rev. A; FBE_201; FBE_210 rev. A; FBE_211 rev. A.**
- 4 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.

- 5 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.
- 6 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]
- 7 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]

- 8** 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]
- 9** Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.
- 10** 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.
- 11** 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 hoarding including decorative displays and facilities for public viewing, where appropriate
 - 5.** Measures to control the emission of dust and dirt during construction, including wheel washing.
 - 6.** A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 12** No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 13** Prior to first occupation of the development hereby approved, the proposed window openings in the east facing flank elevations shall be entirely fitted with obscured

glass and have fixed frames to a height of 1.7 metres above the floor of the rooms in which the windows are installed and shall be permanently retained in that condition.

- 14 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.
- 15 Prior to first occupation of the development, the proposed private drive shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres within the site, tapering down to any lesser width.
- 16 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.
- 17 The gradient of the proposed vehicular access shall be not steeper than 4% (1in 25) for the first 6 metres from the carriageway edge.
- 18 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.
- 19 The development hereby approved shall not be commenced until details of the proposed refuse store indicated on drawing number FBE_100 rev. A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 20 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.
- 21 All bedrooms within the development hereby approved shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233: 1999 - Sound insulation and noise reduction for buildings - Code of practice (or such other standard which may supersede it from time to time)
- 22 Details of the double glazing and acoustically treated trickle ventilators, or other means of ventilation, referred to in Condition No 21 shall be submitted to and agreed in writing by the Local Planning Authority and installed before any of the proposed residential development is occupied.

D Application Report:

This application cannot be decided under delegated powers for the following reasons:

1. *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))

2. *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).)*
3. *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:

The site is situated off the northern side of Station Way and contains a now disused sub station which served London Underground. Two buildings are still in place, one close to the rear of the site which is approximately 10.0m at its highest point, with a smaller structure of approximately 3.5m in height, and “T” shaped in front of this. The larger building is clearly visible from outside the site. The site is triangular in shape, and is bounded to the south by Station Way, to the north by the rail line and to the east by rear gardens serving Walnut Way. Land to the west is retained by London Underground and contains a new electrical sub station. The site descends to the front before forming a relatively level surface. The entire site is covered by a Tree Preservation Order. There is a screen of Leylandii trees along the boundary, and within gardens in Walnut Way.

Station Way rises steadily from east to west and a parade of shops (with one level of residential accommodation above) are located on the opposite side of the road. Roding Valley Tube Station is also located across the roadway. The predominant style of dwelling in the area is traditional semi detached and short terraces. There are however flats nearby, including above the shops.

Description of Proposal:

This application seeks planning permission for the erection of a block of flats containing 9 x 1-bed flats and 2 x 2-bed flats.

Following the refusal and unsuccessful appeal of an earlier scheme, the design of the development has been considerably revised. The proposed building would now be shorter than that which exists at present and generally shorter than that proposed previously (with the exception of the three storey gable element situated closest to the TfL land). The design of the building was previously flat roofed, as is the existing substation building. The design of the current proposal is considerably altered, to incorporate pitched roofs. Most of the building would be two storey, with a second floor contained within the roof space above, with a full height three storey element being located closest to the railway line.

The building would be situated approximately one metre off the side boundaries of the site with the rear gardens of 68 and 70 Walnut Way. 12 car parking spaces would be provided to the front of the building (partly beneath the front projection).

Relevant History:

EPF/2652/10. Demolition of existing sub station and facilities building and erection of 3/4 storey block of 11 no. two bed flats with associated car parking. Refused 28/04/2011 for the following reasons:

- 1 By reason of its bulk and flat roofed design the proposed block of flats would have a poor appearance that fails to respect its setting and the character and appearance of the locality, contrary to policies CP2(iv), CP3 (v), CP7 and DBE1 of the Epping Forest District Local Plan and Alterations.

- 2 By reason of its height and siting adjacent to the rear garden boundaries of neighbouring dwelling houses in Walnut Way together with the difference in levels between the site and neighbouring gardens, the proposed block of flats would appear excessively overbearing when seen from adjacent residential properties to the detriment of the amenities enjoyed by their occupants. Accordingly the proposed development is contrary to policies CP7 and DBE9 of the Epping Forest District Local Plan and Alterations.
- 3 By reason of its inadequate provision of off-street parking spaces the proposed development fails to comply with the September 2009 Parking Standards. As a consequence it is likely to exacerbate a high demand for on-street parking in the locality to the detriment of its character. Accordingly the proposed development is contrary to policies CP2 (iv), CP3 (v), CP7 and ST6 of the Epping Forest District Local Plan and Alterations.
- 4 As demonstrated by its poor design, over-dominant appearance and lack of off-street parking provision the proposal would be an unsympathetic over-development of the site to the detriment of the character and visual amenities of the locality contrary to policies CP2(iv), CP3 (v), CP7 and DBE1 of the Epping Forest District Local Plan and Alterations.
- 5 The proposal is for a noise sensitive development. By reason of its siting in very close proximity to a railway the proposed flats and associated private amenity space would be exposed to high levels of noise. The failure to submit a noise survey for the site sufficient to establish which noise exposure category it falls within prevents proper assessment of whether it is possible to mitigate the adverse impact of noise on the living conditions of the occupants of the flats and whether the development can be carried out in the form proposed. As a consequence it is not appropriate to deal with this matter by the imposition of a planning condition and therefore the development is contrary to policy RP5A of the Epping Forest District Local Plan and Alterations.

