

Report to District Development Control Committee

Date of meeting: 14 January 2012



**Epping Forest
District Council**

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

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

Recommendation:

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

Report

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

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

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

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

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

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

Description of Proposal:

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

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

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

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

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

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

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

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

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

Changes and additional information.

Access from Green Lane;

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

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

Predicted Traffic Movements.

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

Consultation Responses Received.

Environment Agency- They comment as follows:-

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

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

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

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

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

Nazeing Parish Council- The following objections were made:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Considerations

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

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

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

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

Conclusion

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

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

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

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

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

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

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