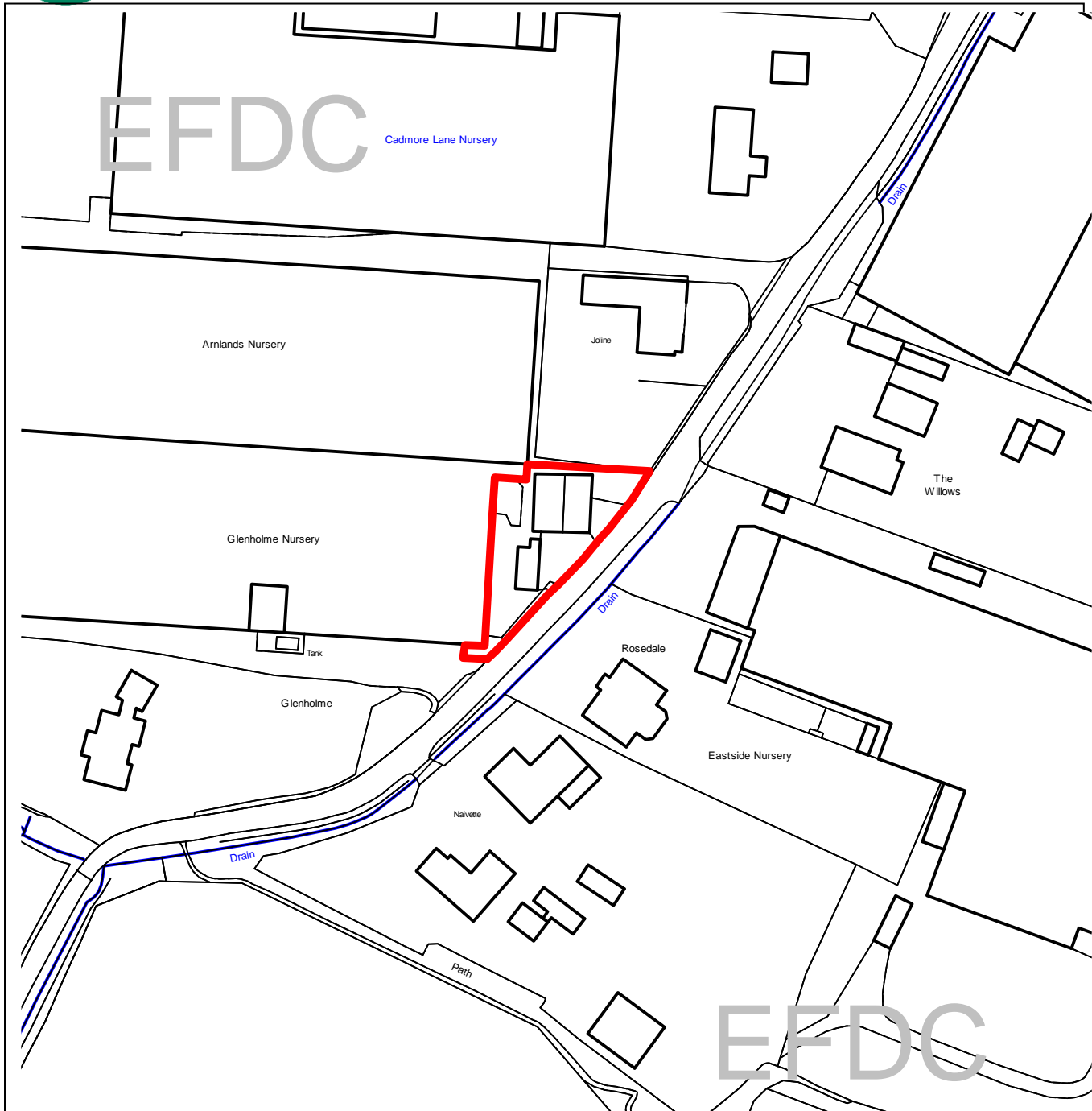




Epping Forest District Council



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Application Number:	EPF/1144/20
Site Name:	Glenholme Nursery Nursery Road Nazeing, EN9 2JF
Scale of Plot:	1:1250

Report Item No:

APPLICATION No:	EPF/1144/20
SITE ADDRESS:	Glenholme Nursery Nursery Road Nazeing Waltham Abbey EN9 2JF
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Messrs A & J Chiazza
DESCRIPTION OF PROPOSAL:	Proposed removal of 2 existing caravans, demolition of existing buildings (115m2), retention of building A (97m2), erection of building B (97m2) for agricultural workers accommodation with provision of associated amenity space.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=637520

