

To: David Andrews (Chairman) Heather Johnson
 Chris Kennedy (Vice Chairman) Graham McAndrew
 Ken Ayling Gordon Nicholson
 John Bevan Paul Osborn
 David Gardner John Wyllie
 Calvin Horner

A meeting of the **REGENERATION AND PLANNING COMMITTEE** (Quorum – 3)
will be held at Myddelton House on:

21 SEPTEMBER 2023 AT 11.30AM

at which the following business will be transacted:

AGENDA

Part I

- 1 To receive apologies for absence.
- 2 **DECLARATION OF INTERESTS**

Members are asked to consider whether or not they have disclosable pecuniary, other pecuniary or non-pecuniary interests in any item on this Agenda. Other pecuniary and non-pecuniary interests are a matter of judgement for each Member. (Declarations may also be made during the meeting if necessary.)

- 3 **MINUTES OF LAST MEETING**

To approve the Minutes of the Meeting held on 20 July 2023 (copy herewith).

- 4 **PUBLIC SPEAKING**

To receive any representations from members of the public or representative of an organisation on an issue which is on the agenda of the meeting. Subject to the Chairman's discretion a total of 20 minutes will be allowed for public speaking and the presentation of petitions at each meeting.

- 5 **WHARF ROAD SUPPLEMENTARY PLANNING** Paper RP/73/23
DOCUMENT CONSULTATION BY
BROXBOURNE BOROUGH COUNCIL

Presented by the Head of Planning

- 6 **PLANNING CONSULTATION BY EPPING FOREST** Paper RP//23
DISTRICT COUNCIL
APPLICATION FOR THE REDEVELOPMENT OF THE
SITE TO PROVIDE CLASS B2, B8, E (G) (III) AND F1
FLOORSPACE, PARKING, IMPROVED ACCESS AND
ASSOCIATED LANDSCAPING.
AT NAZEING GLASSWORKS, 1 NAZEING NEW ROAD,
NAZING, EN10 6SU

Presented by the Head of Planning

- 7 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.
- 8 Consider passing a resolution based on the principles of Section 100A(4) of the Local Government Act 1972, excluding the public and press from the meeting for the items of business listed on Part II of the Agenda, on the grounds that they involve the likely disclosure of exempt information as defined in those sections of Part I of Schedule 12A of the Act specified beneath each item.

AGENDA
Part II
(Exempt Items)

- 9 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.

13 September 2023

Shaun Dawson
Chief Executive

LEE VALLEY REGIONAL PARK AUTHORITY

**ADDITIONAL REGENERATION & PLANNING COMMITTEE MINUTES
20 JULY 2023**

Members in Remote Presence:	David Andrews (Chairman) Chris Kennedy (Vice Chairman) Ken Ayling John Bevan David Gardner	Calvin Horner Heather Johnson Graham McAndrew Gordon Nicholson Paul Osborn
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Apologies Received From: John Wyllie

Officers In Remote Presence:	Beryl Foster Claire Martin Jon Carney Sandra Bertschin	- Deputy Chief Executive - Head of Planning - Corporate Director - Committee & Members' Services Manager
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Part I

186 DECLARATIONS OF INTEREST

There were no declarations of interest.

187 MINUTES OF LAST MEETING

THAT the Minutes of the Regeneration & Planning Committee meeting held on 27 April 2023 be approved and signed.

188 PUBLIC SPEAKING

No requests from the public to speak or present petitions had been received for this meeting.

189 PLANNING CONSULTATION BY EPPING FOREST DISTRICT COUNCIL **Paper RP/72/23**

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS, FOLLOWED BY THE CONSTRUCTION OF 22NO. COMMERCIAL UNITS, 6NO. FAMILY HOUSES, SUSTAINABLE DRAINAGE SYSTEMS, CAR PARKING (INCLUDING ALTERATIONS TO EXISTING GREEN LANE ACCESS), PEDESTRIAN AND CYCLE CONNECTION, REFUSE AREAS, CYCLE STORES, TREE PLANTING, SOFT LANDSCAPING AND AMENITY SPACE. AT WILLOWBROOK, GREEN LANE, NAZEING, ESSEX, EN10 6RS

The report was introduced by the Head of Planning including that in her view the development layout needed to be reviewed as the affordable housing did not appear to be very well integrated into the site.

ADDITIONAL REGENERATION & PLANNING COMMITTEE MINUTES 20 JULY 2023

Member comments included:

- the proposed large open space wouldn't have much biodiversity value and would be used by residents and the commercial units;
 - there were too many commercial units and they were too close to the woodland;
 - the location of the pond didn't support biodiversity;
 - biodiversity mitigation should be provided on both sites and not to the detriment of one site;
 - the exporting of biodiversity net gain was not supported and particularly as it is outside of the Regional Park;
 - the proposed design was detrimental to the area and it was suggested that a better configuration of the site would be if the housing fronted onto the cycle and footpath with a service road at the rear;
 - there was a large amount of tarmac at the front and this together with the housing and commercial units would create a large non-porous surface area and loss of natural drainage;
 - there was an abundance of car parking which did not support active travel;
 - a minimum of 22kv EV charging should be included;
 - works to the bridge would cause huge disturbance;
 - shared access via the bridge was a safety concern;
 - we would want to see measures to provide safe access for pedestrians and cyclists using Green Lane to visit the Regional Park given the increase in traffic and nature of that traffic;
 - the proposed development should support Policy DM1 "Habitat Protection and Improving Biodiversity";
 - developers often used the Regional Park to the benefit of their developments but with no benefit to the Regional Park itself;
 - to amend the recommendation in that without full provision of biodiversity net gain on site the Authority would object in principle to the outline application.
- (1) **that Epping Forest District Council be informed that without full provision of Biodiversity Net Gain on site the Authority objects in principle to the outline application for Willowbrook.**
- (2) **were Biodiversity Net Gain to be provided on site the Authority would have no objection in principle subject to:**
- (a) **the provision of further details for consideration in relation to:**
- (i) **a revised site layout to ensure development is setback from the eastern boundary to protect the adjacent Local Wildlife Site, the woodland and boundary tree line; and**
 - (ii) **a site wide lighting strategy designed in accordance with the 'Institute of Lighting Professionals (2018) Bats and Artificial Lighting in the UK Guidance Note 08/18';**

**ADDITIONAL REGENERATION & PLANNING COMMITTEE MINUTES
20 JULY 2023**

- (b) a detailed Construction Environmental Management Plan to protect the offsite woodland during construction and to ensure there are no adverse impacts;**
 - (c) measures to protect the off-site woodland habitat from littering and direct access from residents and pets which could harm wildlife – information about the Local Wildlife Site and its biodiversity should be included within the ‘Welcome Packs’ proposed by the applicant;**
 - (d) measures to provide safe access for pedestrians and cyclists using Green Lane to visit the Regional Park, taking account of the increase in and nature of traffic movements that will be generated by the proposed commercial development;**
 - (e) further information to demonstrate that the proposed bridge improvements to provide access onto the application site can be achieved without harm to the ecology and physical habitats associated with the ditch, particularly in relation to Otter and Water Vole activity;**
 - (f) additional habitat enhancements for Grass Snakes, for example the inclusion of some wetland habitat and an on-going management strategy for the site; and**
- (3) that Epping Forest District Council be informed that the Authority would wish to be consulted on the above matters in due course was approved.**

Chairman

Date

The meeting started at 10.33am and ended at 10.49am

WHARF ROAD
DRAFT SUPPLEMENTARY PLANNING DOCUMENT
CONSULTATION BY BROXBOURNE BOROUGH COUNCIL

Presented by the Head of Planning

SUMMARY

Broxbourne Borough Council are consulting on a draft Supplementary Planning Document (SPD) for Wharf Road. The SPD sets out a draft masterplan for the Wharf Road Gypsy and Traveller site GT1. Broxbourne Borough Council intend that the masterplan will provide additional detail to the existing Local Plan policy for the Wharf Road site.

