

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 15th February 2012

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

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Committee Secretary: S Hill Ext 4249**

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

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

Report

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

Description of Proposal

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

Description of Site

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

Relevant History

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

Policies Applied

Local Plan and Local Plan Alterations:

CP1 Achieving Sustainable Development Objectives

CP2 Protecting the quality of the environment.

CP3 New development

GB2A Development in the Green Belt

GB7A Conspicuous development

GB10 Development in the Lee Valley Regional Park

HC1 Archaeological sites

HC12 development affecting the setting of listed buildings

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

NC2 County Wildlife Sites

NC3 Replacement of lost habitat

NC4 Protection of established habitat

NC5 promotion of nature conservation schemes

RP4 Contaminated land

RP5A Adverse environmental impacts

RST2 Enhance rights of way network

U2A Development in Flood risk areas

U3A Catchment effects

U3B Sustainable drainage systems

LL1 Rural Landscape

LL2 Inappropriate rural development

LL4 Agricultural/forestry related development

LL7 Planting, care and protection of trees

LL10 Adequacy of provision for landscape retention

LL11 Landscaping Schemes

St1 Location of development

ST2 Accessibility of development

ST3 transport assessments

ST4 Road Safety

ST5 Travel Plans

I1A Planning Obligations

Summary of Representations.

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

PARISH COUNCIL – The following objections were made:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Issues and Considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion.

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