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

4010/1A, 4010/2, 4010/3A, 4010/4A, 4010/5, 4010/6, TCTC-17864-PL-01, TCTC-17864- PL-02A Proposed Layout Plan and Remediation Recommendations, TCTC-17864-L-01, TCTC-17864 Tree schedule (BS5837), TCTC-17864-B, Phase 1 Habitat Survey and scoping assessment by Hybrid Ecology Ltd 12th October 2020, Planning Statement.
- 3 Prior to the first occupation of the horticultural worker accommodation hereby approved buildings and caravans shown on drawing 4010/2 to be removed shall be demolished and all debris removed from the site.
- 4 The occupation of the development hereby approved shall be limited to a 10 persons maximum for the development, they must also be solely or mainly working, in horticulture, agriculture or in forestry, at Glenholme Nursery, Nursery Road, Nazeing.
- 5 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other

purpose, unless otherwise agreed in writing by the Local Planning Authority.

- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey (Hybrid Ecology Ltd, October 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A of Part 2 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The vehicle parking as indicated on the approved plans shall be provided and retained as such in perpetuity for their intended purpose.
- 9 Prior to the commencement of above ground level works, a Biodiversity Enhancement Layout for protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Survey (Hybrid Ecology Ltd, October 2020).

The content of the Biodiversity Enhancement Layout shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 10 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 11 Should the worker accommodation hereby approved be no longer required then the buildings shall be removed from the site together with any associated materials.
- 12 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and

approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 13 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 15 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
 - Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
- 16 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

- 17 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site covers an area of 700 sq.m. It is located on Nursery Road within the rural area of Nazeing, just south of Arnlands Nursery and north of the residential property at Glenhome. The application site is located within the boundaries of the Metropolitan Green Belt and a Glasshouse Protection Area. There are no heritage designations on the site.

The site is occupied by two residential caravans, a single storey building containing two nursery accommodation units, a recently built single storey building containing three nursery accommodation units (Building A) and a group of derelict former nursery buildings.

The two caravans are each about 9m x 3m. The derelict buildings are mainly brick and include a tall brick structure surmounted by water tanks rising to over 7m.

The single storey three-unit accommodation building has an area of 97sqm and replaced a nursery storage building of 77 sqm which was previously attached to the building containing the two units of accommodation.

This application has been submitted as a result of an enforcement investigation regarding the construction of the 97sqm building. This application has labelled this building as 'Building A'.

Description of Proposal:

Permission is sought for the removal of 2 existing caravans, demolition of existing buildings (115m²), retention of building A (97m²), erection of building B (97m²) for agricultural workers accommodation with provision of associated amenity space.

The planning statement submitted with the application advises that the two caravans will be removed and the derelict nursery buildings, including the 7m tower with tanks, will be demolished and the resulting materials cleared from the land.

The existing two-unit accommodation building will be retained as at present with its existing garden. The first of the three-unit buildings (Building A) will be completed and its external walls finished with render. A garden for this building will be provided to the side of it.

The second of the three-unit buildings (building B) will be built to the south of building A on the site of the removed caravans and demolished buildings. It will be sited roughly perpendicular to the alignment of building A. A further garden area for use in connection with this building is proposed.

The proposal will result in the site being able to accommodate 10 workers in total compared with the 8 currently living on the site (2 in each caravan and 4 within the 2 units within the existing building on the site).

The area of the both building A and B will be is 7.51 x 12.92 each = 97m² each, which means that each unit will be 32.3sqm.

The two containers and an old boiler will be disposed of to make space for the proposed provision of 6 residents' parking spaces alongside the southern edge of the glasshouses.

Re positioning of the Klargest unit

Provision of facilities for storage of bins and bikes.

Relevant History:

Reference	Description	Decision
EPR/0120/49	GOAT HOUSE	Granted
EPO/0914/72	Extraction of sand & gravel. ECC granted. In conj. with EPO/1102/72.	Granted
EPO/1102/72	Extraction of sand & gravel. ECC granted. In conj. with EPO/914/72.	Granted
EPF/0443/85	Block of three stables.	Refused
EPF/0657/85	Outline application for the erection of a dwelling house.	Refused
EPF/0912/86	Outline application for the erection of a dwelling house.	Refused
EPF/1841/00	Demolition of existing and erection of replacement dwelling.	Refused
EPF/0369/16	Proposed annexe.	Granted

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP3 – New development
- CP4 – Energy Conservation
- GB2A – Development in the Green belt
- GB17A Agricultural, horticultural and forestry workers dwellings
- RP4 – Contaminated land
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE9 – Loss of amenity
- LL11 – Landscaping schemes
- ST1 – Location of development
- ST4 – Road safety
- ST6 – Vehicle parking
- NC1 – SPAs, SACs and SSSIs