Officers have been working with the Council and other stakeholders to find a way forward for the Wharf Road area since the allocation of the Gypsy Traveller site GT1 and adoption of the Local Plan in 2020. These meetings have also included representatives from Environmental Health, Environmental Services, the Police and service providers due to the range of issues encountered on site and concerns raised by local residents in the area.

The Authority was not informed of Broxbourne Borough Council's work on the draft SPD until it was issued for public consultation (12 July to 25 September 2023) and circulated amongst the residents of Wharf Road. Broxbourne Borough Council have apologised for this error but, due to this lack of pre-consultation involvement, the draft SPD has been issued with inaccurate information and has misrepresented the Authority's position regarding its landholdings in the area.

The Authority's draft comments on the SPD attached at Appendix A to this report include the revised wording that should be included as part of the draft masterplan and highlight other corrections needed.

RECOMMENDATION

Members Approve: (1) the comments as set out in Appendix A to this report as the Authority's formal response to the consultation by Broxbourne Borough Council on the draft Wharf Road Supplementary Planning Document.

BACKGROUND

- 1 The Broxbourne Local Plan (2018 – 2033) designates an area north of Wharf Road, 'GT1' as an authorised Gypsy Traveller site, "to accommodate the appropriate needs of the Wharf Road Community". Please refer to the plan at Appendix B to this report, which shows the GT1 site as presented in the Local Plan. This site has been removed from the Green Belt although it is still part of the Regional Park. The Authority objected to this designation during the Local Plan process, but it was endorsed by the Planning Inspector during the Local Plan Examination as a means of consolidating *"all of the traveller accommodation onto one defined area, away from the river"* and which, *"would provide an opportunity to create clear landscaped boundaries around it and allow the implementation of the LVRPA's environmental strategy on the surrounding land"*.
- 2 Broxbourne Borough Council (BBC) are now consulting on the draft Wharf Road Supplementary Planning Document (SPD). BBC state that the purpose of the SPD is to promote better living conditions for the residents of the Wharf Road traveller site *"as well as supporting action to improve the environment of the Lee Valley Country Park and tackle issues of unlawful expansion of the site"*. The SPD includes a draft masterplan for the area.
- 3 **Description of Wharf Road Area**
The allocated Gypsy and Traveller Site is located within the south eastern portion of the wider Wharf Road area which is defined in the Park Development Framework (PDF) under Proposal 6.A.4.1 see Appendix C to this report. The Wharf Road area forms part of the northern section of the River Lee Country Park (RLCP), located between the areas of Nazeing and Wormley. The site is bounded on the west by the London Cambridge rail line and to the east by the River Lee Navigation. The northern part of the site merges into an area known as Silvermeads a County wildlife site with high ecological values including a significant water vole population. To the south lies the extensive parkland of the RLCP an attractive and popular visitor destination. These areas are of high landscape and ecological value comprising Turnford and Cheshunt Pits Site of Special Scientific Interest (SSSI) which also forms part of the Lee Valley Special Protection Area (SPA) and Ramsar Site
- 4 Access to the Wharf Road area is limited. The nearest cross valley route, Old Nazeing Road is 1100m to the north and the east west track adjacent to Turnford Brook is 1900m to the south. There are only three entry points to the site – via the Wharf Road level crossing and the Lee Navigation towpath extending north and south, which carries the Lea Valley Walk and forms the principle pedestrian and cycle route link to the rest of the RLCP and Broxbourne station in the north. The Authority owns and manages a small public car park at the eastern end of Wharf Rd adjacent to the towpath.
- 5 **Site History**
The Wharf Road area was developed incrementally for holiday chalets in the 1920s and 1930s. Over the years that followed various other uses developed most unauthorised, including allotments, nurseries, and a boarding kennels. By the late 1970s the area consisted of between 69 to 75 plots in various ownerships and by the late 1980s it was clear that the holiday chalets and recreational plots at Wharf Road had ceased to "serve a genuinely recreational function" (1986 Park Plan). Information contained in old committee reports from the early 1980s show that public health, housing and planning concerns were

already being raised by Broxbourne Borough Council. They were concerned about the poor condition of the 'accommodation' and lack of planning permissions for these structures, the lack of water supply and mains drainage/sewage disposal and the increase in unauthorised activities. At that time it was noted that these conditions had existed for at least twenty years, therefore originating before the establishment of the Regional Park and Park Authority.

- 6 The removal of the leisure plots at Wharf Road and their replacement with open space was identified as a priority task during the first few months of the Authority's existence. The first plot was acquired in October 1967 and the Authority continued to acquire land and plots on an 'opportunity' basis. The Authority's plans for this area have remained consistent since the first 1969 'Plan of Proposals' which designated the Wharf Road area as "Open Space Parkland". Successive 'Park Plans' and the proposals contained within have sought to create a landscaped area for informal public recreation through the acquisition of land and buildings and if necessary through the use of the Authority's compulsory purchase powers (CPO).

- 7 Over the years the Authority has supported Broxbourne Borough Council in its work to remove unauthorised use and resolve planning, public health and encroachment issues. However whilst the Authority continued to acquire plots at Wharf Road with the last one in April 2012, it was also evident that a number of plots had been bought by traveller families directly from private owners. These were generally fenced, laid out with hard standing and occupied for permanent residential use. By early 2008 Broxbourne Borough Council had issued 6 planning contravention notices (to establish ownership, residence duration and nature of present use), pre-emptive injunctions on 2 plots (relating to their possible residential use or the laying of hard surfacing) and an operational enforcement notice on 1 plot. By late 2009 there were 9 sites occupied by Gypsies and Travellers (as reported in October 2009 paper A/4080/09) and 2 sites immune from action to remove them. In 2012 planning permission was granted on appeal for two Gypsy and Traveller sites.

