



***District Development Management Committee
Wednesday, 27th March, 2019***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 27th March, 2019
at 7.30 pm .**

**Derek Macnab
Acting Chief Executive**

**Democratic Services
Officer**

S. Tautz Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), S Jones (Vice-Chairman), H Brady, G Chambers, I Hadley, S Heap, R Jennings, H Kauffman, P Keska, J Knapman, R Morgan, C C Pond, C Roberts, B Rolfe, D Sunger, E Webster and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. WEBCASTING INTRODUCTION

This meeting is to be webcast. On behalf of the Chairman, the Democratic Services Officer will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by third parties).

If you are seated in the lower public seating area then it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this then you should move to the upper public gallery.

Could I please also remind Members to activate their microphones before speaking".

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 5 - 6)

General advice for those persons attending the meeting of the Committee is attached as an appendix to this agenda.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

4. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

6. MINUTES (Pages 7 - 16)

To confirm the minutes of the meeting of the Committee held on 30 January 2019.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. PLANNING APPLICATION EPF/2732/18 - VILLA NURSERY, REEVES LANE, ROYDON (Pages 17 - 32)

(Service Director (Planning Services)) To consider the attached report.

9. PLANNING APPLICATION EPF/0139/19 - LAND ADJOINING 22 & 28 OAKWOOD HILL INDUSTRIAL ESTATE, LOUGHTON (Pages 33 - 40)

(Service Director (Planning Services)) To consider the attached report.

10. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

11. EXCLUSION OF PUBLIC AND PRESSExclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 (Access to Information) of the Constitution defines background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

This page is intentionally left blank

Advice to Public and Speakers at Council Planning Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Sub-Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Sub-Committee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Sub-Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or

- (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	District Development Management Committee	Date:	30 January 2019
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 8.40 pm
Members Present:	Councillors B Sandler (Chairman), S Jones (Vice-Chairman), S Heap, H Kauffman, P Keska, J Knapman, C C Pond, C Roberts, B Rolfe, D Sunger, J M Whitehouse, N Bedford, H Whitbread, D Wixley		
Other Councillors:	None		
Apologies:	Councillors H Brady, G Chambers, I Hadley, R Jennings, R Morgan, E Webster		
Officers Present:	N Richardson (Service Director (Planning Services)), S Tautz (Democratic Services Manager), R Perrin (Webcasting Officer)		

28. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

29. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

30. SUBSTITUTE MEMBERS

The Committee was advised that the following substitute members had been appointed for the meeting:

- (a) Councillor N. Bedford for Councillor G. Chambers;
- (b) Councillor D. Wixley for Councillor R. Jennings; and
- (c) Councillor H. Whitbread for Councillor E. Webster.

31. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

- (a) Councillor D. Wixley declared a personal interest in item 10 (Planning Application EPF/1058/18 – Land at Marlescroft Way, Loughton) of the agenda for the meeting, by virtue of his appointment as a representative of Loughton Town Council on the Roding Valley Meadows Local Nature Reserve Consultative Group. Councillor Wixley had determined that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

32. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 28 November 2018 be taken as read and signed by the Chairman as a correct record.

33. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

The Service Director (Planning Services) reminded the Committee that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for councillors, officers, applicants, planning agents and other persons involved in the development management process.

RESOLVED:

That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version, be noted.

34. PLANNING APPLICATION EPF/1950/18 - WOODBERRIE, KINGS HILL, LOUGHTON

The Service Director (Planning Services) presented a report with regard to the proposed construction of a swimming pool and associated landscaping at Woodberrie, Kings Hill, Loughton.

Members were advised that the application had been referred to the Committee for determination as a result of a minority reference from Area Plans Sub-Committee South at its meeting on 21 November 2018, after an equal number of members had voted for and against the development proposal. The Committee noted that the recommendation of the Service Director (Planning Services) remained that planning permission should be granted for the proposed development, notwithstanding that factors in support of and against the grant of planning permission were balanced.

The Committee was advised that the application site was within the York Hill Conservation Area and was a locally listed building. The Service Director (Planning Services) reported that Woodberrie was a three-storey pitched-roof house with first floor accommodation above the eaves within a steeply pitched roof and on the second floor in the upper roof area. Members noted that the house was set within a generous plot that included a link attached garage to the north and that trees around the boundary of the site were subject to a Tree Preservation Order. The Committee was advised that the property had an extant planning permission for a large extension to the north of the existing building and was prominent on Woodbury Hill,

contributing to the historic interest and appearance of the area and other buildings of similar style.

The Service Director (Planning Services) advised the Committee that the main issues for consideration in respect of the application related to design in the Conservation Area, impact on amenity and impact on trees. Members noted that it was considered that the proposed swimming pool had been well designed to respect the character of Woodberrie and the surrounding conservation area and the pool and landscaping would sensitively integrate into the plot and sit behind a high hedge which was a characteristic of the conservation area and would soften the appearance of the swimming pool and create an attractive landscape feature. The Committee noted that the pool would be further screened with additional planting and that the necessary plant equipment would be situated below ground level so as to not affect the setting of Woodberrie. The Service Director (Planning Services) advised the Committee that the proposed pool would occupy a level plateau within the existing garden and would leave a large area of garden to the rear of the house. Members noted that the proposal was not therefore considered to be harmful to the conservation area and would preserve its character and appearance.

The Service Director (Planning Services) reported that the proposed pool would be set well away from neighbouring properties and that, due to the land levels of the site and the high volume of protected screening, it would not be visible from long views of the property and would not appear overbearing on neighbouring properties or overlook the private amenity space of neighbouring properties. Members were advised that the proposed location of the plant machinery was a sufficient distance from neighbouring properties, so as to not cause any significant harm to the amenity of neighbouring properties

The Committee noted that the Tree and Landscape Officer had made no objection to the proposal and that, as the site was within a Conservation Area, all trees were afforded legal protection in addition to several trees on and adjacent to the site that were also protected by Tree Preservation Orders. The Service Director (Planning Services) reported however that conditions requiring the submission of a landscaping scheme, tree protection and retention of trees and shrubs, should be applied to any grant of planning permission for the development proposal.

The Service Director (Planning Services) acknowledged that roadways within the Conservation Area were narrow and there were no footpaths and that a Construction Method Statement was required to be submitted as part of the approval for the extension of the existing house. The Committee noted that a revised Construction Method Statement had been submitted with the current application to limit any impact caused by the construction of the development. Members noted that the development was a significant distance from nearby buildings and that it was unlikely that the proposal would impact on neighbouring properties.

RESOLVED:

That planning application EPF/1950/18 be approved, subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;
- (2) Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved

in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation;

- (3) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place;
- (4) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS: 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation;
- (5) All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority;
- (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; and
- (7) 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.

35. PLANNING APPLICATION EPF/1058/18 - LAND AT MARLESCROFT WAY, LOUGHTON

The Service Director (Planning Services) presented a report with regard to the proposed formation of an off-street parking area on land at Marlescroft Way, Loughton, to provide daytime parking for employees of the Council's depot at Oakwood Hill.

Members were advised that the application had been refused by Area Plans Sub-Committee South at its meeting on 23 January 2019 and that the proposal therefore stood referred to the District Development Management Committee for determination in accordance with Article 10 of the Constitution, as the application had been submitted by the Council and related to land in the ownership of the authority. The Committee noted that the recommendation of the Service Director (Planning Services) remained that planning permission should be granted for the proposed development and voted on a motion that it undertake a site visit prior to the determination of the application, which was lost.