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy

Weight afforded

SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Some
SP6 - Green Belt and District Open Land	Some
H1 - Housing Mix and Accommodation Types	Some
E3 - Food Production and Glasshouses	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 - Green Belt	Significant
DM5 - Green and Blue Infrastructure	Significant
DM9 - High Quality Design	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM17 - Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 7

Responses received: as follows:-

GLENHOLME NURSERY ROAD, SPENCER HOUSE NURSERY ROAD, THE WILLOWS NURSERY ROAD OBJECT:

Retrospective application;

Noise pollution;

Anti-Social Behaviour;

increased number of vehicles on our private road,

The overall look and finish of the building is not in keeping with houses within the area;

Contrary to Building Control Regulations; (Not material planning consideration)

Loss of property value; (Not material planning consideration)

Will set negative precedent,

How many people will be living in each unit?

Blocking of Side-road access as a result of parking

Loss of Biodiversity and Geological Conservation,

Flood risk,

No arrangements have been made for Waste storage and collection

if there are 10 employees living on the site, how will they fit in to the 3 buildings? If there is no change to the long-standing 2-person unit, the other 8 people must squeeze themselves into the 2 new buildings (A&B) which only contain a combined 6 units.

As the staff have their own cars, there is no need for them all to live on site.

the applicant has not supplied a business reason for all workers to live on site.

We have done a quick search which has produced many potential shared houses or rental houses within 3 miles. Also, there is an opportunity at Dobb's Weir Caravan Park which allows residents for 11 months of the year. Has this ever been considered?

the development is not 'within' the nursery site. It is on the outskirts with direct access to the road.

There is ample space to the rear of the glass houses for new build accommodation.

What is the rent charged?

Does the applicant advertise its job's locally?

Not isolated location, near the village of Nazeing.

ALL of the cited planning applications are for accommodation within the fences of the nurseries.

NOT on the outside with direct access to the road. NOT within 10 meters of 5 homes. Therefore, these are not comparable to this application.

Placing new build accommodation to the rear of the glasshouses would not give a disadvantage to the business.

The lack of planning permission prior to the commencement of work shows a total disregard for the residents that are facing increased stress and decreased quality of life and privacy.

PARISH COUNCIL: OBJECTION on the following grounds:

1. It appears that the application in relation to Building A is retrospective.
2. The adverse effects on neighbouring residential properties which has already occurred in relation to Building A (policy DBE2).
3. The lack of space within the site for the parking of vehicles.
4. The current arrangements for the disposal of sewage may not be satisfactory if the number of persons living on the site is increased.

If permission is granted the following conditions should be imposed

- i. Neither of Buildings A nor B is used other than for workers employed at the Nursery.
- ii. A limit be placed on the number of residents occupying the buildings.
- iii. Provision be made for leisure and recreation.
- iv. Provision be made to avoid noise pollution.
- v. Adequate car parking to be provided.

- vi. Satisfactory arrangements to be made for sewage disposal.

Main Issues and Considerations:

Green Belt

The National Planning Policy Framework 2021 (NPPF) defines development that is appropriate for the Green Belt as that which would not have a greater impact on the openness of the Green Belt and the five purposes of land included within it.

The proposal falls outside of the exceptions to inappropriate development listed in paragraphs 149 and 150 of the NPPF, it is therefore inappropriate development.

Very special circumstances

Paragraph 144 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms.

Paragraph 84 of the NPPF requires that planning decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land based rural businesses.

A horticultural nursery is an appropriate business within the Green Belt. The provision of worker accommodation would enable the sustainable growth of this business and will tidy up this area of the site.

Paragraph 3.66 of the Submission Version Local Plan defines the provision of new long-term residential accommodation for workers as inappropriate development within the Green Belt. However it acknowledges that house prices and rents within the traditional growing areas in the Green Belt so close to London make it unattainable for many individual workers, therefore the Council will allow the creation of nursery worker residential accommodation in the Green Belt if they are located within the area designated as a Glasshouse Protection Area and if it meets the requirements of policies GB17A of the Local Plan and policy E3 of the Submission Version Plan

Policy GB17A and policy E3 will permit the construction of horticultural worker dwellings on the basis that it is essential for the business. The nursery is long established, and the accommodation is essential to the business and the applicant's business is viable.

The site outlined in red falls within the ownership of Glenholme Nursery and within the Glasshouse Protection Area.

Impact on visual amenity/openness.