- 8 This appeal decision going against the Council, together with advice that the Authority obtained from Counsel about developing detailed and robust proposals for Wharf Road to satisfy CPO procedures, and the criteria for acquisition in the public interest, prompted the Authority to commission an environmental strategy for Wharf Road. The Wharf Road Environmental Strategy Feb 2013 informed the development of PDF proposals for the Wharf Road area and was issued as an evidence base document for public consultation (December 2014 to February 2015) alongside the PDF Area 6 proposals. Key aspects of the Wharf Road proposals as adopted in 2019 can be summarised as follows:
 - Planting of native wet woodland to provide enhanced screening of visually intrusive uses.
 - Creation of a major new pedestrian spine parallel with the Broxbourne Ditch corridor.
 - Extension of existing path network and new access point for Silvermeade access.
 - New scrapes and additional ecological interventions, including management works to Broxbourne ditch to improve habitat for water voles.
 - Potential for short or long rotation coppice on the sites currently occupied

- by commercial premises.
 - Develop a long term strategy of removing illegal, non-conforming uses within the area including through use of enforcement action and compulsory purchase if necessary.
- 9 At the conclusion of the Local Plan Examination in 2020 the Authority owned 49 out of 69 plots amounting to around 80% of the site area. It was estimated then that the Authority has 'invested' £1.5m through land acquisition in the area. This considerable amount was predicated on a 'return' which would deliver a significant improvement in the environment of the area in line with its statutory purpose. Significant effort and officer time has also been spent removing unauthorised development and encroachments from Authority land holdings in the area over past years, with limited effect.
- 10 **Current Situation**
Over the last couple of years the nature of the unauthorised activities at Wharf Road has intensified raising public health and safety concerns. It has also on occasion impacted on visitors and users of the Park and its facilities. Significant encroachments are evident across areas owned by the Authority. A joint interagency team (Community Safety, Environmental Health, and Planning and the local police) has been meeting to tackle some of the issues and to examine options for delivering the Council's policy GT1 to establish a permanent Gypsy Traveller site at Wharf Road.
- 11 At the most recent set of meetings the Council indicated it would commence planning enforcement proceedings against any illegal encroachments within the area outlined in the Local Plan site GT1. This area must be cleared to accommodate the plots which in the Council's proposal will be relocated from the riverfront. Any enforcement action on plots that are owned by the Authority will mean the Council will need to serve enforcement notices on the Authority as landowner as well as on the occupier/s of the land. It was also identified that caravan licencing enforcement action should be taken simultaneously within the GT1 area, to be actioned by the Environmental Health department. While enforcement actions are being undertaken, proceeds of crime will also be investigated.
- 12 The Council are also pressing for meetings to be organised with individual owners of all river-front plots in order to negotiate direct land swaps with the Authority and start the process of moving residents into the central area. The Council are proposing to arrange these meetings and act as facilitator. Enforcement action will be held off for waterfront plots pending land swap negotiations. Enforcement proceeding in the central area will however impact upon the Authority as landowner of areas within the GT1 site.

THE DRAFT WHARF ROAD SPD

- 13 The SPD sets out a draft masterplan for the Wharf Road Gypsy and Traveller site GT1. The Council intend that the masterplan will provide additional detail to the existing Local Plan policy for the Wharf Road site. The draft SPD was issued for consultation on the 12 July until 25 September 2023. It is understood copies of the document were hand delivered to residents at Wharf Road. Once adopted it will be a material consideration in dealing with planning applications. The document repeats the Council's justification for establishing the Wharf Road site as set out in the Local Plan and the endorsement of this approach by the Planning Inspector who examined the Local Plan in 2020.

- 14 The SPD identifies and describes two main areas of development within the masterplan area; the first is the area to the north of Wharf Road itself where a cluster of caravans have been fenced in to create pitches with parking for cars and private space. This is the area defined as the Gypsy Traveller site GT1 in the Local Plan which has been removed from the Green Belt (Appendix B to this report). The second area refers to land fronting the River Lee Navigation where a number of caravans are located within individual plots. This area remains part of the Green Belt. Some of the caravans within both the designated site and along the waterfront have planning permission through certificates of lawfulness which have been issued by the Council and a small number also have caravan licenses. Some are not authorised. The SPD also recognises that there are problems with unauthorised encroachment and erection of fencing on land owned by the Authority and fly tipping.
- 15 The SPD acknowledges that the allocated site is located in an area at risk from flooding and there are no site specific flood defences in place. It also states that the site is not serviced with mains gas, electricity or waste water although there is a private water supply. It is understood that more recently UK Power Networks (UKPN) have made some connections to the electricity supply following requests from persons they presumed to be landowners and when they have been on site sorting out dangerous illegal connections.
- 16 The SPD refers to the PDF Area proposals relating to Wharf Road and also a detailed 'Landscape Strategy' for the area. Included within the document is the 'masterplan' drawing from what is in fact the 'Wharf Road Environmental Strategy' dated 2013. This work was commissioned by the Authority to inform the development and content of PDF Proposals for Area 6 River Lee Country Park. The SPD also highlights the River Lee towpath which is a Public Right of Way (PRoW) on the eastern edge of the site as a popular route through the Regional Park for visitors.
- 17 The draft masterplan sets out the Council's approach to the consolidation of all the gypsy and traveller plots within the designated site GT1. This requires the plots within the designated site to be retained 'without change' and the remaining riverside plots (9 plots in total) to be relocated over time into the designated site, onto the areas which are shown in orange. Please refer to the SPD draft masterplan included as Appendix D to this report. Once vacated all fences, hardstanding and other development are to be removed and the environment of the waterfront enhanced. A set of General Principles a) to k) inclusive are also set out as part of the masterplan – these are described as representing the position of both the Council and the Authority.
- 18 Through these measures the Council are seeking to create a contained (by natural boundary), authorised and licenced site properly serviced with roads, water, electricity and drainage on the area occupied by the majority of the existing lawful caravans to the north of Wharf Road, along with open land immediately to the north. This would in turn free up land alongside the River Lee Navigation to be re-incorporated into the River Lee Country Park. The Council propose that the site will be managed by the residents.

COMMENTS ON THE DRAFT WHARF ROAD SPD

- 19 **General Principles and Draft Masterplan**
Officers from both the Authority and the Council have had a number of meetings

over the last couple of years to find a way forward for the Wharf Road area since the allocation of the Gypsy Traveller site GT1 and adoption of the Local Plan in 2020. These meetings have also included representatives from Environmental Health, Environmental Services, the Police and service providers due to the range of issues encountered on site and concerns raised by local residents in the area. There has been a strong desire amongst all parties to find a reasonable solution to the range of problems on and off site as well as moving forward with the planning requirements set out in the Local Plan.

