

Report to District Development Control Committee

Date of meeting: 24 August 2011



**Epping Forest
District Council**

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

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

Recommendation:

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

Report

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

Description of Proposal:

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

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

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

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

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

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

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

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

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

Description of Site:

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

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

Relevant History:

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

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

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

Policies Applied:

East of England Plan:

SS1 and SS4 relating to sustainable development

Local Plan and Local Plan Alterations:

CP1 Achieving Sustainable Development Objectives

CP2 Protecting the quality of the environment.

CP3 New development

CP4 Energy conservation

CP8 Sustainable economic development

GB2A Development in the Green Belt

GB7A Conspicuous development

GB10 Development in the Lee Valley Regional Park

GB11 Agricultural Buildings

HC1 Archaeological sites

HC12 development affecting the setting of listed buildings

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

NC2 County Wildlife Sites

NC3 Replacement of lost habitat

NC4 Protection of established habitat

NC5 promotion of nature conservation schemes

RP3 Water quality

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

Summary of Representations.

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

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

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

(1) Epping Forest District Council be informed that this Authority objects to this application on the following grounds:

- (a) the scale of built development is incompatible with the function of the Regional Park, as set out in the Lee Valley Regional Park Act 1966;
- (b) the proposed glasshouse would fundamentally affect the landscape setting of the site, as it is located in an open area of the Regional Park and is widely visible;

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

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

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

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

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

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

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

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

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

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

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

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

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

Issues and Considerations:

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

Green Belt

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

Containment of Glasshouse Area

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

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

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

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

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

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

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

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

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

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

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

Shottentons Farm

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

Hoe Lane

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

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

Southern Parcel

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

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

Northern & Western Parcels

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

Eastern Parcel

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

Parklands

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

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

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

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

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

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

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

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

Sustainability

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

Landscape Impact

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

Impact on The Lee Valley Regional Park

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

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

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

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

Highway Issues.

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

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

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

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

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

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

Residential Amenity.

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

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

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

Wildlife and Conservation

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

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

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

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

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

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

Flooding.

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

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

Objection 1

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

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

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

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

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

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

Resolution *The submitted 'Phase 2 Geo-Environmental Site Investigation Report' (HLE116639/001R) has not satisfactorily addressed the risk to groundwater from the proposed development. There is an insufficient coverage of sampling locations to fully characterise the extent of contamination in the land and groundwater (there is also no scale on the Exploratory Hole Location Plan). There is no hydrogeological assessment of the risk to groundwater caused by loading of the landfill material with material excavated from another part of the site. The samples taken have shown that there are elevated concentrations of nickel, ammonia, and chlorinated solvents in groundwater. There is no demonstration that the contamination identified in the groundwater within the landfill is not sourced from the site and reflects a regional aquifer concentration, as is stated in the report. As there are elevated concentrations of contaminants identified in the groundwater at the site the risk to groundwater should not be classified as low.*

Objection 2

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

Demonstrate that the development will not increase flood risk.

Quantify existing and proposed runoff rates.

Resolution

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

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

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

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

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

Objection 3

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

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

Resolution

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

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

Public Rights of Way and public access.

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

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

Other Issues

Disruption during construction

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

Archaeology

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

Conclusion

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

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

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

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

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

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