The Committee was advised that the application site comprised a parcel of grass land to the south of dwellings in Marlescroft Way and that, whilst not situated within a conservation area, the site was in close proximity to the Roding Valley Meadows Site of Special Scientific Interest (SSSI). The Service Director (Planning Services) reported that it was proposed to change the use of the land to a car park providing fifty-six formally laid out parking spaces and three disabled bays with manoeuvring space in accordance with the Essex Vehicle Parking Standards (2009), together with improved pedestrian access to public rights of way into and across the Roding Valley Meadows Nature Reserve. Members noted that the proposal would provide staff parking during working hours and parking for the public at other times.

The Service Director (Planning Services) advised the Committee that the main issues for consideration in respect of the application related to highways, design and the impact of the proposed development on the Epping Forest Special Area of Conservation (SAC). Members were advised that Marlescroft Way and Oakwood Hill were heavily parked areas, with parking strain caused by the nearby Oakwood Hill Industrial Estate and that the proposal would provide off-street parking for employees of the Council's Oakwood Hill Depot and local residents and users of the Roding Valley Nature Reserve. In response to concerns of local residents that the proposal would result in a loss of parking along the hammerhead area of Marlescroft Way, the Service Director (Planning Services) advised the Committee that the development would result in the addition of formal parking spaces, as opposed to the existing casual on-street layout, would not result in the loss of any formal resident parking provision and that Essex Highways had raised no objection to the proposal.

The Committee was advised that the proposal would maintain the largely urban character of Marlescroft Way but that, whilst it would increase hard surfacing at the site, an area of green space and mature trees would be retained to limit the visual impact of the development. The Service Director (Planning Services) reported that, although some planting would be removed in order to facilitate the development, such trees were not of high-quality and replacement trees would be located to the middle of the proposed hard surfaced area in order to soften the appearance of the proposal and ensure that the development maintained the green character of the area of Marlescroft Way. Members noted that the proposal would increase vehicle movements outside the properties along Marlescroft Way, although the nearest parking spaces would be in excess of 20 metres from the flank elevation of the closest properties, which would limit any potential harm caused by increased vehicle movements during business hours.

The Service Director (Planning Services) reported that the site acted as an undesignated public open space and that, although some of the open space would be lost as a result of the development, a smaller section to the west of the site and along Highwood Lane would remain. Members were advised that, arising from the proposal, access to the Roding Valley Meadows Nature Reserve would be improved through the provision of a new footpath towards the River Roding, incorporating a pedestrian route within the car park to ensure easy access and egress into the nature reserve, to be secured through a legal agreement. The Committee noted that issues had been identified with respect to the effect of proposed development on the integrity of the Epping Forest SAC from local air quality issues within and adjacent to the SAC, as the application site was within the 6.2km zone identified by Natural England within which new development was likely to particularly impact on the SAC. The Service Director (Planning Services) reported that the Council and its partners were developing a strategy for the management of visitor pressure on the SAC and the monitoring of air quality, which would include measures to be funded through financial contributions secured from new development. The Committee was advised that the provision of a new footpath would amount to mitigation measures within the Roding Valley Meadows SSSI, since it would direct pedestrian movement to a suitable surface rather than haphazard movement between the site and the SSSI and had been approved by Natural England as a suitable strategy to benefit the site.

The Committee was advised that a small section of the site along its eastern boundary, was within the Metropolitan Green belt and that the majority of this strip would remain as a grassed area, although some hard-standing for the proposed footpath into the Nature Reserve and a small area of the proposed exit leading onto Marlescroft Way, would fall within this area. The Service Director (Planning Services) reported that, whilst the National Planning Policy Framework stated that inappropriate development was by definition harmful and should not be approved except in very special circumstances, Paragraph 146 of the Framework specified certain forms of development that were considered not inappropriate, which included engineering operations. Members noted that Section 366 of the Town and Country Planning Act 1990 interpreted engineering operations as including the formation and laying out of means of access to a highway and that it was considered that the proposal would constitute an engineering operation and preserve the openness of the Green Belt and was therefore considered acceptable.

The Service Director (Planning Services) reported that the Council's Land Drainage Section had raised no objection to the proposed development and that, subject to the imposition of the conditions recommended in the report and the completion of a Section 106 obligation securing the Epping Forest SAC contribution and contribution towards a footpath within the Roding Valley Meadows SSSI, the proposal would constitute an acceptable form of development. However, a number of members of the Committee raised concern with regard to the proposed development, particularly in relation to the loss of open space provided as part of the original design of the Oakwood Hill Estate, as a result of the development.

RESOLVED:

That planning application EPF/1058/18 be refused for the following reasons:

- (1) The proposal amounts to the loss of playing fields for the adjacent residential development, approved under planning permission reference CHI/0302/66, without proper justification or appropriate alternative provision. The loss would result in a disproportionate loss of amenity and opportunity for outdoor play and exercise for the occupants of the Oakwood Hill Estate, particularly those of the adjacent flats that rely upon

communal play areas. The proximity of the adjacent nature reserve/SSSI cannot compensate for the loss since it serves a different function. The proposal would therefore be harmful to the amenities and health of those residents. As a consequence, the proposal is in conflict with paragraphs 97-98 of the NPPF, contrary to Local Plan and Alterations policy RST14 and Submission Version Local Plan (2017) policy DM 6 (paragraph B);

- (2) The proposal would, without proper justification or compensatory planting, result in the loss of mature trees on the application site, to the detriment of the visual amenities of the locality. The proposal is therefore contrary to Local Plan and Alterations policy LL10 and Submission Version Local Plan (2017) policies DM 5 (paragraphs A & D) and DM 9 (paragraph E), which are consistent with the NPPF;
- (3) By reason of its likely intensity of use by motor vehicles and its siting adjacent to the Roding Valley Meadows SSSI, pollution arising from the proposal would be likely to cause harm to the interests of nature conservation and biodiversity, contrary to Local Plan and Alterations policy NC1 and Submission Version Local Plan (2017) policy DM 1, which are consistent with the NPPF;
- (4) By reason of the lack of proposals to encourage alternative forms of travel, including a possible scheme for charging for parking vehicles, the proposal amounts to an unsustainable form of development that would be likely to encourage motor vehicle use at the expense of more sustainable alternatives. The proposal is therefore contrary to Local Plan and Alterations policies CP1(v) & CP9 and Submission Version Local Plan (2017) policy T 1 (paragraph B) which are consistent with the NPPF; and
- (5) By reason of its scale, location and likely intensity of use, the proposal would appear conspicuous from within and beyond the Green Belt resulting in a reduction in its openness and causing harm to its visual amenities. The proposal is therefore contrary to Local Plan and Alterations policy GB7A and Submission Version Local Plan (2017) policy T 1 (paragraph B) which are consistent with the NPPF.

Immediately following the voting on the application that planning permission for the proposed development be refused, four members of the Committee referred the application to the Council for determination on the application of the minority reference procedure set out in the Constitution (Rule M2).

36. PLANNING APPLICATION EPF/3043/18 - 6 ST. MARY'S WAY, CHIGWELL

The Service Director (Planning Services) presented a report with regard to the proposed provision of a ground-floor front and rear extension and first-floor side extension and loft conversion with two rear dormers, at 6 St. Mary's Way, Chigwell.