- 20 It was disappointing therefore, that officers of the Authority were not made aware of the Council's proposal to produce and consult upon a supplementary planning document for Wharf Road in advance of its publication and circulation amongst the residents of Wharf Road. This is unfortunate as the General Principles included within the draft SPD, supposedly representing the positions of both the Council and the Authority have in fact misrepresented the Authority's position stating under f) that the Authority will seek to purchase all waterfront plots and/or swap this land for Authority owned land within the central allocated area. Whilst officers have proposed the potential option to exchange land on the waterfront for Authority land within the central allocated area, no proposal has been made to purchase land and the Authority would need to comply with the provisions of the Park Act.
- 21 The Council officers have apologised for this error and the lack of pre-publication consultation with the Authority. Although notified of this error at the earliest opportunity they were not prepared to reissue the document and extend the consultation period. Instead assurances have been given that the revised wording provided by the Authority will be included in the final draft document to be considered by the Broxbourne Cabinet. Whilst these assurances are welcomed, there is concern that the position set out under General Principle f) may have misdirected local residents, and the public more generally. Revised wording for f) is included in the letter attached as Appendix A to this report. This will need to be included within the final approved document particularly if the SPD is to form a basis for planning decisions and enforcement action.
- 22 **General Principle g)** also requires an amendment. It refers to the PDF Area Proposals and the measures these identify as necessary to enhance the area, its environment and improve access for informal recreational purposes. It should be noted, however, that the PDF Wharf Road Area proposals cover a wider area than that referred to in the SPD. When adopted, they did not envisage the allocation of a formal Gypsy and Traveller site, nor that it would extend to the edge of the Broxbourne Ditch in the west and introduce a roadway around the majority of its boundary. Whilst the Area Proposals will still apply to the Wharf Road area the detail would in due course need to be reviewed in respect of the impact of the designated GT1 site on the surrounding public Park spaces and in particular the Broxbourne ditch and its environment. Revised wording for General Principle g) is proposed in the letter attached at Appendix A to this report.
- 23 Minor amendments are also required to General Principle k) which refers to 'site specific flood defences'. The Authority raised concerns about flood risk in relation to the allocated site during the Local Plan examination process. Appropriate flood defence measures will need to be accommodated as part of the design of the allocated site and will be a matter for the Council and the Environment Agency (EA) to resolve.

- 24 Other minor revisions are identified as part of the Authority's formal comments attached as Appendix A to this report. These refer to both the text of the SPD and the draft masterplan at Figure 4.
- 25 It is understood that once the Council have considered the responses to the draft SPD and made any relevant amendments the final version of the document will be presented to BBC Cabinet for approval in the autumn. It is understood that this document will support enforcement proceedings and form a basis for ongoing discussions and with the Authority and other parties in respect of delivering the consolidated Gypsy and Traveller site. It should be noted however that it will be difficult for officers to enter into negotiations on land swaps whilst enforcement action is being taken against the Authority.

ENVIRONMENTAL IMPLICATIONS

- 26 There are no environmental implications arising directly from the recommendations in this report but the draft Wharf Road SPD once adopted will contain guidance that will assist in the implementation of the Broxbourne Local Plan policy GT1 which will have an impact upon an area of the Park at Wharf Road and the implementation of PDF Area Proposal 6.A.4.1.

FINANCIAL IMPLICATIONS

- 27 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 28 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 29 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Park Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.
- 30 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 31 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 32 There are no equality implications arising directly from the recommendations in this report. This may be adequate but just flagging this so we can discuss.

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BACKGROUND REPORTS

Broxbourne Borough Council Wharf Road Supplementary Planning Document Draft for public consultation. This can be viewed in full via the following link:

<https://www.broxbourne.gov.uk/community/consultations>.

APPENDICES ATTACHED

Appendix A	The Authority's draft response to Broxbourne Borough Council
Appendix B	Context Plan showing the allocated site GT1 from the Local Plan adopted in 2020 and LVRPA ownership
Appendix C	PDF Area Proposal 6.A.4.1 for Wharf Road
Appendix D	Extract from the draft SPD General Principles and draft Masterplan

LIST OF ABBREVIATIONS

SPD	Supplementary Planning Document
PDF	Park Development Framework
BBC	Broxbourne Borough Council
RLCP	River Lee Country Park
PDF	Park Development Framework
SSSI	Site of Special Scientific Interest
SPA	Special Protection Area
CPO	Compulsory Purchase Order
UKPN	UK Power Networks
PRoW	Public Right of Way
EA	Environment Agency
GT	Gypsy/Traveller
the Park Act	Lee Valley Regional Park Act 1966



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21 September 2023

Dear Alison

RE: CONSULTATION ON THE DRAFT WHARF ROAD SUPPLEMENTARY PLANNING DOCUMENT - LEE VALLEY REGIONAL PARK AUTHORITY COMMENTS

Thank you for consulting the Regional Park Authority on the draft Wharf Road Supplementary Planning Document (SPD). A report on this matter was considered by the Authority's Members, at the Lee Valley Regeneration and Planning Committee on the 21st September 2023, when the following comments were agreed.

SPD General Principles and Draft Masterplan

The Authority welcomes the opportunity to comment on the draft SPD. It is unfortunate that officers were not made aware of this document or engaged earlier in the Council's drafting process for the SPD given that the objective of the document is to represent the position of both parties, building on the joint working that has taken place over the last year or so. Consequently the draft masterplan, as published for consultation, contains a significant error in terms of the Authority's position, which may have misdirected local residents, and the public more generally. This is explained below together with a number of other matters/concerns which will require amendments.

The following corrections are required in terms of **General Principle f)**. This should be rewritten so that it removes any reference to the Authority purchasing plots as part of the masterplan process. The following wording should be included in the revised SPD, (as indicated by the red bold font and strikethrough):

- f. For both authorised and unauthorised development on the waterfront (including the plots shown and any others) the LVRPA **may consider an exchange of** ~~will seek to purchase all waterfront plots and/or swap this land for Authority-owned land shaded in orange.~~ **This is subject to compliance with the Lee Valley Regional Park Act 1966.**

The Authority will not be purchasing any further plots at Wharf Road to facilitate the policy requirements of the Local Plan. An exchange of land may be possible, particularly as the Authority owns 58.7% of the area of the allocated site GT1, i.e. the areas in orange shown on Fig 4 Draft Masterplan onto which the Council proposes to move the waterside plots. This would be subject to legal advice and compliance with the requirements of the Park Act 1966.

As you are aware this amendment was raised with officers at the earliest opportunity and assurances have been given that the above wording will be incorporated into the amended version of the SPD to be considered by your Cabinet. This revision is required to ensure the SPD can form the basis of future planning considerations and enforcement action. The Authority wishes to see a copy of the revised SPD prior to its consideration by Cabinet.

Other Matters relating to General Principles and Fig 4: Draft Masterplan

General Principle g) refers to the PDF. It states that following the plot relocations the PDF indicates that the Authority will undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and PDF. The PDF Wharf Road Area proposals, which cover a wider area than that referred to in the SPD did not envisage the allocation of a formal Gypsy and Traveller site, nor that it would extend to the edge of the Broxbourne Ditch in the west and introduce a roadway around the majority of its boundary. It is understood that the roadway and to some extent the ditch will assist in defining the boundaries to the allocated site and assist with future site management. Nonetheless, whilst the Area Proposals will still apply to the Wharf Road area the detail would need to be reviewed in respect of the impact of the designated GT site on the surrounding public Park spaces and the Authority's future consideration of environmental enhancements.

The following revised text is proposed for General Principle g):

g) Following the necessary plot relocations the Park Development Framework Area Proposals indicate that the LVRPA will work with the Council and other stakeholders to implement environmental improvements and habitat enhancements across the area and increase the amount of space available for informal recreation. ~~undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and Park Development Framework~~

General Principles j) and k) make similar points about the provision of utilities and services. It is suggested that the last part of k) could be deleted.

