

Report to District Development Control Committee

Date of meeting: 20th March 2014



**Epping Forest
District Council**

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

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

Recommendation(s):

That the Committee considers the recommendation of the Director of Planning and Economic Development to grant planning permission for the above development, subject to the completion of the applicants unilateral undertaking and officers recommended planning conditions listed in Appendix 1 to this report

Report Detail

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

Description of Development:

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

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

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

5. The application is accompanied by a draft unilateral planning obligation, should permission be granted that would:

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

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

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

Description of Site:

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

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

Relevant History:

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

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

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

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

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

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

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

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

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

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

Policies Applied:

12. Epping Forest District Local Plan and Alterations

:

CP1 Achieving Sustainable Development Objectives
CP2 Protecting the quality of the environment.
CP3 New development
CP4 Energy conservation
CP8 Sustainable economic development
GB2A Development in the Green Belt
GB7A Conspicuous development
GB10 Development in the Lee Valley Regional Park
GB11 Agricultural Buildings
HC1 Archaeological sites
HC12 development affecting the setting of listed buildings
NC1 SPA's, SAC's and SSSI's
NC2 County Wildlife Sites
NC3 Replacement of lost habitat
NC4 Protection of established habitat
NC5 promotion of nature conservation schemes
RP3 Water quality
RP4 Contaminated land
RP5A Adverse environmental impacts
E13A New and replacement glasshouses
E13C Prevention of dereliction of new glasshouse sites
RST2 Enhance rights of way network
RST23 Outdoor leisure uses in the LVRP
RST24 Design and location of development in the LVRP
U2A Development in Flood risk areas
U3A Catchment effects
U3B Sustainable drainage systems
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE4 Design in the Green Belt
LL1 Rural Landscape
LL2 Inappropriate rural development
LL4 Agricultural/forestry related development
LL7 Planting, care and protection of trees
LL10 Adequacy of provision for landscape retention
LL11 Landscaping Schemes
ST1 Location of development
ST2 Accessibility of development
ST3 transport assessments
ST4 Road Safety
ST5 Travel Plans
ST6 Vehicle parking
I1A Planning Obligations

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

Summary of Representations:

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

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

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

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

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

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

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

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

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

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

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

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

1. The owners understood the limitations of what would be possible as a public company when they purchased the property that abuts directly onto a wildfowl refuge in the Lee Valley. The site should either be sufficient for their needs or they should consider relocation or expansion elsewhere. To expand further will kill the very wildlife the government has said it is trying to protect in the name of England.
 2. The area around the nursery is part of the protected wildlife zone that has already been eaten up by similar greenhouse companies whose activities run counter to the aims of what constitutes a protected zone. They all are heavily reliant on lorries to ferry their goods to market and on armies of workers to maintain their fruit and veg. To allow them to expand will be counter to the aims of the present government at Westminster and other regional councils that have sought to strike an appropriate tone with regard to the greenbelt and the Lee Valley.
 3. Continued development in the area of a commercial nature runs the risk of destroying watershed and setting the conditions for flooding, especially even more now due to climate change. If there is flooding, it will be the council that will have to bear the costs of clean up and repair.
- One can move a business - we cannot restore the Lee Valley once it is gone, and neither can we restore the essential balance between the rural, residential and commercial mix of the region, once it is destroyed.

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

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

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

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

- Ensuring a resilient, profitable and competitive food system

- Increasing food production sustainability

- Reducing the food system's greenhouse gas emissions

- Reducing, reusing and reprocessing waste

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

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

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

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

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

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

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

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

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

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

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

THE NATIONAL FARMERS UNION - support for the above application.

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

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

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

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

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

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

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

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

LEE VALLEY REGIONAL PARK AUTHORITY – OBJECT- on the following grounds:

- (1) (a) the scale of the proposed development is incompatible with the function of the Lee Valley Regional Park as set out in the Park Act 1966 and the purpose of the Green Belt;
- (b) the proposed glasshouse would adversely affect the landscape setting of the site to the detriment of visitor amenity. Proposed mitigation measures do not adequately compensate;
- (c) the application contains insufficient up to date survey information to fully assess the likely impacts on the area's biodiversity;
- (d) the proposed scheme will result in significant changes to the waterbody, Landgridge Scrape, an important ecological resource;
- (e) the application would result in additional traffic generation leading to an

adverse impact on visitor amenity;

(2) for the reasons stated above the proposed application conflicts with the Lee Valley Regional Park Plan Policies 3.1, LS, L1.1, L2.1, LS1.2 and LS1.6 that seek to protect the landscape setting, openness and visual amenity of the Regional Park, along with the adopted strategic aims for the landscape included in the Park Development Framework. Further, the proposed scheme will adversely impact on biodiversity contrary to policies NC2.1, NC2.3, NC2.5 and 2.6 of the Park Plan and the thematic proposals for the Park Development Framework Biodiversity; and (3) if Epping Forest District Council are minded to grant planning permission then a request be made to the council under the Lee Valley Regional Park Act 1966 for the decision to be referred to the Secretary of State was approved.

Issues and Considerations:

15. The main considerations in the determination of this application are:

- Impact on the Green Belt
- Containment of Glasshouse Development
- Sustainability
- Landscape Impact
- Impact on the Regional Park
- Highway Issues
- Impact on Neighbouring Residents
- Impact on wildlife and nature Conservation
- Flooding
- Public Rights of Way
- Employment

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

Green Belt

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

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

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

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

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

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

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

Containment of the Glasshouse Industry

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

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

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

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

22. The existing nursery is within an identified E13A Glasshouse Area but the proposed site is not. The development cannot in any way be described as a *modest* extension and the proposal will have an adverse impact on the open character of the countryside in this location due to its sheer scale. It is therefore clearly at odds with this policy, although it is open to dispute whether the requirement not to have an adverse impact on the “open” character is in actually in compliance with the NPPF for the reasons set out in the Green Belt section above.

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

24. The recommendations of the report are as follows:

Recommendation 1

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

Recommendation 2

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

Recommendation 3

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

Recommendation 4

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

Recommendation 5

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

25 As before the applicants have satisfactorily demonstrated that there are no suitable sites available for this development within the current adopted E13 areas. If the Council wishes to continue its support for the glasshouse industry, there has to be a greater understanding of how it is changing with increased pressure for economies of scale, new technology etc, and growing competition from Europe, North Africa and significant sites elsewhere in the UK (notably Thanet Earth). The application reflects these trends and if the decision is to refuse on policy grounds, the

consequences may be that the growers will seek to find suitable sites outside the District, leaving the potential problem of a large derelict site, and the loss of employment of 40 full time posts (now) and the potential loss of an additional 40 full time posts. These are important concerns and any decision here has the potential for significantly adverse consequences.

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

Sustainability

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

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

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

The Sustainability Statement accompanying the application outlines the use of CHP that “*will provide significant electricity back to the national grid*” and with filtered CO₂ exhaust gases being re-circulated within the glasshouses to supplement photosynthesis. Previous years crops have successfully been pesticide free and where intervention is needed it is specific and targeted.

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

Significant attention is being paid to water use and storage. The site is not isolated, it is relatively close to major transport links and it is considered that the scheme generally meets the sustainability policies of the Local Plan.

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

Landscape Impact

30. Clayton Hill is a significant feature to the east of the site which will shield views from further to the east. Similarly, views from the north are restricted by existing developments. The major impacts are therefore on views from the west and the south. This is recognised by the Landscape & Visual Impact Assessment document submitted with the planning application, and mitigation includes extensive bunding with planting along the western edge of the application site and a mixture of additional planting/habitat creation along the southern edge. These measures may

eventually be successful, but this will take several years to be effective, and will need to be monitored to ensure that they are being maintained and managed. The existing glasshouses provide a very stark edge when viewed from the south, and this effect will only be increased when the much larger (and higher) buildings are constructed. The development will be clearly visible from the LVRP viewpoint at Holyfield Hall to the south. The eastward views of open countryside currently enjoyed by the residents of the Langridge buildings will be lost. Policy DBE4 of the Plan requires that buildings respect the wider landscape setting, due to its scale it is not considered that the proposal accords with this element of the policy, although given the long tradition of glasshouse development in the area the scheme could be regarded as respecting local character.

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

Impact on The Lee Valley Regional Park

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

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

34. The more recently published “Park Development Framework: Thematic Proposals” (January 2011) pays slightly more heed to other land uses within the Park. Objective 6.3 (Production) states *“Commercial food production remains a significant land use in the Park, particularly through glasshouse operations and other*

farming operations to the north of the Park.” The Authority wants “*production to be part of the visitor destination*” and for “*... The Park to continue to provide food for the region in a way that does not compromise the delivery of the wider objectives of the Park*”. The purpose of the Park is defined in the 1966 Act as “*a place for the occupation of leisure, recreation, sport, games or amusements or any similar activity, for the provision of nature reserves and for the provision and enjoyment of entertainments of any kind.*” Even though there has been some movement towards acknowledging food production in the Park, there is still little acceptance of glasshouse production,

35. The Park Authority have raised clear objection to the proposal as set out above and it is clear that the Authority consider that this development would be significantly harmful to the aims of the Park and the development may set a dangerous precedent if approved for other such development within the park boundaries. The 2012 Glasshouse Study referred to above acknowledges that expansion of E13 area within the Park Boundary will be resisted by the Park Authority and the previous appeal decision placed significant weight on the harm to the character and appearance of the Park. Should members determine to Grant Planning Permission the Park Authority will require that the application be referred to the Secretary of State.

Highway Issues.

36. Payne’s Lane is a narrow single track private road with speed humps along its length and no formal passing places. Vehicles utilising the track have to pull into private accesses to allow other vehicles to pass, or reverse. The road runs from its junction with Old Nazeing Road, southwards to a dead end, ending at Langridge Farm. The road serves a variety of business uses as well as nurseries and approximately 20 residential properties. It is also a Public Footpath, so is utilised by walkers accessing pathways within the Lee Valley Park. There are no pavements and the lane is not lit. The lane already carries a significant number of HGV’s in connection with the business uses along its length. The junction onto Nazeing Road is wide and has good sight lines. The County Highway Authority is content that this junction meets standards, and as such has raised no objection to the proposal. The Highway authority do not however have any jurisdiction over the private road and have not therefore commented on the safety aspects of the proposed development with regard to the impacts on the lane itself. The Footpaths Officer has raised concern that the development may adversely affect people utilising the lane as a public right of way.

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

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

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

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

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

Residential Amenity.

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

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

44. Of perhaps greater concern is the potential impact of any increase in traffic movement in Payne's Lane on the residential amenity of occupants of properties that front on to the lane. As explained above in the Highway section there are existing problems along Payne's Lane due to the narrowness of the road and the lack of pavement and passing places. Large vehicles utilising the lane no doubt cause

noise, vibration and visual harm to the occupants of premises that front the road, some of which have front windows very close to the road edge. Whilst it is understood that local residents will be unhappy at the prospect of any increase in traffic on this road it must be remembered that the area is traditionally an area of nurseries and gravel workings, and there will have been large vehicles utilising the lane in connection with previous and existing agricultural use of the land. It is considered therefore that the predicted increase in vehicle movements will not have a significantly adverse impact on the residential amenity of neighbours as this is not currently a quiet rural backwater, but a moderately busy commercial/residential area.

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

Wildlife and Conservation

46. The site contains a recently created wildfowl lake, part of the restoration work by Le Farge following gravel extraction from the area, in addition it is adjacent to a Local Wildlife Site and within 2km of SSSI, RAMSAR and SPA sites. The area therefore has potential for significant wildlife and ecological value.

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

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

49. The Lee Valley SPA that lies about a km from the site is classified for its wintering bird interest, Natural England has advised that they do not consider that the proposed development is directly connected with or necessary to the management of the site for nature conservation and would not directly impact on the European or Ramsar Site. They are also satisfied that any issues relating to increased surface water run off resulting from the large glasshouse should be capable of being addressed by the provision of the proposed balancing pond. However the small lake at the site has been identified as being used by birds including Gadwall and Shoveler for which the Lee Valley SPA is classified and the Ramsar site is listed. Without mitigation the development would potentially have a significant effect on the European Site and could adversely affect the integrity of the European Site. However the development proposes significant mitigation as part of the application and Natural England have concluded that these measures should be capable of providing an adequate extent and continuity of habitat in order to ensure that there would not be a detrimental impact. As a result Natural England has raised **no objection** to the proposed development subject to the imposition of conditions and the development being carried out in strict accordance with the details of the application.

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

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

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

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

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

Flooding

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

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

Public Rights of Way and Public Access.

57. As has been mentioned there is a Public Right of Way that currently crosses the site that would need to be diverted should the development go ahead. The

applicants have addressed this issue in their submission and shown a possible route for diversion which is a logical alternative. Should planning permission be granted, the applicants would still need to make a formal application for diversion of the footpath under other legislation. The suggested line would take the path from the south western corner of the site and out on to Payne's Lane between the two proposed lakes and to the south of the glasshouse within a landscaped area, and although clearly the glasshouse will be a very prominent feature to anyone utilising the path, adequate space is available to ensure that using this pathway would be a pleasant experience. The application includes suggested provision of hides, timber boardwalks, pond dipping platforms, and wildlife information and interpretation boards to make public access to this part of the site more interesting. A small octagonal shelter building is also proposed for possible use as an outdoor classroom for school trips. The details of any such works can be tied up with conditions and legal agreement

Employment/Economic Development

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

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

Other issues

Disruption during construction

60. Residents of Paynes Lane have raised concern about the scale of the development in terms of factors such as noise, dust, disruption and congestion during the construction period of the development. Given the scale of the development this does need to be taken into account. The developers envisage 3 phases of development. Phase 1 Earthworks. The existing topography will be remodelled to create a level plateau, remodelling of the splash and creation of the new water storage pond. There will be no bulk exportation or importation of material since the development will utilise a cut and fill method. Earth moving equipment will be used. Phase 2. Service buildings and office. The buildings and associated hardstandings will be constructed, utilising "normal " building methods. Phase 3 Glasshouse. The glasshouse will be erected and will comprise the formation of a concrete ring beam around the perimeter and mini pile foundations. Specialist equipment will be used. Specialist lifting platforms and cranes will be used to erect the framework followed by the installation of the glass. The construction phase is expected to take place over a 12 month period and only during normal working

hours. Conditions can be included regarding hours and methods of working to minimise disruption to residents, and as such it is not considered that the short term impacts of the development would be so great as to warrant refusal of the application

Archaeology

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

Conclusion.

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

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

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

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

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

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

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

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

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

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

71. Therefore, particularly in the light of the emphasis in the NPPF that “significant weight should be placed on the need to support economic growth through the planning system”, officers again consider that the balance is in favour of the development. The revised application is therefore recommended for approval, subject to the raft of conditions set out in Appendix 1 and subject to the prior completion of a legal agreement covering factors a), b) and c) set out in Para 5 above.

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

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