Each unit is under 150 sqm. The total floorspace of buildings to be demolished is 167 square metres, the new buildings proposed have an area of 194 sqm this is an increase of 27 sqm. However the existing water tower has a maximum height of 7.4m and the proposed buildings have a maximum height of 3.6m. the proposal will also tidy up this untidy site and will introduce soft landscaping in the garden area.

Furthermore since the location of the application site means that the buildings will be surrounded by glasshouses and residential properties, it is considered the proposal will not have a significant visual impact upon the character of the surrounding landscape. It is for these reasons that on

balance the overall harm to the openness of the Green Belt will be limited. The proposal is therefore considered to comply with Green Belt Policy GB2A of the Local Plan and DM4 of the SVLP.

In order to demonstrate the viability of the applicant's business, the agent details within the Planning statement that the business has been regularly invested in business over the years to improve the nursery resulting in pre-tax profits of £408,188 and labour costs of £628,420 for the financial year 2018-2019. There is therefore sufficient evidence to demonstrate that the applicant's business is viable.

In order to demonstrate agricultural need, the agent advises the following: -

As a result in advances in technology have increased the growing season to allow growing from late January to early December and has led to a significant increase in production and productivity creating a requirement of more labour, all of which is supplied from Europe.

Production at Glenholme, Arnlands and Hamblins has more than doubled since 2000. These nurseries have a total growing area of about 1.5 hectares. The employment density for a full-time crop worker is about 1 per 1,875 sq. metres. This gives a requirement for 8 permanent crop workers. These workers currently live in two cramped caravans.

At the time of the submission of the application, orders were increasing from Waitrose for mini cucumbers. The applicants are seeking to increase production of these vegetables, in order to do so, he argues he will need to hire more permanent employees and provide somewhere suitable for them to live. The proposal will therefore provide decent living accommodation for all these 10 workers.

The proposed new units would be finished to a high standard in accordance with Building Regulations and would be more attractive to workers than the existing caravan, which would be removed from the site. There is therefore an essential need for additional accommodation to enable existing workers to continue to live on site.

The accommodation offered by the applicant would be subsidized by the applicant as an inducement for employee procurement and retention. (50 pounds is deducted from workers weekly wages. This is clearly below the market rent for the area).

Given the site's planning history, it is considered that sufficient evidence has been submitted to establish that the building is essential to the applicant's horticultural business and there is insufficient alternative accommodation in the local area. The proposal therefore meets the requirements GB17A of the Local Plan.

Furthermore it is positioned within a cluster of other buildings. Its additional visual and physical impact will therefore be a less than substantial impact on the character and openness of the Green Belt. It is for these reasons there are sufficient very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development.

Objectors have raised concerns in regard to why the jobs have not been advertised to local people as a way to negate the need for worker accommodation. Anecdotally, an article in the Online version of the Daily Mail published on 11 June 2021 found that whilst the Government has spent more than £30,000 promoting the 'Pick for Britain' scheme, yet farmers could not recruit the 60,000 British volunteers needed to save UK crops during the Corona virus pandemic which stopped from entering the country last year. The lack of success resulted in the scheme being scrapped.

The agent also advises that the applicant (and other businesses within the Lee Valley Growers Association) has made attempts to attract local workers (including 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). All have been unsuccessful as “there is no interest in this type of work from indigenous locals and when they are employed, they do not stay long, often being unable to cope with the tough working conditions in a hot glasshouse environment. “It is for this reason that viability of the business remains “wholly dependent on migrant workers and the present workforce is almost entirely from Eastern Europe.”

The agent indicates that the cost of acquiring the level of accommodation required to house the 10 workers within existing local housing market would be £900,00 prior to any additional adaption or improvement works. This will result in requiring a deposit of £225,000 for the mortgages on these properties along with utility and tax bills. This cost could not be passed onto the worker and would therefore have a harmful impact on the viability of the business.

Given the high demand for horticultural workers in this area and the isolated position of the site in terms of access to public transport, along with the high cost of rental properties within the local area, it is clear that there is a lack of supply of affordable accommodation for nursery workers.

This style of the HMO is functional and is therefore more likely to stay as agricultural worker accommodation than a single-family dwelling subject also to a condition being attached to any permission requiring that only farm or nursery works can occupy the building.

Conditions are also recommended to ensure the two inappropriate caravans and derelict buildings area removed; future occupiers will be limited to those who work as horticultural workers for the application business and when the accommodation is no longer needed, the buildings removed from the site. It is on this basis that that the proposal complies with the requirements of policy GB17 of the Local Plan and E3 of the LPSV.