It is unclear how the Authority will be able to assist with the provision of 'site specific flood defences' mentioned under General Principle k). Issues relating to flood risk in respect of the allocated site were raised from the outset of the Local Plan process. Appropriate flood defence measures will need to be accommodated as part of the design of the allocated site. Revised wording is proposed below for point k):

k) Subject to securing funding the Council and the Park Authority will work with the Environment Agency to provide site specific flood defences and utilities ~~companies to provide mains electricity, water and gas connections.~~

Fig 4: Draft Masterplan also requires amendments as follows:

The reference to Lee Valley Country Park should be corrected to **River Lee Country Park** – text on page 5 should also be amended to include the correct title. The notation of the roadway around the boundary of part of the site shown on the map does not correspond to the key and needs to be amended. It would also be helpful to include a boundary indicating the extent of the masterplan area as this is unclear.

Pages 5 and 6:

The draft SPD includes a section on the Lee Valley Country Park (page 5). This will need to be amended. It should be made clear that the **Wharf Road area** lies within the **River Lee Country Park** and the title to this section amended accordingly. The Wharf Road Inset should be referenced as Area Proposal 6.A.4.1 and the text included on page 5 should be identified as a summary of the Area Proposals not objectives for the Wharf Road as currently stated. The Wharf Road Proposals are attached in full as an Appendix to this letter for reference.

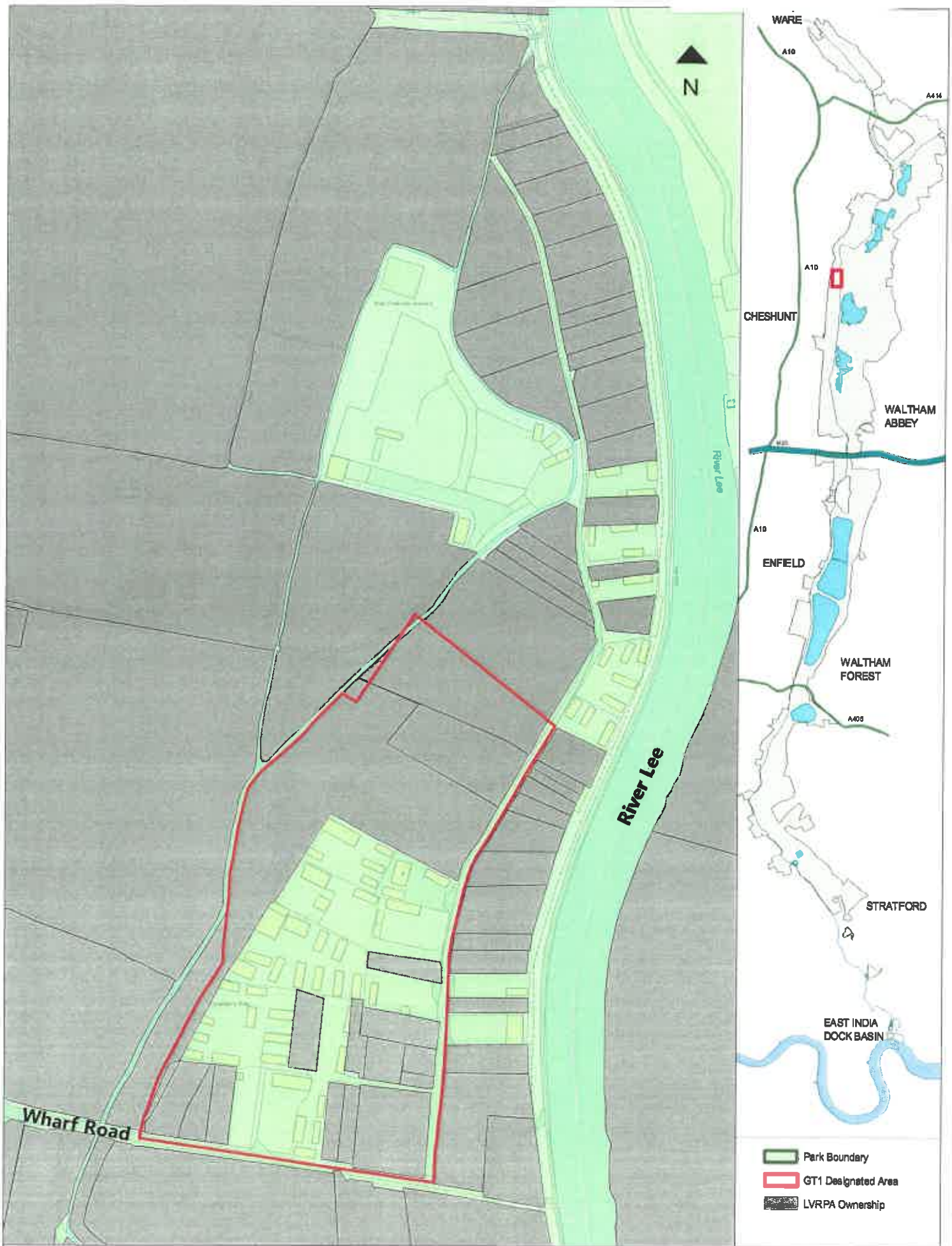
Finally Page 6 makes reference to the Wharf Road Environmental Strategy commissioned by the Authority in 2013 to inform the development of the Area Proposals. The plan included as Fig 3 in the SPD is actually an extract of the 'Masterplan' from this document and should not therefore be identified as a landscape strategy.

The Authority looks forward to seeing a revised version of the SPD prior to its consideration by Cabinet. In the meantime the Authority welcomes the opportunity to continue to discuss these matters with the Council on an informal basis.