Members were advised that the application had been referred to the Committee for determination as a result of a minority reference from Area Plans Sub-Committee South at its meeting on 23 January 2019, after an equal number of members had voted for and against the development proposal. The Committee noted that the recommendation of the Service Director (Planning Services) remained that planning permission should be granted for the proposed development, although the application had been referred for determination without any recommendation by Area Plans Sub-Committee South.

The Committee was advised that the application site was a two-storey semi-detached house within a built-up area of Chigwell and was not listed or situated in a conservation area. The Service Director (Planning Services) advised the Committee that the main issues for consideration in respect of the application were its impact on the character and appearance of the locality and on the living conditions of neighbouring properties.

The Service Director (Planning Services) reported that the proposed rear extension was considered to be subservient to the existing building and similar to others in the locality and that, although the proposed works to the front and side of the house would be visible from the street, they would complement the existing building in terms of its height, scale and detailed design and would have no adverse impact on the street scene. Members noted that the proposed roof works were considered to be of an appropriate design, with the increase in ridge height matching that of the attached neighbouring property and, together with the two rear dormer windows that were well-proportioned and set appropriately within the roof space, achieved a well-proportioned roof in relation to both the neighbouring property and the wall height of the existing house, to safeguard the character and appearance of the locality.

The Committee was advised that the application site was located at the beginning of a cul-de-sac with the rear of the property facing towards a principal elevation of 7 St. Mary's Way, which was separated from the existing house by the length of its rear garden and a pair of garages. A number of members of the Committee raised concern with regard to the potential harm in terms of overlooking into the first-floor flank wall windows of 7 St. Mary's Way, arising from the proposed rear dormer windows. The Service Director (Planning Services) reported that such harm was considered to be minimal and not significant enough to justify the refusal of the application, as the rear wall of the application site was a distance of approximately 23 metres from the principal elevation of 7 St. Mary's Way, which was not unusual on modern housing estates. Members noted that the affected elevation of 7 St. Mary's Way was generally visible from public areas of the cul-de-sac and that there would be no harmful impact to the living conditions of the neighbouring property from the proposed single-storey rear element in terms of overshadowing, outlook, visual impact or loss of light. The Committee was advised that with regard to the impact on the living conditions of 10 St. Mary's Way and the rest of the properties looking on the rear of the application site, there would be no additional overlooking or loss of privacy than that currently achievable. The Service Director (Planning Services) reported that the proposal would safeguard the living conditions of all neighbouring dwellings.

RESOLVED:

That planning application EPF/3043/18 be approved, subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;
- (2) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority;
- (3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Class B of Part 1 of

Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority; and

- (4) 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.

37. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

38. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business that necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

This page is intentionally left blank

Report to District Development Management Committee

Date of meeting: 27 March 2019



Address: Villa Nursery, Reeves Lane, Roydon

Subject: Planning Application EPF/2732/18: Erection of 2.7-hectare extension to existing glasshouse and construction of attenuation and irrigation lagoon with provision of perimeter maintenance track and associated landscaping

Officer contact for further information: S. Dhadwar (01992 564597)

Democratic Services Officer: S. Tautz (01992 564180)

Recommendation(s):

That planning application EPF/2732/18 be granted planning permission, subject to the completion within six months of a Section 106 Agreement to secure appropriate financial contributions towards mitigation of air pollution impacts on the Epping Forest Special Area of Conservation (SAC), 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;
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings no's:

SK02, SK03, SK07 REV B, SK09, 3452/10, Tree Schedule (BS5837) dated 22/6/18, TCTC-15117-PL-01, CLS18072001 Rev1, Transport Statement dated September 2018 by EAS, 11th October 2018, Preliminary Ecological Appraisal, Preliminary Bat Roost Assessment, Great crested Newt HSI Survey, by Reid and Co dated October 2018, Heritage Impact Assessment by Asset Heritage Consulting dated Sept 2018 reference: PB/9681, Flood Risk Assessment and Drainage Strategy, December 2018 by EAS, PLANNING STATEMENT/DESIGN AND ACCESS STATEMENT, REF: 3452/PS/DAS, Arboricultural Planning Report: Impact Assessment and Method Statement by Tracy Clarke dated October 2018 reference TCTC-15117 and email dated 12/3/18;

- (3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building;
- (4) Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours and

lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate as well as details of additional Poplar trees to be planted along the edges of the site which will surround the extension hereby approved. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation;

- (5) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place;
- (6) Within 6 months of the completion of the development hereby approved, 1 Electric Vehicle Charging Point per every 10 spaces shall be installed and retained thereafter;
- (7) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to: Detailed engineering drawings of each component of the drainage scheme. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- (8) A written report summarising the final strategy and highlighting any minor changes to the approved strategy. Additional safety features should be put in place due to the use of a 1 in 1.5 side slope for the attenuation lagoon. The scheme shall subsequently be implemented prior to occupation;
- (9) No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved;
- (10) No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided;

- (11) **The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority;**
- (12) **The development be carried out in accordance with the flood risk assessment (Dated 04-12-2018) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority;**
- (13) **The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered;**
- (14) **This permission shall not be implemented unless and until the recommendations set out in section 6 and 7 of the Preliminary Ecological Assessment by Reid Co dated October 2018 are followed have been fully undertaken and these mitigation measures shall be maintained for the duration of the use. These concern a lighting strategy, great crested newt precautionary methodology (or survey), a method statement for reptiles and breeding bird methodology, the creation of a new pond, tree and wildflower planting, bird and bat boxes and enhancements for hedgehogs and invertebrates; and**
- (15) **All material excavated from the below ground works hereby approved shall be removed from the site prior to first use of the extension and lagoon hereby approved unless otherwise agreed in writing by the Local Planning Authority.**

Report:

This application is referred to the District Development Management Committee for determination since it proposes an extension which has a floor area in excess of 10,000 sqm and therefore is required to be reported directly to the Committee, in accordance with Article 10 of the Council's Constitution

Description of Site:

1. The application site known as Villa Nursery covers an area of 10.6ha and is a well-established working nursery. It contains 3.73 ha of glasshouses and other ancillary buildings. The nursery is located on Reeves Lane within the settlement of Roydon. It specialises in the growing of salad vegetables for distribution to local retailers. Excluding the northern section of the site (the area of the proposed development), the majority of the site is covered in glasshouses and there is a large packing shed
2. The application related to an area of land which is currently in agricultural use and covered in grass. The application site is located within the boundaries of the

Metropolitan Green Belt and it is within in the Nazeing and South Roydon Conservation Area. The site lies on the edge of but outside the designated glasshouse area under policy E13A.

3. The business employs 20 full time staff throughout the year plus an additional eight staff who are employed during the 33-week growing season. All but two of the staff live on site.
4. Access to the site is by a surfaced lane that runs east from a priority junction with Reeves Lane. The lane leads to various farms with glasshouses and Villa Nursery is at the east end with a farmhouse, a packing shed, extensive glasshouses and ancillary facilities. There is also a service yard where vehicles are parked.

Description of Proposal:

5. Permission is sought for the erection of 2.7-hectare extension to existing glasshouse and to carry out ancillary development related to this, including the erection of additional buffer tanks, and water storage tanks or a reservoir.
6. The existing glasshouses would be extended northwards by 60-112m and westwards by 56-72m. They measure 6m to the eaves and 8m to the ridge of their bays and will be constructed of Aluminium framed glazing panels to match the existing glasshouses. To create a level glasshouse base, land on the western side of the development would be used to fill in land on the eastern side of the glasshouses. Therefore, on the western side the ground levels to the glasshouses will fall by between 0.4 and 2m and to the east would be raised by between 1.7m and 1.9m.
7. Construction of attenuation pond and irrigation lagoon with provision of perimeter maintenance track and associated landscaping.
8. All existing field boundaries hedgerows and significant trees are to be retained or enhanced.

Relevant History:

EPR/0115/48 Erection of 10 greenhouses - Granted

EPF/0962/94 Erection of glasshouses (9216 sq. metres) - Refused and dismissed on appeal

EPF/0851/99 Installation of gas supply pipeline - Approved

EPF/0785/05 Change of use of horticultural site to a mixed use of horticulture and packing and distribution use - Refused

EPF/0362/07 Change of use of horticultural site to a mixed use of horticulture and packing and distribution use - Granted

EPF/0705/07 Change of use and conversion of domestic outbuilding to bungalow annexe including replacement of flat roof with pitched roof. For use of extended family of occupants of Villa Nursery - Granted

EPF/2051/15 The installation of a new biomass boiler with flue stack and the construction of a boiler house - Granted

EPF/0477/17 Installation of a small-scale 'back-up' biomass boiler system including flue stack, and construction of boiler house - Granted

Policies Applied

Epping Forest Local Plan (1998) and Alterations (2006):

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP4 - Energy Conservation
CP5 - Sustainable building
CP9 – Sustainable transport
GB2A - Development in the Green belt
GB11 – Agricultural Buildings
RP4 – Contaminated land
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
E13A New and Replacement Glasshouses
HC6 – Character, Appearance and setting of the Conservation Area
HC7 – Development within Conservation Areas
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
NC1 - SPAs, SACs and SSSIs
NC3 - Replacement of Lost Habitat
NC4 - Protection of established Habitat

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can 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.

Paragraph 48 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).

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
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
E3 - Food Production and Glasshouses
T1 - Sustainable Transport Choices
DM1 - Habitat Protection and Improving Biodiversity
DM2 - Epping Forest SAC and the Lee Valley SPA
DM3 - Landscape Character, Ancient Landscapes and Geodiversity
DM4 - Green Belt
DM5 - Green and Blue Infrastructure
DM7 - Heritage Assets
DM9 - High Quality Design
DM11 - Waste Recycling Facilities on New Development
DM15 - Managing and Reducing Flood Risk
DM16 - Sustainable Drainage Systems
DM17 - Protecting and Enhancing Watercourses and Flood Defences
DM18 - On Site Management of Waste Water and Water Supply
DM20 - Low Carbon and Renewable Energy
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM22 - Air Quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 44
Site notice posted: Yes

Objections received from the following:

3 LANGLAND PLACE, 4 LANGLAND PLACE, 5 LANGLAND PLACE, 6 LANGLAND PLACE, 11 LANGLAND PLACE, 12 LANGLAND PLACE, 13 LANGLAND PLACE, 15 LANGLAND PLACE, 16 LANGLAND PLACE, 18 LANGLAND PLACE, 19 LANGLAND PLACE, 20 LANGLAND PLACE, 21 LANGLAND PLACE, BENMORE HARLOW ROAD: on the following grounds:

- Loss of outlook of the countryside as result of the sheer size of the greenhouses proposed;
- Drainage problem is of paramount importance. Greenhouses must have adequate and regular drainage fully maintained. Water needs to be directed to the drainage area and must be guaranteed not to flood in Langland Place. The major concern is that the small brook at the back of Langland Place could overflow and flood. With greenhouses of an area of 2.7 hectares 1in of rain would generate 180,000 gallons of rain water. Question whether the proposed system is adequate to handle such volumes of water and avoid flooding the surrounding area;
- With bigger greenhouses creating more waste products, concern this proposal will increase the burning that is regularly occurring at this site. As a development here, we have already contacted the environment manager at Epping Council with problems

with smoke pollution earlier this year which appears to be going against the London Mayor Khan's policy of clean air;

- Too large for the area;
- Harmful to the Environment and wildlife;
- Increased risk from pollution;
- Increased HGV movements on narrow lane causing congestion and harm to highway safety especially to cyclists. Condition that vehicles to this site only use Tyler's Road.;
- Condition that local people be employed on site;
- Although not located directly on to Reeves Lane, the latter suffers now from severe flooding. Excess water will raise the water table locally; and
- Constraints document states land is contaminated yet another documents states land is not contaminated. Need to clarify this point.

PARISH COUNCIL: COMMENT: The Parish Council has serious concerns about the strain this expansion will have on the local road network particularly Reeves Lane which is a road which suffers from regular HGV damage. (Policy E3). Query whether there is on site contamination and there are concerns that the lagoon is of an insufficient size and that this could result in an increased flood risk. Can a condition be added restricting any future pack house development (which would have a more detrimental effect on the road network) and can attempts be made to recruit from the local population?

Agent Response:

Lagoon size: *The lagoon and whole drainage system have been designed by expert drainage engineers and the comments of the District Council's Land Drainage Team and County Council's Development and Flood Risk Team have been dealt with.*

Packhouse development: *There is already an approved packhouse at the site and so any traffic generated by this is irrelevant.*

Local Road Network: *The submitted transport statement concluded that the only additional peak hour traffic generated by the development would be one lorry movement during the growing season carrying produce, plus occasional other movements carrying supplies. Essex County Highways has raised no objection and states: "The associated traffic movements with the proposed expansion is minimal and will not be detrimental to highway safety or efficiency at this location". To the north of the site entrance Reeves Lane is narrow in places and not ideal for large vehicles. Therefore, the applicant encourages all vehicles associated with the site to enter and leave via the southern end of Reeves Lane and will continue to do so.*

Local Recruitment: *The applicant already makes attempts to recruit from the local population and will continue to do so, although the nursery, like the horticultural industry as a whole, is largely dependent on migrant workers from Eastern Europe. The attempts to attract local workers include several initiatives over the last few years by the Lee Valley Growers' Association (LVGA) to promote horticultural careers to the local workforce via Job Centres, Jobs Fairs and apprenticeship schemes.*

Flood Risk: The lagoon and whole drainage system have been designed by our expert drainage engineers and were supported by a Flood Risk Assessment. Initial comments were received from the District Council's Land Drainage Team (8/11/18) and the County Council's Development and Flood Risk Team (2/11/18). I submitted our drainage expert's revisions to their FRA on 5/12/18. The District Council's Land Drainage Team subsequently withdrew its objection on 10/12/18 subject to a condition.

The County Council's Development and Flood Risk Team responded on 5/12/18. They upheld their objection on the basis of requiring infiltration testing (despite the clay geology) and stated that the sides of the lagoon were too steep (despite no public access).

Unfortunately, this response for some reason did not make it onto your website, but our drainage experts spoke to the County Council yesterday and I understand they are now going to withdraw their objection subject to a condition requiring suitable safety features around the lagoon. EFDC Land Drainage Team also required a fence around the lagoon so this has already been offered. You need to make sure you get this response from them and publish it on your website. Please notify me if they raise any further concerns and we will deal with them immediately.

Land Contamination: We paid for a pre-application consultation with the Council and the pre-application response said that no contamination risk was likely. This has been confirmed by the comments of the Council's land contamination expert on the planning application, who has recommended that a suitable condition be imposed.

Outlook from Langland Place: Layout plan SK09 shows the position of the Langland Place houses and the detached house at Fair View in relation to the development.

The development at Langland Place was permitted in 2015 immediately to the east of the existing glasshouses at Villa Nursery. The rear wall of the house at no.13 Langland Place was permitted under EPF/0487/16 (approved drawing 15-215-002) to be approximately 20m from the existing glasshouses, and nos. 11 & 12 were approved only slightly further away.

The proposed development would extend the existing glasshouses northwards but would be a couple of metres indented to the west. No part of the new development would be closer to the houses than the existing glasshouses. The nearest house (no.14) would be about 30m from the nearest part of the new glasshouses, but at an oblique angle to them. Directly to the rear of no.14 the glasshouses would be about 65m away. The distance between the glasshouses and nos.15-18 would be even greater.

New native species planting is shown indicatively on the proposed site layout plan between the glasshouses and the rear of nos.14-18. I suggest that a condition is imposed to require full details of the landscaping to be approved by the Council before the commencement of the development. Once mature this landscaping would screen and soften the impact of the development still further.

Impact on Fair View: The design of the north-western corner of the glasshouses was indented to increase the distance between Fair View and the glasshouses. New native species planting is shown indicatively on the proposed site layout plan between the glasshouses and Fair View. I suggest that a condition is imposed to require full details of this landscaping to be approved by the Council before the commencement of the development. Once mature this landscaping would screen and soften the impact of the development still further. As requested by the neighbour the applicant would be happy to erect a fence between the development and his property, preferably an open chain link fence, to minimise the impact on the green belt.

Waste Burning: I am advised there was an issue with waste burning at the site recently and the site was attended by an environmental health officer. The applicant has made changes to his waste disposal arrangements to meet the EHO's requirements. Following the construction of the new glasshouses the main area of activity at the nursery would be confined to the area west of the glasshouses about 150-200 metres from the houses in Langland Place.

Ecology: The report submitted by our ecological expert explains how species found at the site and their habitats would be protected. It also describes various measures for biodiversity enhancement. Epping Forest Countrycare supports approving the scheme subject to conditions to ensure that the ecologist's recommendations are followed.

Loss of Light: The new development is mostly to the north of the houses in Langland Place. Since the sun travels east to west across the southern half of the sky no loss of sunlight or overshadowing could be caused.

Main Issues and Considerations:

9. The issues which are relevant to the determination of this application are:
 - (a) Is the development appropriate for the Green Belt?
 - (b) Would the development detract from the openness of the Green Belt?
 - (c) Is the site suitable for the employment use?
 - (d) Impact on the character and appearance;
 - (e) Impact on neighbouring residential amenity;
 - (f) Impact on highway safety; and
 - (g) Impact on surface water drainage.

Background

10. The application was initially submitted as a pre-application request under reference EF\2014\ENQ\01112. The previous case officer found the principle of the scheme to be acceptable.

Green Belt

11. Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 145 and 146 of the National Planning Policy Framework (NPPF) provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.
12. Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the construction of buildings for agriculture and forestry; since the proposal is for horticultural use, it accords with this exception.
13. Since the principle of the proposal is not inappropriate and the proposal will infill an area already characterised by large green houses and subject to conditions requiring additional planting of mature trees, the overall impact on the openness of the Green Belt will be less than substantial. The proposal is therefore considered to comply with the requirements of chapter 13 of the NPPF, GB2A of the adopted Local Plan and DM4 of the Submission Version Plan.

Economic Benefits

14. The NPPF 2018 requires that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
15. Paragraph 83 of the NPPF requires that *“Planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings.”*
16. The proposed development would benefit food security in England. It will create up to a maximum of 18 new jobs which will contribute to the local economy. Officers consider these features to be significant benefits, and as such the proposal accords with the requirements of chapter 6 of the NPPF and the economic strand of sustainable development.

Workers' Accommodation

17. South west of the proposed extension are two warehouse buildings. The larger warehouse contains two units and the smaller warehouse contains four units. These buildings are being used to house existing workers. This residential accommodation has been in existence for over 4 years and therefore is lawful. The 3 caravans could in the short term accommodate seasonal workers. The applicant advises this will be a short-term solution until funding is received as a result of planning permission being given. They then propose to convert existing underutilised buildings on the site to provide additional worker accommodation. This will require a new planning application.
18. Other options open to the applicant include the provision of overtime for existing staff and to bus in 'agency' staff to meet peaks in crop production, especially during the summer. Therefore, the labour requirements of the expanded nursery can be adequately accommodated through a combination of utilising the existing buildings, occupying three existing caravans on a seasonal basis, and a single mini-bus bringing in additional staff when necessary.
19. It is recommended that an informative be attached to any permission requiring that the accommodation must meet current Environmental Health Standards.

Sustainability

20. The increased production of salad vegetables will reduce carbon emissions as a result of the reduction in need for this type of food from overseas.
21. A combined heat and power unit (CHP) was approved under EPF/2051/15 and EPF/0477/17. CHP technology works by using a fuel source, typically natural gas, to generate electricity which can be either utilised by the applicant via a private wire, sold back to the grid, or a combination of the two. The CHP engine harnesses the waste heat generated from this process to distribute hot water through insulated district heating pipework to provide heating and hot water for the applicant's buildings, after which it returns to the energy centre to be reheated by the CHP. By generating the electricity and heat through one fuel simultaneously, it is much more efficient than traditional power generation as there is less wasted energy, providing a solution that improves energy efficiency by 40-45%. The agent advises that it is currently operating at a fraction of its capacity. The reason for its installation was that it was better able to cope with increased size of the nursery business. At present only one of the two gas turbines is required to support the nursery.

22. The CHP unit incorporates two gas turbines. The turbines generate electricity, a small amount of which is consumed by the nursery, but the majority of which is sold to the electricity network as it is not being used to capacity. Water is used to draw heat from the turbines and this hot water is stored in buffer tanks then used to heat the glasshouses at night. The carbon dioxide generated as a by-product to the gas combustion process is piped into the glasshouses, where it increases the rate of photosynthesis and therefore improves plant growth and crop productivity. This type of heating system is less reliant on fossil fuels than more conventional methods of energy generation.
23. Furthermore, the worker accommodation is predominately on site and therefore the need for employees to travel is significantly reduced. The Planning Application Case Officer when carrying out her site visit, found only 1 staff car parked on the site along with numerous bikes.
24. It is for these reasons considered that the provision of on site worker accommodation and the use of sustainable modes of transport will ensure that the number of additional motor vehicle trips generated by staff will be low. The proposal is therefore supportive of moving towards a low carbon future in accordance with the NPPF, policies ST1 and CP5 of the adopted Local Plan along with T1 and DM20 of the Submission Version Plan. This is a significant benefit in favour of the scheme.

Impact on the character and appearance of the Nazeing and South Roydon Conservation Area.

25. S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses.
26. Paragraph 196 of the NPPF requires that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
27. The development will be located within the boundaries of the Nazeing and South Roydon Conservation area. The purpose of conservation in this location is to preserve the open, medieval pattern within the settlements of Middle Street, Halls Green and Bumbles Green.
28. The proposal has been reviewed by the Conservation Officer, who has made the following comments:

“Such an extensive new expanse of 6m high glasshouses will lead to a moderate adverse impact upon the character and significance of the Nazeing and South Roydon Conservation Areas.

If there is to be a justification for this harm, it would have to be based upon environmental impacts – reducing carbon emissions by growing more salad crops in the UK, rather than air-freighting them in from abroad etc. Having said that, it should still be possible to reduce the harmful impact of this large industrial scale agricultural facility through the creation of a new planted screen of e.g. a double offset row of poplar trees – this could be added via a planning landscaping condition. Provided that

the impact is lessened, I think that it could be possible to justify the harmful impact in terms of public benefits – in relation to new employment / environmental benefits.”

29. It is for these reasons considered that, on balance, the harm to the character and appearance of the Conservation Area is not so significant as to justify refusal of the scheme. It is for this reason that the proposal accords with the requirements of chapter 16 of the NPPF, HC6 and HC7 of the adopted Local Plan and DM7 of the Submission Version Plan.

Trees

30. The Trees team are satisfied that subject to further conditions which require the retention of trees and shrubs, the removal of excavated material and further details of how trees will be protected, the details contained within the submitted arboricultural reports is sufficient to ensure that the proposal will not unduly harm the existing protected trees on the site. The proposal on this basis complies with the requirements of policy LL10 and LL11 of the Local Plan.

Impact on the living conditions of neighbouring residential dwellings

31. The assessment made by the planning agent in para. 11 above is agreed with.
32. The proposed extension is a minimum of 22m away from the application site's mutual boundary with Fair View.
33. The elevation closest to Langland Place will as a result of changes in land levels, have a maximum height of 10m. It will appear as a continuation of the existing glasshouses. This additional presence is weighed against the fact that Villa Nursery has been in operation for at least 60 years, and the Linden's development approved under reference EPF/2535/14 now known as Langland Place is already dominated by views of the existing nursery.
34. The rear boundary of properties at 11, 12 and 13 already adjoin existing glasshouses to the rear. The properties at 14-18 Langland Place are almost perpendicular to the extension and are positioned a minimum of 20m away.
35. A condition is recommended which requires that the extension is screened by trees from neighbouring residential dwellings.
36. All other neighbouring residential properties are sufficiently distant as to not be materially affected by the proposal.
37. It is for these reasons that the proposal will not cause excessive harm to neighbouring amenity in terms of loss of light, outlook, dominance or privacy.
38. The applicant informed Officers that the burning of plastic is no longer carried out on site. Instead waste materials are put in a skip and transferred to a waste disposal area. It is on this basis that the proposal complies with the requirements of DBE9 of the Local Plan and DM9 of the Submission Version Local Plan.

Highways

39. The Transport Assessment submitted by EAS dated indicates that all but 2 employees live on the site. Therefore, no expansion of the existing 60 vehicle car park is proposed. The assessment makes the following conclusions.

“It is expected that the extension of the glasshouse will lead to a maximum of 18 additional staff being employed. These additional workers will either live on the nursery; travel to work by an employer provided minibus or they will travel to work by bike from other nearby accommodation and therefore do not need a car to travel to work. The company’s experience is that nursery workers do not normally own or run a car. At present the site yields one rigid lorry load of up to 26 pallets per day during the growing season. It is anticipated that the yield will increase by 50%, requiring the use of two lorries (assuming that produce continues to be exported on the day that it is picked). There will be a corresponding increase in deliveries of other materials such as fertiliser, pesticides and equipment but these movements will occur only occasionally.

While there will be staff travel to and from the site, for shopping or social reasons, this is not expected to take place during the traffic peak hours of 08:00 – 09:00 or 17:00 – 18:00. It may be concluded that the only additional peak hour traffic generated by the extension will be one lorry movement during the growing season carrying produce plus occasional other movements carrying supplies. The HGVs will reach the wider road network via Tylers Road and the B181, from which they can reach the M11 or the A414. They will thus travel over only 1.1 kilometres of minor road in each direction.

Although Reeves Lane is relatively narrow, the section that they will use is only 50 metres long. The access lane from Reeves Lane is adequate, with room for vehicles to pass.

For these reasons the traffic impact of the proposed extension may be regarded as negligible.”

40. Essex Highways is satisfied with the evidence submitted within this report and as a result does not consider that the proposal will lead to an excessive additional harm to highway safety or congestion. The proposal therefore complies with the requirements of policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Ecology

41. The proposal has a size and position which indicates that the proposal may have an impact on protected species. The application includes a Preliminary Ecological Assessment by Reid Co dated October 2018. The Countrycare team have reviewed the application and are satisfied that the information submitted and subject to conditioning the recommendations made in the assessments, will ensure that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC4 of the Local Plan.

Epping Forest Special Area of Conservation

42. As set out in DM 22 of the Local Plan Submission Version Dec 2017, issues have been identified with respect to the effect of development on the integrity of the SAC as a result of relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners a strategy for the monitoring of poor air quality. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 22 and therefore this matter and financing amount will be concluded through a section 106 legal agreement. However, at the time of writing this report, the Council is awaiting agreement from Natural England as to what the exact amount of contribution and type

mitigation will be. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a S106 agreement and recognises that the level of contribution is to be agreed after the committee.

43. The site is outside the 3.2km distance as measured from the edge of the SAC, therefore no contribution is required towards mitigating recreational impact on the Forest.

Education Development

44. The Infrastructure Planning Officer has not requested an education contribution as the size of the scheme is below threshold for this contribution to be required.

Land Drainage/ Sustainable Urban Drainage (SuDs)

45. The applicant has provided a flood risk assessment with the application and whilst concerns were raised, the applicant supplied a revised Flood Risk Assessment dated 04-12-2018. The details contained within this assessment, addressed the concerns made by the Land Drainage team in relation to details required to ensure that surface water flooding is mitigated. They therefore recommend a condition requiring that the development be carried out in accordance with the flood risk assessment (Dated 04-12-2018) and drainage strategy submitted with the application. The County SuDs team are also satisfied with the revised assessment subject to further conditions. It is on this basis that the proposal complies with the requirements of policies in accordance with the Utilities policies of the Local Plan and policies DM15, DM16, DM17 and DM18 of the Submission Version Plan.

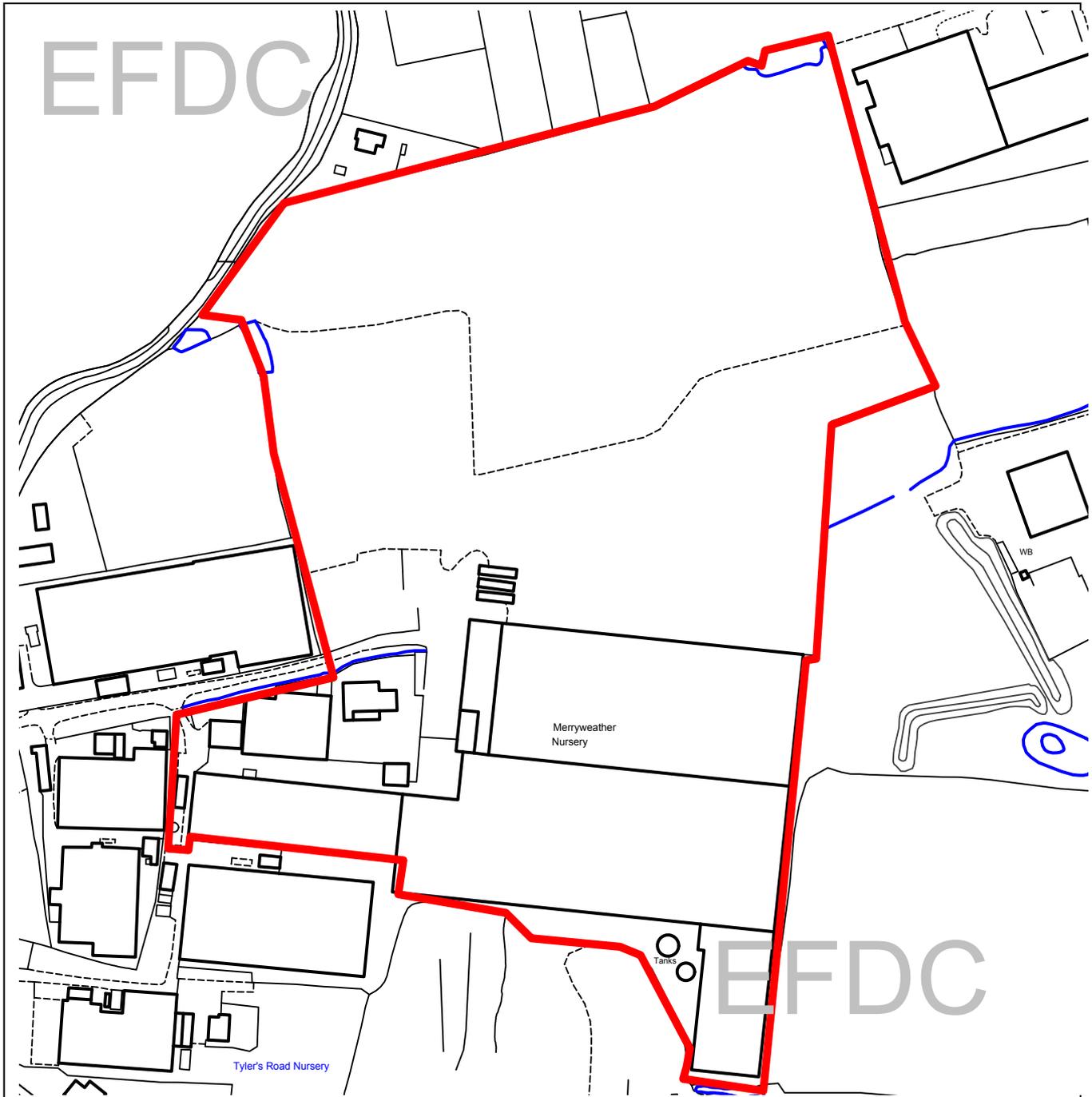
Conclusion:

46. The proposal is not inappropriate development within the Green Belt which subject to conditions relating to tree screening will cause limited harm to the openness and character of the Green Belt.
47. The harm to character and appearance of the Nazeing and South Roydon Conservation Area is less than substantial when weighed against the benefits to the rural economy and in the long-term viability of the nursery industry within the District along with features within the proposal being supportive of the Council's aim to move towards a low carbon future.
48. The parking requirements of the proposal can be accommodated on site and overall, the proposal will not significantly decrease highway safety.
49. The additional impact on the living conditions of neighbouring residential dwellings will not be excessive.
50. The applicants are willing to enter into a legal agreement which will ensure that the development will aid the management and monitoring of air quality within the District in order to protect the integrity of the Epping Forest Special Area of Conservation.
51. For these reasons, and those outlined in the report above, it is recommended that conditional planning permission is granted subject to the applicant entering into a S106 agreement in respect of appropriate financial contributions towards mitigation of air pollution impacts on the Epping Forest Special Area of Conservation (SAC).



Epping Forest District Council

Agenda Item Number



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/2732/18
Site Name:	Villa Nursery Reeves Lane Roydon Essex CM19 5LE
Scale of Plot:	1:2800

This page is intentionally left blank

Report to District Development Management Committee

Date of meeting: 27 March 2019



**Epping Forest
District Council**

Address: Land adjoining 22 and 28 Oakwood Hill Industrial Estate, Loughton

Subject: Variation of condition 18 (Operational Hours) of planning permission EPF/0439/14 for erection of a new MOT workshop, grounds maintenance workshop with office facilities, glasshouses and associated parking, storage areas and fencing (Revised application to EPF/0063/13)

Officer contact for further information: M. Tovey (01992 564414)

Democratic Services Officer: S. Tautz (01992 564180)

Recommendation(s):

That planning permission be granted subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;**
- (2) The development shall be implemented in accordance with the material details as approved under EPF/2439/15;**
- (3) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 13/0319/P01; 10332/P/001; 10356/P/001 rev.A; 100 rev. P3; 13/0319/P02; 13/0319/P03; 13/0319/P04; 13/0319/P05; 13/0319/P06; 13/0319/P07; 13/0319/P08; 13/0319/P09; SP9216-LD3863-01 issue C; 101 rev. P1; 700 rev. A; and 701 rev. B;**
- (4) The hard and soft landscaping shall be maintained in accordance with details approved under EPF/0690/15. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation; Tree protection shall be carried out in accordance with the details agreed under EPF/0690/15;**
- (5) Any contaminated land remediation shall be in accordance with the details approved under the approval of details application EPF/0689/15;**
- (6) The contaminated land verification report as approved under reference EPF/1358/16 shall be implemented in accordance with the approved monitoring and maintenance programme;**

- (7) The development shall be carried out in accordance with the approved verification report agreed under reference EPF/1358/16;**
- (8) Any ground gas mitigation measures sought and agreed under approval of details application EPF/0276/15 shall be maintained and responsibility passed on should ownership or responsibility for the buildings be transferred;**
- (9) 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;**
- (10) Prior to first occupation of the development the access arrangements, as shown in principle on drawing no.10332/P/001, dated Jan 2014, shall be agreed with the Highway Authority and shall include the following: • The removal of the existing bus layby and shelter and the realignment of the footway to the edge of the carriageway across the site frontage. • The provision of a new bus layby. • The continuation of the existing footway to the new bus layby. Continued. 2 of 2 • Provision of a new shelter, flag, timetable and raised kerbs at the new stop. • Provision of a new pedestrian refuge island sited to the west of the new access to include appropriate dropped kerb crossings on the footways and tactile paving. • A minimum of 8m radii kerbing for the new bell mouth access. • The provision of two pedestrian dropped kerb crossing points with tactile paving across the new bell mouth access. The approved scheme of works shall be implemented prior to first occupation of the development;**
- (11) The development shall be built in accordance with the approved construction method statement approved under reference EPF/1618/15;**
- (12) The approved surface water drainage scheme, agreed under reference EPF/1836/15 shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times;**
- (13) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway;**
- (14) The flood risk assessment and management approved under approval of details application EPF/0276/15 shall be adequately maintained in accordance with the management and maintenance plan;**
- (15) Open storage shall only occur in accordance with the approved detail under reference EPF/0276/15;**
- (16) The development shall be commenced and maintained in accordance with the reptile survey agreed under EPF/0276/15;**
- (17) The MOT testing station and workshop hereby approved shall be used only between the hours of 0800-1715 Monday to Friday and 0800-1200 Saturdays. Housing Repairs shall operate only between 0800-1800**

Monday to Friday. No activities shall take place on Sundays or Bank Holidays;

- (18) The sound installation agreed and installed as per EPF/2018/15 shall not be removed at any time without the prior written permission of the Local Planning Authority;**
- (19) Tree planting shall be carried out in accordance with the details agreed under reference EPF/0690/15 and if within a period of five years from the date of the planting, that tree or replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation; and**
- (20) Operational use by Grounds Maintenance hereby permitted shall occur only between the hours of 0700-1800 Monday-Friday and 0700-1300 Saturday. No operational activities should occur outside the confines of the building before 0730 hours Monday - Friday, and 0800 hours on Saturday, with the only exception to this being for grounds maintenance vehicles leaving the site, or hitching up to trailers, which should occur in a timely and efficient manner. Doors to the loading bays should remain closed when vehicles are being checked and loaded within the building between these times. No scheduled activities shall take place on the site on Sundays or Bank Holidays, except unless notified and agreed by the local planning authority at least 1 week before the scheduled work is due to occur.**

Report Detail

This application has been called in by Councillor Roberts, but given that it relates to varying a condition on a major application (over 1000m²) category for development on the Council's own land, in accordance with Article 10 of the Constitution it is made direct to the District Development Management Committee given the Council owns the freehold of the site.

Description of site

The application site is the ground floor of a three-storey industrial unit located within the Oakwood Hill Industrial Estate. The ground floor has approval for and is trading as a cafe (use class A3). The application site fronts onto Chigwell Lane with pedestrian access into the café from this elevation. The site is a designated employment area (part of the Oakwood Hill/Langston Road site). The nearest residential properties are some 20m to the north of the site. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of proposal

The proposal seeks consent for the variation of condition 18 'operational hours' on planning permission EPF/0439/14 (erection of a new MOT workshop, grounds maintenance workshop with office facilities, glasshouses and associated parking, storage areas and fencing). The proposal will extend the operational hours and include operational hours for the housing maintenance section.

Relevant History

Several applications, the most relevant of which:
EPF/0439/14 - Erection of a new MOT workshop, grounds maintenance workshop with office facilities, glasshouses and associated parking, storage areas and fencing. (Revised application to EPF/0063/13) – App/Con
EPF/2803/18 - Erection of a new storage facility and external alterations – App/Con

Policies Applied

DBE 2 and 9 – Impact on Amenity
RP5A – Adverse Environmental Impacts

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can 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.

Paragraph 48 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).

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 to 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:

DM21 – Local Environmental Impacts, Pollution and Land Contamination

Representations Received

LOUGHTON TOWN COUNCIL – No objection
NEIGHBOURS

35 neighbours consulted:

1, 2 and 3 MARLESCROFT WAY (one letter) – Objection – constant noise and traffic

1 MARLESCROFT (separate letter) – Objection -noise, motorbike noise, quad bikes up and down, staff shouting, vehicles in and out all day long, diesel pollution obtrusively floodlit

83 MONKSGROVE – Objection – unacceptable early morning and late evening noise to residents – frequently workers are at the depot at 7.15 - link to Marlescroft carpark [separate application]

63 CHEQUERS ROAD – Objection – proposal is untenable, existing disturbance from shouting, movement of vehicles, and now it's to be a 24-hour depot

Issues and Considerations

The main issues with this proposal relates to impact on amenity.

Amenity

The proposal is for the change in operational hours, the original condition stated:

The MOT testing station and workshop hereby approved shall be used only between the hours of 0800-1715 Monday to Friday and 0800-1300 Saturdays. The Grounds Maintenance use hereby permitted shall operate only between the hours of 0800-1600 Monday to Saturday. No activities shall take place on Sundays or Bank Holidays.

The amendment is sought due to a consolidation of working sites, and to regularise the operating times inline with existing contracted hours.

This proposal will add an additional 1 hour earlier to the Grounds Maintenance use and 2 hours later resulting in operating times of 7am to 6pm Monday to Friday. On a Saturday a reduction in the Grounds Maintenance hours are proposed from 8am to 4pm to 7am to 1pm, albeit with the earlier start.

In addition, the Housing repairs team is to be added to the condition with hours proposed of 8am to 6pm Monday to Friday.

Neighbour objections have been noted and appear to relate to general noise from the site. The Neighbourhoods Team have been consulted on the application. Although initially raising an objection, Neighbourhood Officer's have visited the site and discussed the noise implications with the Grounds Maintenance Manager to further understand the activities at the site.

The particular concern raised by the Neighbourhood Officer was with regards to the proposed morning change to the Grounds Maintenance hours changing from 8am to 7am. Further to the Neighbourhood Officer's discussion an agreement has been made to the earlier operation time, on the proviso that any operational works occurring before 7.30am shall only occur within the confines of the building with all external doors and windows closed. With no operational works outside of the confines of the buildings on site except for maintenance vehicles leaving the site between the hours of 7-7.30am.

The Neighbourhood Officer has provided a strong reasoning for this view. The need for the earlier operating hours is due to the grounds maintenance team working seasonal hours, where they start in the Summer months (March – October) at 07.00 hours and can work for longer during extended daylight hours, hence the application has been made to regularise the hours so they can continue to work from this time.

A number of changes to the operating schedule have been implemented since moving to the depot, to minimise the disturbance to neighbouring properties. These include moving the noisier activities in terms of maintenance and unloading of the vehicles to the end of the day, rather than them occurring at the start of the day.

The Neighbourhood Officer has also suggested a number of other improvements, such as refuelling the night before and carrying out vehicle checks inside the building with the doors to the unit shut, and only opening the doors when they are ready to leave, to further reduce the impact on the neighbours and the Grounds Maintenance Management have welcomed these suggestions.

Therefore, any noise before 07.30 hours will be solely from the vehicles leaving the site, rather than any maintenance checks being carried out outside, minimising any harm to surrounding amenity.

For clarity, the Neighbourhood Officer has defined that operational activities would be any work carried out as part of the grounds maintenance functions, including (but not exclusively) vehicle movements of the ground maintenance vehicles, maintenance of equipment, delivery and removal of green waste and other items, etc. It would **not** include the arrival of staff by their personal vehicles before their work commences. (This is comparable to a building site, where workmen may arrive before they start work, but not start the noisy works until they are allowed to by a planning condition). This could be added as an informative so that it is clear what is acceptable within the limitations of the condition.

The Neighbourhood Officer has looked not only at the site but also at the positioning of nearby residents. Those properties which have windows directly facing the site (and therefore would be affected the worse) are approximately 40m from the entrance of the site. However, for those properties with windows which face the site directly, these windows service kitchens and bathrooms, and therefore are less sensitive to noise than a bedroom.

There are properties that have more sensitive rooms facing Oakwood Hill Depot further along Oakwood Hill, but they have less of a direct line of sight to the site, which will afford them some reduction in the noise. They will also be afforded some protection when the wooden sheds go up along the western fence line (approved under reference EPF/2803/18).

It is considered that the proposed change to the condition is reasonable and is one that the applicant is willing to accept.

Conclusion

Given the above assessment, the amendment to the condition with the proposed revision with regards to the grounds maintenance element is considered acceptable and approval is therefore recommended. As this is a variation of a condition the original decision with all conditions is re-issued with the amendments made to condition 18.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564 414 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk***



Epping Forest District Council

Agenda Item Number



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/0139/19
Site Name:	Land adj. to 22 and 28 Oakwood Hill Loughton Essex IG10
Scale of Plot:	1:1250

This page is intentionally left blank