EPF/2249/13. Demolition of existing old substation/facilities building, and erection of 2/3 storey block of 9no. 2 bed and 2no. 1 bed flats with associated car parking. Withdrawn.

Policies Applied:

Adopted Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives
 CP2 – Protecting the Quality of the Rural and Built Environment
 CP3 – New Development
 CP4 – Energy Conservation
 CP5 – Sustainable Building
 CP6 – Achieving Sustainable Urban Development Patterns
 CP7 – Urban Form and Quality
 DBE1 – Design of New Buildings
 DBE2 – Effect on Neighbouring Properties
 DBE3 - Design in Urban Areas
 DBE6 – Car Parking in New Development
 DBE8 – Private Amenity Space
 DBE9 – Excessive Loss of Amenity to Neighbouring Properties
 ST1 – Location of Development
 ST2 – Accessibility of Development
 ST4 – Road Safety
 ST6 – Vehicle Parking
 H2A – Previously Developed Land
 H3A – Housing Density
 H4A – Dwelling Mix
 LL11 – Landscaping Schemes

RP4 – Contaminated Land

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

Notification of this application was sent to Buckhurst Hill Parish Council and to 60 neighbouring properties.

The following representations have been received to date:

BUCKHURST HILL PARISH COUNCIL. Strong objection. Overdevelopment of the site. Lack of parking facilities would cause additional parking issues in Station Way. Lack of Amenities e.g. light and noise issues. Overlooking on neighbouring properties. Impact of planning application that has been granted for Walnut Way (EPF/0131/12). Because of proximity to rail line, properties would require adequate/triple glazing. Concerned as to number of inaccuracies in reports e.g. noise assessment took place when tube was not running. Concern that drawings are inaccurate as extension of neighbouring properties are not shown. Would suggest that there should be consultation with local residents in view of the impact on neighbouring properties.

61; 160, 174; 176; 184 Forest Edge, 66, 68, Walnut Way, 74A and 76A Station Way and one with no address provided Objection.

- Loss of privacy to 176 Forest Edge, 68, 72 Walnut Way.
- Loss of light to 68 Walnut Way. Loss of privacy to 160, 174 Forest Edge.
- Building out of scale and character with neighbouring properties and an eyesore.
- Noise and pollution to garden areas from traffic/parking.
- The proposed access off station road is dangerous.
- Were the Council to approve the proposals significant levels of section 106 contributions should be sought for highways improvements including traffic calming and layout improvements to Station Road.
- Would like to see a construction method statement to demonstrate how large vehicles will deliver construction materials to the site. I would also like to see restrictions on construction parking from adjacent streets.
- Parking is inadequate and contrary to the Council's standard.
- Dust and noise during construction.
- Impact of foundations on trees.
- The proposal is similar to that rejected at appeal.

Issues and Considerations:

The main issues to be considered are the impacts of the proposed development on the amenities enjoyed by the occupiers of nearby neighbouring dwellings, on the character and appearance of the area and on highway safety.

Neighbouring Amenity

Concern is raised by the occupiers of several neighbouring dwellings in relation to amenity being reduced due to loss of light and privacy along with noise and disturbance from the use (particularly access to the car park) and also noise and dust nuisance during construction.

In relation to the matter of light (and also outlook), it is properties in Walnut Way which would be most affected. The rear part of the proposed building would be set the same distance from the back garden boundaries of 68 and 70 Walnut Way as the existing building – 1m. However, it would appear of considerably reduced scale since the building would have a pitched roof sloping away from the site boundary. While the ridge would be 10.1m high, that high point would be 5.8m

from the garden boundaries. It is the considerably lower eaves of the building (5.4m) that would be set 1m from the garden boundaries. In comparison, the existing building rises abruptly to 10.7m in its position 1m from the garden boundaries.

Moreover, the forward projection of the building, which would have the same eaves height of 5.4m but a ridge height of 9.2m due to its narrower width, would be sited 7m from the back garden boundaries of 70 and 72 Walnut Way, achieving a very considerable reduction of bulk adjacent to the garden boundaries compared to the existing building.

It is therefore found that the proposed building would have a considerably less overbearing impact than the existing building and consequently the proposal properly takes advantage of an opportunity to improve the living conditions of those properties on Walnut Way that back on to the site.

With regard to privacy, it will be necessary to ensure (by condition) that all windows in the eastern side facing elevation are fixed closed and obscure glazed. This will safeguard the amenity of existing neighbouring residents whilst also not harming amenity for the future occupiers of the proposed development, as the affected windows are all secondary to front/rear facing windows, or they do not serve habitable rooms.

Noise and disturbance from the car park and access would be less significant in relation to existing Walnut Way residents, as it would be located to the far end of their gardens. It would have a greater impact upon future occupiers of the approved (but not yet constructed) dwellings in the rear gardens of 76-78 Walnut Way but would not result in unsatisfactory amenity for the occupiers of those dwellings.

Disruption during construction will be likely to cause nuisance and to some extent this would be unavoidable. However, its impact may be limited by the imposition of planning conditions restricting working hours and ensuring wheel washing and dust controls are installed.

Impact of noise of the future occupiers of the proposed development

The proposed flats would be located in very close proximity to the Central line and as a consequence the future occupiers of the development are likely to be exposed to high levels of noise. The Applicant has submitted a Noise Assessment and has responded to queries raised in respect of that Assessment which have been submitted via Buckhurst Hill Parish Council. This issue has been considered in relation to the previous proposal and was given regard by the Inspector, who saw no reason to disagree with the Council's stated position that the matter was capable of being dealt with by a planning condition.

The Applicants has submitted a Noise Assessment demonstrating the impact of noise from the railway can be properly mitigated. The Assessment has been criticised by residents and the parish Council and the Applicant's noise consultant was requested to consider those concerns. He agrees noise levels from the railway are high and makes the point that the Noise Assessment is clear about that. However, he finds acceptable noise levels within the rooms of the proposed flats can be achieved and maintained at all times provided high performance building methods are adopted. They are stated to include secondary glazing and mechanical ventilation.

The Noise Assessment submitted by the Applicant was considered by Officers with expertise in noise assessment within the Council's Environmental Health section. They are satisfied that the matter is capable of being dealt with by the imposition of a planning condition requiring the installation of special glazing and ventilation in the proposed development to reduce audible noise levels within the building. Appropriate conditions that are capable of being enforced have been produced by the Environmental Health section in consultation with the Council's solicitor and are included within the recommended conditions.

Character and Appearance

The design of the proposed development has been slightly altered following the previously withdrawn scheme, to address a design concern relating to the roof of the building (which contained a large and prominent section of flat roof).

The revised building has accommodation spread across three floors, with part of the second floor being full height and the central section and side closest to Walnut Way having the second floor contained within the roof space. The building would have an eaves height closest to Walnut Way of 5.4m, rising to a ridge of 10.1m (set in a further 4.5 metres from the edge of the building). At its highest point (adjacent to the railway) the building would have an eaves height of 7.6m rising to a ridge of 11.6m.

The building would predominantly have three sections: two gabled side wings, a central section with a crown roof and a front projection of the upper two floors, allowing for car parking underneath. There would also be a small (3m deep) rear projection to the central section.

The building would have a maximum depth of 29.8m and would be set back from the site boundary with Station Way by 26.8m.

The design of the building previously proposed was criticised by the Inspector, who felt that the industrial scale and shape of that building, its flat roof and predominant use of brick would clearly reflect the character and appearance of the existing sub-station, whilst the surrounding townscape is overwhelmingly of conventional two storey housing. It is considered that this revised design, with its use of traditional roof pitches and the palette of materials proposed (brick work, tile hanging and clay roof tiles) has addressed those concerns, presenting a building that would sit comfortably within the street scene. It is considered that the street scene would be enhanced as a result of the proposed development.

Highways and Car Parking

Officers at County Highways have raised no objection to the development, subject to the imposition of planning conditions. They advise that the site access has good visibility onto Station Way and is situated in very close proximity to the underground and local buses. In relation to proposed highway works in the vicinity of the site and parking review of the locality, the Highways Officer advises they would assist the development. No objection is raised to the level of proposed off-street parking and, indeed, the Inspector for the previous appeal agreed the level of car parking was suitable, given the location.

Other Matters

Trees and Landscaping – the Council's Arboricultural Officer has been consulted on the application and has advised as follows: There are no trees on the site worthy of retention. However, there are several trees (Lime on the pavement to the front of the site; an ash and oak to the rear of the site; and a leylandii hedge in the rear gardens of 66 and 68 Walnut Way). The applicant has demonstrated that these trees can be safely retained. In order to ensure this is the case should permission be granted a Tree Protection condition should be included. In addition, a hard and soft landscape scheme will need to be submitted and agreed prior to commencement.

Land Contamination – Due to the former use of the site as an electrical sub-station, the presence of contaminated land is possible. This may be dealt with by the imposition of planning conditions requiring investigations and, if necessary, mitigation works.

Education – the dwellings will generate a demand for primary and secondary school places which cannot be met within the capacity of existing facilities. A contribution towards the cost of delivering additional school places is therefore sought by the County Council. The Applicants have submitted a Unilateral Undertaking which obliges them to pay the requested contribution. It would take effect on the grant of planning permission.

Conclusion:

In light of the above appraisal, it is considered that this proposal has addressed the concerns raised in relation to earlier schemes and would present a sustainable development that would accord with local and national planning policies. It is, therefore recommended that planning permission be granted, subject to the conditions discussed within this report and Unilateral Undertaking given by the Applicant.

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: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

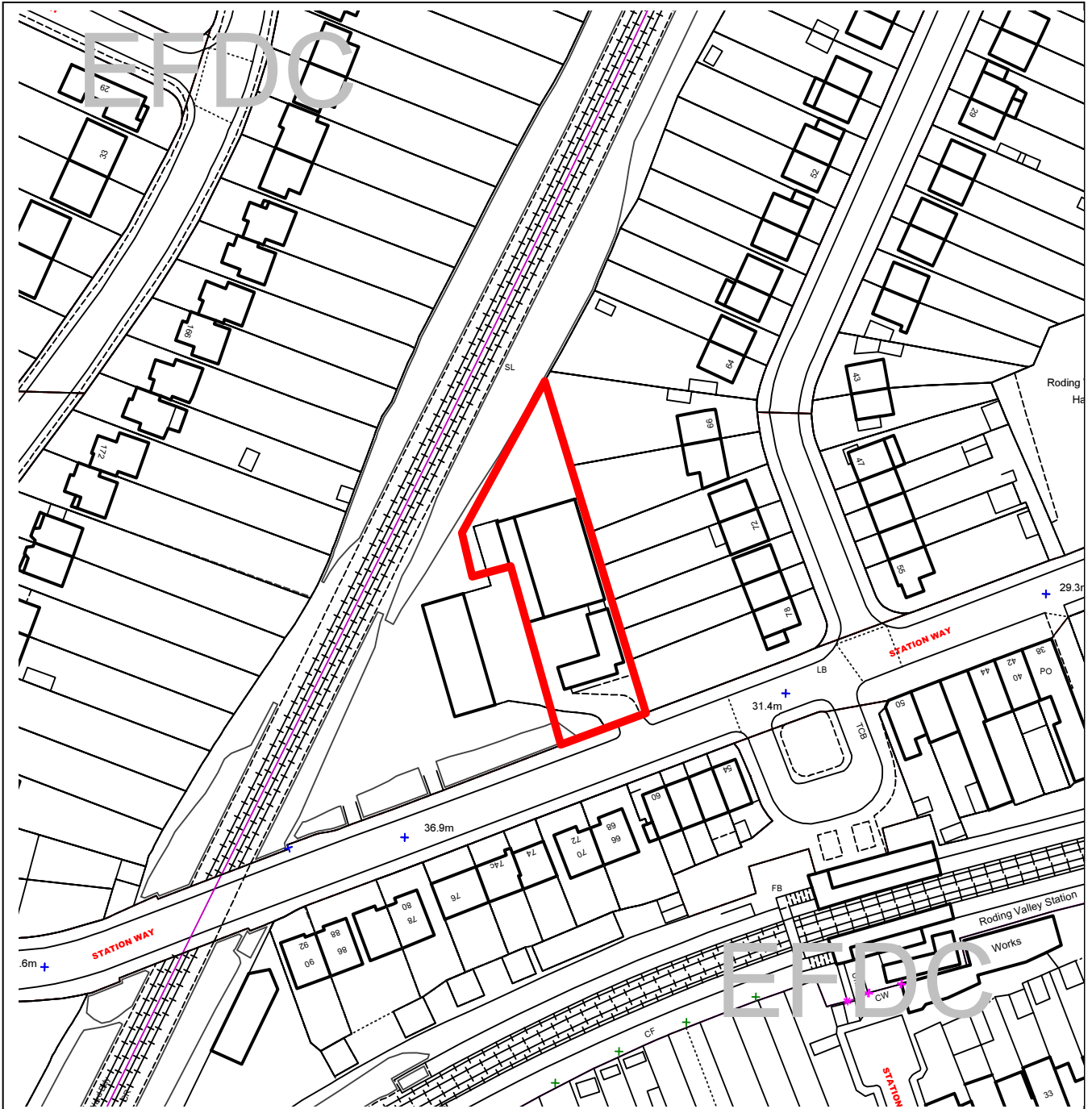
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/2696/13
Site Name:	Former Electrical Substation Station Way, Buckhurst Hill, IG9
Scale of Plot:	1/1250

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