Yours sincerely

Claire Martin
Head of Planning

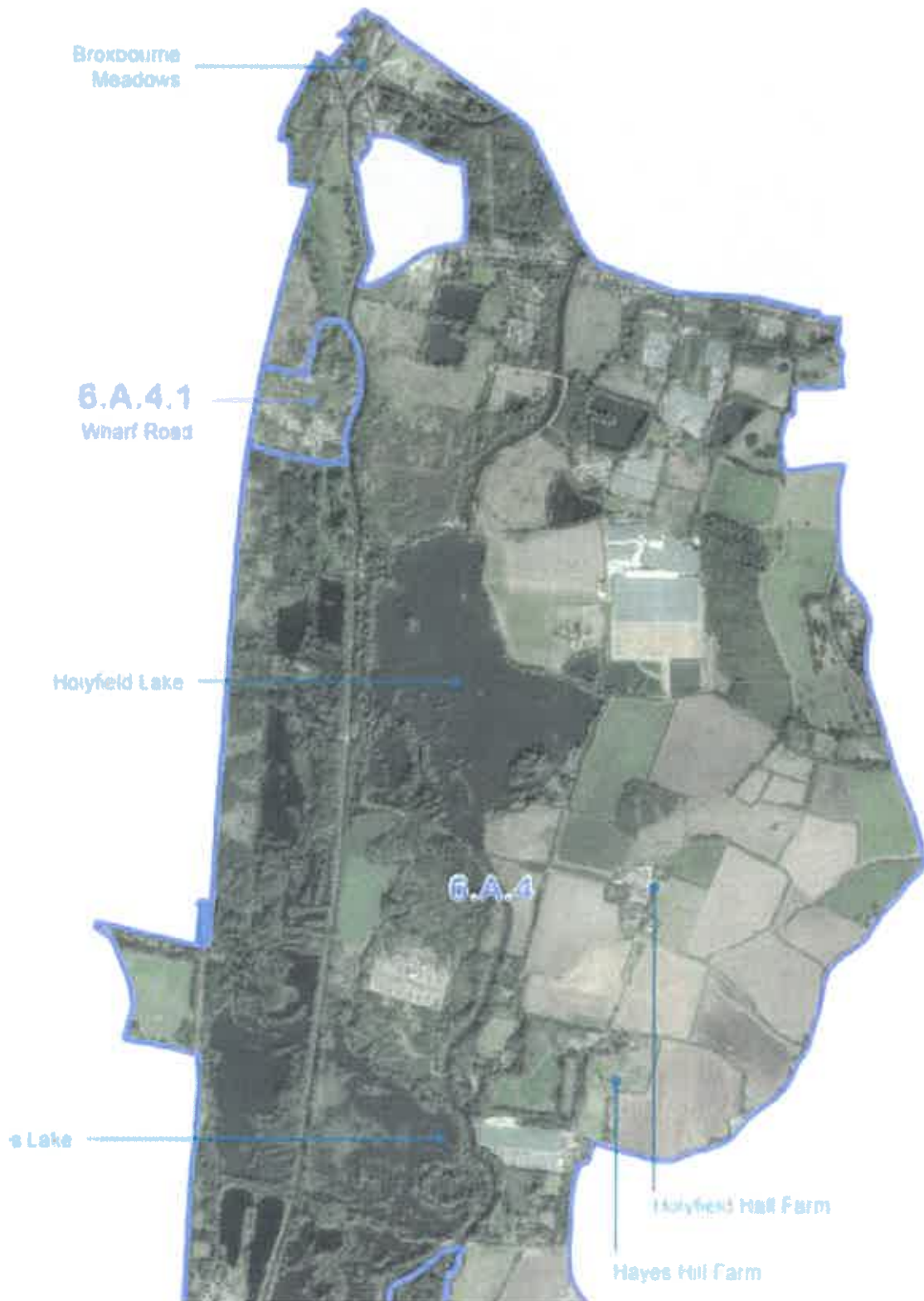
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GT1 Designated Area - LVRPA Context. Wharf Road, Wormley.

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Park Development Framework Extract - Area Proposal 6.A.4.1 Wharf Road



Area 6.A.4.1 Wharf Road Proposals

Walking

Create a new pedestrian spine parallel with the Broxbourne Ditch corridor to provide a different pedestrian environment and relieve pressure on the Navigation towpath. Extend the existing path network by providing further new tracks and paths to form extra links and circuits including an additional path along the southern edge of Silvermeade Wildlife site.

Upgrade Wharf Road as an entrance and gateway point into the River Lee Country Park. Work with Broxbourne Council, Hertfordshire County and Network Rail to sign the Regional Park from the High Road and improve the environmental quality of the route along residential roads and Wharf Road into the Park at this point. Assess existing entrance signage and ensure appropriate site signage is provided that promotes both the River Lee Country Park and safe crossing of the railway.

Maintain and enhance the small car park and provide an illustrated information board along with additional signage for information, interpretation and orientation throughout the area.

Sport and Recreation

Protect and maintain the area as a tranquil space for informal recreation, walking and cycling forming part of the wider River Lee Country Park. Work with Broxbourne Council and landowners to increase the amount of space available for informal recreation, particularly in the southern half of the site.

Improve and extend the existing network of tracks and paths to create circular routes with links through to adjoining areas of the River Lee Country Park for walkers and cyclists.

Biodiversity

Extend the ecological qualities of Silvermeade to the north eastern part of the site and along the Broxbourne Ditch to encourage species such as Water Vole. Areas in the north west to be managed as grassland and scrub grassland matrix. To the south areas of species rich grassland to be planted and managed as meadows.

This will be achieved through the following initiatives:

- Investigate provision of new scrapes, shallow pools and marsh habitat creation to the north and south of Nut Tree Nursery to extend existing habitats in Silvermeade and provide visually accessible habitats adjacent to new paths. Arisings to be disposed of in selected locations on site to avoid any reduction in flood plain capacity. Contamination surveys and Phase 1 and Phase 2 Ecological surveys are also required.
- Along Broxbourne Ditch removal of selected trees and pollarding of ditchside willows to reduce excessive shading; removal of litter, desilting and possible easing of bank gradients in limited numbers of selected locations to create habitat suitable for Water Vole.
- Introduction of a scrub control programme for areas south-west of Silvermeade, and north of Wharf Road, to conserve potentially interesting grassland and reedbed habitat.
- Removal and control of Great Willowherb in the north west of the site and Himalayan Balsam in the north east.
- Undertake cyclical management of hedgerows on Wharf Road and on the Navigation, removal of inappropriate species and localised gapping up

- Introduce meadow management on land west of Silvermeade and investigate feasibility of using cattle for grazing.

Promote the site as an access to nature area with opportunities to view species such as the Water Vole.

Landscape and Heritage

Landscape

Protect, enhance and manage the landscape as set out in the Landscape Strategy Guidelines for Character Area: A4 Kings Weir to Waltham Town Lock

Extend the positive landscape character of surrounding areas to the south and north into the site and strengthen existing landscape features including the Broxbourne ditch and the river edge.

Plant locally native wet woodland to extend and consolidate existing scattered tree clumps to provide enhanced screening to visually intrusive uses. Species should be mainly willow, alder and birch with some oak, with a focus on the creation of alder carr.

Thin and remove existing vegetation to improve inter-visibility of areas such as the Navigation and to remove the legacy of chalet plot development. The focus will be on the removal of inappropriate species (mainly surviving garden species from previous chalet development) and poor quality trees.

Environment

Work with Broxbourne Council and other stakeholders to develop a long term strategy of removing illegal, non-conforming and non Park compatible uses within the area, including through the use of planning enforcement action, and compulsory purchase if necessary.

Larger areas of non-conforming use may present issues of contamination and unsafe ground conditions unsuitable for public access. Given that remediation is likely to have significant costs it is suggested that these areas are assumed to be fenced to prevent public access, and to serve as a refuge area for wildlife

Investigate demand for the medium term lease of land that presents issues of contamination or unsafe ground unsuitable for public access to be planted, managed and cropped for short rotation coppice. This could include areas of hazel coppice and/ or the cultivation of cricket bat willows.

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Extract from Draft SPD

Wharf Road – Draft SPD for public consultation - July 2023

The Masterplan

The draft masterplan is set out in **Figure 4**. The masterplan indicates the following approach to consolidation of the site in accordance with the Local Plan:

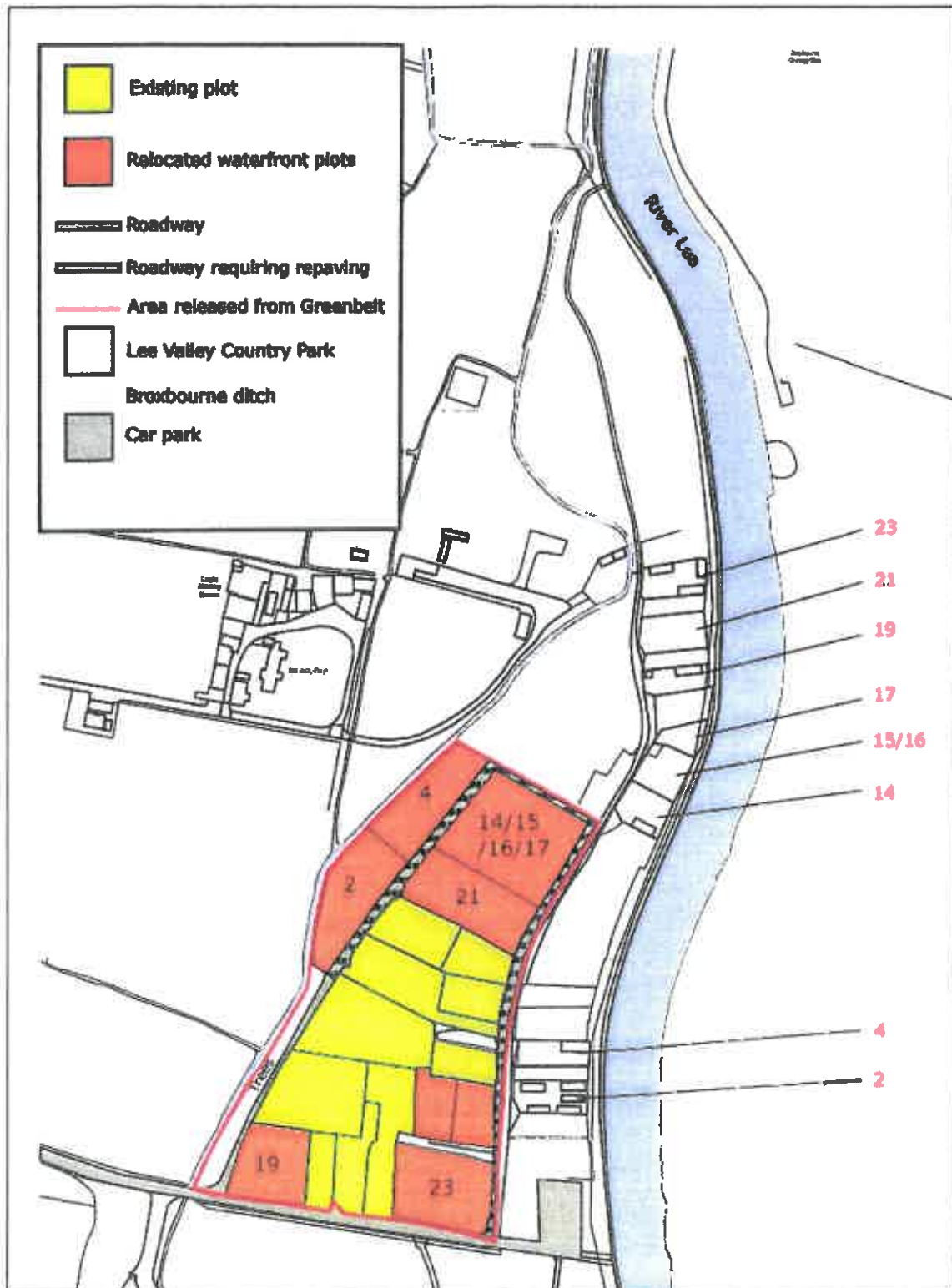
1. Existing plots within the consolidated site area (shown in green) will be retained without change.
2. Existing waterfront plots (numbers 2-23 inclusive) will be relocated over time to the areas shown in orange. At vacated plots all fences, hardstandings and other development will be removed and the environment of the waterfront enhanced.

General principles

The Council has had a number of meetings with the LVRPA and the following general principles have emerged in respect of the positions of both bodies:

- a. The Council will look favourably upon applications for planning permission for all developments on plots shaded in green or orange on the masterplan.
- b. The Council will upon request provide without charge free advice and assistance to any resident who indicates a desire to seek planning permission for pitches shown coloured on the plan.
- c. The Council will use all available statutory powers to enforce against unauthorised developments.
- d. In accordance with Local Plan Policy GT1, new or relocated pitches are to meet the specific accommodation needs of existing communities and expansion through their new household formation, not to meet the needs of their extended families or those of other families
- e. The LVRPA will take action against unlawful expansion onto land within its ownership.
- f. For both authorised and unauthorised development on the waterfront (including the plots shown and any others) the LVRPA will seek to purchase all waterfront plots and/or swap this land for Authority-owned land shaded in orange.
- g. Following the necessary plot relocations, the Park Development Framework indicates that the LVRPA will undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and Park Development Framework.
- h. The site will continue to be self-managed and owned by the residents.
- i. The masterplan will be used as the basis for seeking funding opportunities as they become available in order to work with the providers of statutory utilities to seek to provide authorised provision to the site.
- j. Subject to securing funding, the Council will work with statutory utilities providers to provide an authorised supply of gas, electricity, waste water and water supply.
- k. Subject to securing funding, the Council and the Park Authority will work with the Environment Agency to provide site-specific flood defences and utilities companies to provide mains electricity, water and gas connections.

Figure 4: Draft Masterplan



**PLANNING CONSULTATION BY EPPING FOREST DISTRICT
COUNCIL**

**APPLICATION FOR THE REDEVELOPMENT OF THE SITE TO PROVIDE
CLASS B2, B8, E (G)(III), AND F1 FLOORSPACE, PARKING, IMPROVED
ACCESS, AND ASSOCIATED LANDSCAPING
AT NAZEING GLASSWORKS, 1 NAZEING NEW ROAD, NAZEING,
BROXBOURNE, EN10 6SU**

Presented by Head of Planning

SUMMARY

The application seeks the redevelopment of a long standing employment site within the Regional Park known as Nazeing Glassworks, to provide a mix of flexible employment uses. The Authority's Park Development Framework Area Proposals (PDF) anticipated change within existing sites such as this and seek to ensure improvements can be secured for the Park through high quality development and measures that will enhance boundary treatments and open space and help reduce disturbance, and visual impact.

Although the proposed redevelopment is broadly acceptable in terms of its impacts on the visual and recreational amenity of the Regional Park the report recommends a holding objection due to insufficient biodiversity information in respect of Protected Species, designated sites and Biodiversity Net Gain (BNG). This information is needed in advance of any formal decision being reached in order to fully consider the ecological impacts of the proposal.