Occupiers of the new residential accommodation

Objectors have raised concerns that the accommodation is being built for rent by the general public. The application is for the accommodation of workers on Glenholme Nursery only and the two new buildings are proposed to be occupied by 6 people in total. There are also another 4 employees living within the two units of accommodation already on the site. There will therefore be a total of 10 employees living on the site. The Team Manager for the Private Sector Housing and Grants Team within the Environment Health Dept has visited the site on a number of occasions and confirmed that she “never had any concerns that the people residing in the caravans are not genuine workers on Glenholme Nursery”. Furthermore a suitable occupancy condition should be imposed in accordance with the comments made by the Parish Council.

Trees

A Cypress hedge and a plum tree straddle the boundary of the application site and neighbouring residential property Joline, both are shown to be retained. The Tree Officer therefore has no objections to the proposal.

3 areas of shrub ornamental planting are proposed along with 160 sq. area of grass lawn. The proposal will therefore have a positive impact on the landscape of the site in accordance with LL10 and LL11 of the Local Plan along with DM5 and DM9 of the Submission Version Local Plan.

Impact on the living conditions of neighbouring residential properties

The nearest residential property is 25m away. This property (Joline) is screened from the application site by 7m high hedge. It is therefore considered that the residential use will be compatible with the character of the surrounding area and neighbouring amenity will be safeguarded.

Highways

Plans have been amended to show a specific parking area for the occupiers of the accommodation along the southern side of the glasshouses. Although the agent argues the most common form of transport will be by bicycle.

The Highway Authority has reviewed the application and has no objections to make on this proposal. The proposal therefore accords with the requirements of policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Nursery Road is a private road, therefore it's condition and upkeep is a private matter.

Epping Forest Special Area of Conservation

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating atmospheric pollution impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from the two strategic employment allocations at Dowding Way and North Weald Airfield. The application will, however, be subject to planning conditions to secure site-specific measures as identified in the IAPMS.

Conclusion:

The Council is satisfied that, subject to the imposition of relevant planning conditions, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Ecology

The Ecology Team at ECC Place Services have reviewed the Ecological Survey (Hybrid Ecology Ltd, October 2020) and were satisfied that there is sufficient ecological information available for determination. The mitigation measures identified should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

They support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework. This includes two woodcrete / woodstone sparrow terraces installed on the new dwellings in order to enhance opportunities for house sparrow, a Priority Species. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent. The proposal therefore complies with the requirements of policies NC3 and NC4 of the Local Plan and DM 1 of the LPSV.

Land Drainage

The Land Drainage team advise that the site is at risk of surface water flooding therefore further details are required on how this matter will be dealt with. Due to the nature of the use further details of foul sewage drainage is also required. This includes details of how the Klargest unit will operate. These matters can be dealt with as pre-commencement conditions. It is on this basis that the proposal complies with the requirements of policies RP3 and U3 of the Local Plan along with DM16 and DM21 of the SVLP.

Land Contamination

Due to its use as a horticultural nursery, there is the potential for contaminants to be present on site. To ensure that future occupiers are not put at risk from this contamination, he recommends that contamination mitigation conditions are attached to any permission in accordance with

Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan and DM21 of the Submission Version Plan.

Other matters

The 25 workers mentioned in the accounts include the workers employed by the whole business, including those employed on the applicant's other nurseries.

Objectors have raised Dobbs Weir Caravan Park as suitable alternative accommodation; however this site is a leisure park and not designed for permanent residential occupation.

Conclusion:

The proposal is inappropriate development within the Green Belt. However, the site is located within a Glasshouse Protection Area where subject to the requirements of policies GB17A and E3, development related to food production will be supported.

Due to the location of site being surrounded by taller glasshouses and residential properties the impact to the wider visual amenity of the area will be limited. The agent has submitted clear and robust evidence that demonstrates that lack of suitable worker accommodation is affected the viability of the applicant's business.

Due to the accommodation being highly subsidized there is no other suitable accommodation available within the local area.

The proposal will also lead to the removal of established but inappropriate caravan accommodation.

It is recommended that conditions be attached to any permission to restrict the occupancy to horticultural workers only; the number of residents being limited to 10; when no longer in use for this purpose that it be demolished and removed and to ensure that satisfactory arrangements for sewage disposal. Sufficient parking and cycle storage provision has also been provided to accommodate the development. It is therefore considered in line with paragraph 84 of the NPPF there are sufficient very special circumstances to outweigh the harm to the purposes of containing land within the Green Belt and all other harms. The proposal on balance therefore complies with relevant planning policy and it is recommended that planning permission be granted.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk