

Report to District Development Management Committee

Date of meeting: 28 November 2018

Address: Tower Nursery, Netherhall Road, Roydon



Subject: EPF/1213/18 - Erection of replacement glasshouses in two blocks of 60m x 108m and 60m x 80m and associated water storage tanks

Officer contact for further information: J. Rogers (01992 564106)

Democratic Services Officer: S. Tautz (01992 564180)

Recommendation(s):

That planning application EPF/1583/18 be granted planning permission, subject to the completion within six months of a Section 106 Agreement to secure appropriate financial contributions towards the mitigation of air pollution impacts on the Epping Forest Special Area of Conservation, and to the following planning conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended);**
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings no's: 3828/1, 18-K-079 and SK12 Rev B;**
- (3) Materials to be used for the external finishes of the proposed development shall match those contained within the application submission documents, unless otherwise agreed in writing by the Local Planning Authority;**
- (4) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed;**
- (5) The development shall be carried out in accordance with the flood risk assessment (EAS, Job number:837 Document Ref: Tower Nursery FRA May 2018) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority; and**
- (6) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.**

Report:

1. This application is put to District Development Management Committee since it proposes to replace a commercial glasshouse which has a floor area in excess of 10,000 sqm and therefore is required to be reported direct to this Committee.

Description of site

2. The application site is comprised of a parcel of land to the east of Netherhall Road which is to the north of the main settlement of Nazeing. The site is currently in a horticultural use as part of Tower Nursery and the majority of its extent is comprised of glasshouses. The nursery is mainly used for the cultivation of tomatoes which are then sold commercially. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

Description of proposal

3. The proposed development is to demolish the entirety of the existing glasshouses on the application site and to replace them with new glasshouses which would cover the same footprint as the existing but would have a higher ridge height by approximately 2m, up to a maximum 6.3m.

Relevant History

EPF/0455/93 - Outline application for erection of glasshouses. - Refused

EPF/0415/94 - Erection of 418.06 m² of aluminium glasshouses. - Refused

EPF/0123/99 - Outline application for horticultural glasshouses. – Allowed on appeal

EPF/0096/00 - Proposed erection of glasshouses. – Approved

EPF/1285/01 - Erection of packing shed and loading canopy incorporating demolition of 0.13ha of glasshouses. – Approved

EPF/1451/06 - Extension to existing glasshouses. - Approved

EPF/0381/15 - Demolition of existing glasshouses, erection of rear extension to existing packing shed and provision of additional off-road lorry parking. – Approved (Area Plans West)

Policies Applied

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

LL10 – Adequacy for Landscape Provision

LL11 – Landscaping schemes

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB11 – Agricultural buildings

4. The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to

be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest District Local Plan (Submission Version) 2017:

5. On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.
6. Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:
 - The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
7. In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development

SP6 – Green Belt and District Open Land

E1 – Employment sites

E3 – Food production and glasshouses

DM4 – Green Belt

DM9 – High quality design

Consultation carried out and summary of representations received

6 Neighbours consulted – NO COMMENTS RECEIVED

ROYDON PARISH COUNCIL – OBJECTION – There are still considerable parking problems in Netherhall Road which have not been alleviated by planning applications to improve parking. Vehicles are still parking in the road until they can access the site and the highway verges and continually being damaged and road repairs are only lasting a limited time before the road starts collapsing, once again, into the ditch. Higher glasshouses, as per this application will result in more produce with more lorry movements required.

Issues and considerations

8. The main issues to consider when assessing this application are the potential impacts on the Green Belt, the impact on the landscape, the living conditions of neighbours, the Epping Forest Special Area of Conservation and any other material considerations.

Green Belt

9. The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.
11. The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations
12. Paragraphs 145 and 146 of the NPPF allow for certain exceptions to inappropriate development, one of which is:

Buildings for agriculture and forestry

13. It is consistent with *Lea Valley Regional Park Authority Vs Epping Forest District Council and Valley Grown Nurseries Ltd* {2015} EWHC 1471 (Admin) that when considering the potential impact of agricultural buildings on the Green Belt, regardless of their size, they are by definition, appropriate forms of development. In his summary Mr. Justice Dove concluded that:
14. *The category of exception in paragraph 89 with which we are concerned, "buildings for agriculture and forestry", is entirely unqualified. All such buildings are, in principle, appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt, and regardless of their size and location. Each of the other five categories is subject to some proviso, qualification or limit. Two of them – the second, relating to the "provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries", and the sixth, relating to the "limited infilling or the ... redevelopment of previously developed sites ..." – are qualified by reference both to "the openness of the Green Belt" and to the "purposes of including land within it". The five categories of development specified in paragraph 90 are all subject to the general proviso that "they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt". (Paragraph 89 of the 2012 version of the NPPF is identical to paragraph 145 the 2018 version of the NPPF regarding agricultural buildings)*
15. It therefore follows that the glasshouse as proposed in this application is appropriate in the Green Belt and not therefore harmful to its purposes.

Potential impact on the landscape

16. The glasshouses as proposed would replace the two existing glasshouses with two modern designs which would have a maximum height of 6m to the ridge, 2m taller than the existing glasshouses on the site. Whilst this would be somewhat more prominent in the locality, particularly since the glasshouses cover a substantial area, since it would be set in the context of other similar glasshouses to the north and

south, it would not cause a substantially greater impact on the character or appearance of the area.

Living conditions of neighbours

17. There are no neighbours living in close proximity to the site and therefore, the increased height of the buildings would not cause any harm to living conditions.
18. It is likely that the increased volume of the glasshouses would increase the yield of the produce grown on the site and therefore it is reasonable to assume that there could be an increase in delivery vehicle movements to and from the site. Nevertheless, it is not anticipated that such movements would be substantially greater than the existing situation and as such there would be no substantial harm to the living conditions of nearby neighbours.

Highway considerations

19. Essex County Council Highway Team have commented that they have no objection to the application since it will not cause any harm to the safety or efficiency of the public highway.

Epping Forest Special Area of Conservation

20. There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have “a significant effect” on a European Site whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg 63 and Art. 6(3)]
21. In this instance the proposed new glasshouses would be positioned on the same footprint as the existing. However, the replacement glasshouses have an increased volume and would consist of more efficient materials. It is therefore reasonable to assume that this will increase the annual yield of produce over and above the existing.
22. The applicant has not demonstrated through the application that the proposal would not cause an increased number of traffic movements to and from the site as a result of the increased yield and therefore the Council as the Competent Authority cannot be certain that it would not cause harm to the SAC through a detriment to air quality, either cumulatively with other uses or alone.
23. However, in this instance the applicant has agreed in principle to enter into a legal agreement to provide the Council with a financial contribution to assist in the funding of mitigation measures to the SAC. If secured the Council could reasonably conclude that the potential impacts would be suitably mitigated and the application is put to this committee on that basis.

Land Drainage

24. The Land Drainage team have assessed the submitted Flood Risk Assessment (FRA) and agree with its findings in principal. A planning condition can ensure that the development proceeds in accordance with the submitted FRA.

Conclusion

25. The proposal is not inappropriate development in the Green Belt, would not harm the living conditions of neighbours, the character or appearance of the landscape and fulfils all other policies contained within the Development Plan. Therefore, it is recommended that planning permission is granted.