RECOMMENDATIONS

Members Approve: (1) that Epping Forest District Council be informed that whilst the Authority accepts the principle of the proposed redevelopment of the Nazeing Glassworks site for employment uses it places a holding objection on the current application in order that:

- a) further ecological surveys and reports including an Ecological Impact Assessment, can be undertaken as recommended by the Preliminary Ecological Assessment to enable the impacts of the proposed development, on the ecology of site, the surrounding Regional Park and onsite woodland to be fully considered prior to determination of the application;
 - b) a Biodiversity Net Gain assessment can be completed and the landscape scheme revised accordingly;
 - c) the location of Unit 7a can be reconfigured so that the built footprint is set back from the woodland and area designated as Green Belt to protect its ecological and landscape value;
 - d) the Authority would wish to be consulted on the outcome of the additional survey work and Biodiversity Net Gain report, the mitigation measures that follow and a revised layout for the southern part of the site;
- (2) that should the Council be minded to grant consent for the proposed development then the Authority would wish to see the following conditions attached requiring:
- a) the submission of a revised landscape plan informed by a Biodiversity Net Gain assessment;
 - b) the submission of a Landscape and Ecological Management Plan (LEMP) prior to the commencement of the development to ensure the on-going management and maintenance of the boundary planting and existing vegetation, and its function as a landscape buffer and wildlife corridor;
 - c) the production of an Environmental Construction Management Plan;
 - d) a lighting strategy for biodiversity, both for the construction period and once the site is occupied to take account of protected species such as bats, and the adjoining areas of the Regional Park and the

habitats these contain;

- e) a detailed scheme for the proposed pedestrian/cycle route into the site from the south, taking into account the ecology of the woodland; and

- (3) the Council should consult the Authority on the above conditions in due course.

DESCRIPTION OF SITE

- 1 The majority of the application site is a long standing employment site (extending to 2.9Ha/ 7.16 acres) located within the Regional Park, to the south of the River Lee Navigation and Carthagona. It is set back from Nazeing New Road behind a row of residential properties and, sitting adjacent to its north and eastern boundary, is a holiday caravan park. Further to the north is Nazeing South Lagoon a Local Wildlife Site, which wraps around the south eastern boundary together with the open spaces of Nazeing Meads. Immediately to the north west is an existing commercial industrial site. Please refer to the Plan at Appendix A to this report.
- 2 The site comprises the Nazeing Glass Works Factory and associated shop together with various small commercial buildings including offices, light industrial, storage, and other uses. The existing buildings consist of one main continuous mass together with some smaller buildings and associated structures; together they comprise approx. 8,494sqm Gross Internal Area (GIA). The remaining buildings and areas of hardstanding and low grade internal roads account for over 60% of the site. It is understood that the existing buildings are in poor condition with low energy efficiency and do not meet current building standards. They are typical of mid to late 20th century industrial buildings being a maximum height of circa 8m to eaves and clad in a mixture of profiled sheets and brick façade elements.
- 3 A substantial area of open grassland sits outside the employment area designation (1.5ha) and occupies the south west component of the site. This includes mature tree planting along the western boundary adjacent to (i.e. behind) the existing residential properties. To the south of the grassed area is a densely vegetated habitat of scrub and trees which extends beyond the site boundary and within which lies the Nazeing ditch. This section of the application site forms part of the Green Belt.
- 4 Access to the site is gained from Nazeing New Road along a narrow road which runs through the site and provides access to extensive areas of parking and the commercial units. Broxbourne Station is situated 0.6miles to the north west (approx. 12 mins walk), a bus stop is located directly outside the site on Nazeing New Road and the Lee Valley Walk runs alongside the Navigation. To the south east lies the Lee Valley Pathway which passes along Nursery Road. The site is located within Flood Zone 2 and 3 but benefits from flood defences.
- 5 In 2020 the Authority responded to a consultation on an outline planning application (report RP/3/20) for the comprehensive redevelopment of the same site for a mixed use of employment and residential units. Whilst the Authority had no objection in principle to the outline application it sought the inclusion of a number of conditions to cover the final appearance of the development, a

detailed lighting strategy, and the incorporation of a range of mitigation, compensation and enhancement measures recommended by the ecological assessment. The outline application was however refused by Epping Forest District Council (EFDC) on a number of grounds but in particular that the proposal would result in the unacceptable loss of employment floorspace within a designated employment site, which had also been identified as appropriate for employment intensification.

- 6 The applicants of the current proposal contacted officers at the Authority in the summer of 2022 to discuss early proposals for the redevelopment of the site for employment uses. At that time emphasis was placed on the need for any application to address issues relating to biodiversity, the quality of development and landscaping, particularly in respect of the site boundaries with the adjacent areas of the Regional Park.

POLICY BACKGROUND

- 7 The majority of the application site sits within an area designated for employment use in the Epping Forest District Local Plan 2023 under site NAZE E3. Local Plan Policy E1(a) states that the Council will seek to retain and enhance existing employment sites and premises for their existing authorised uses within Use Class B2, B8 or E, or Sui generis uses of an employment character. Policy E1(b) of the Local Plan states that proposals for the redevelopment, renewal, intensification, or extension of existing employment sites and premises for employment uses will be supported. Policy P10 'Nazeing' identifies the key infrastructure needs for Nazeing to support residential, traveller and employment development and under P10 E(iii) states that development proposals will be expected to deliver and/or contribute proportionately towards infrastructure items, including walking and cycling facilities, and linkages to key destinations, such as the Lee Valley Regional Park.
- 8 A small portion of the site lies within the Green Belt – the majority of which is to be retained as a woodland and identified as part of the landscaping for the wider site. Some built development will however intrude into Green Belt land. Policy DM4 (B) 'Green Belt' states that "Within the Green Belt planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national planning policy". Policy DM9 (A) 'High Quality Design' seeks to ensure all new development achieves a high quality of design and contributes to the distinctive character and amenity of the local area.
- 9 The Local Plan is recognised as having an important role in terms of the protection, enhancement, development and management of the Lee Valley Regional Park (LVRP) and the public enjoyment of its leisure, ecological, heritage, and sporting resources. The Local Plan 2023 recognises and supports the Regional Park, its vision and remit as a key asset for the District, and as a component of the region's green and blue infrastructure (para 2.23). It also recognises the Park Development Framework (PDF), and its specific proposals for the future use and development of the Regional Park including the importance of improving access into and through the Park for pedestrians and cyclists.
- 10 Policy DM1 'Habitat Protection and Improving Biodiversity' states that all development should seek to deliver net biodiversity gain, integrating biodiversity

within the development, and protecting and enhancing natural habitats. It also states that "Development proposals must seek to avoid harm to, protect and enhance natural habitats, species, areas and corridors for biodiversity".

11 **Park Development Framework**

Area 7.A.2 Proposals from the Park Development Framework for "Wetland Park Central and East Nazeing Meads and Carthagena" apply in this case. These include Landscape Proposals that seek to work with stakeholders to improve the impact on the Regional Park of industrial sites (and their intensification) structures and buildings through measures that contribute a reduction in noise, traffic generation, visual impact and intrusion. High quality development is to be sought and particular attention to be paid to enhancing the boundaries with open space. The site sits within the Landscape Strategy Character Area A3 an area with a coherent semi-natural character which should be protected, including wide open views across the lakes towards the largely undeveloped skyline to the east. The framework of mature trees that help create the rural landscape setting and the diverse and valuable wetland habitats should be conserved and enhanced.

- 12 Biodiversity proposals seek to improve access to nature and the delivery of habitat improvements within the Wetland Park, such as waterway and ditch enhancements for wetland mammals e.g. Otter and Water Vole. Partnership working is required to bring the Nazeing Lagoons Local Wildlife Site into positive conservation management status taking account of their proximity to Lee Valley Special Protection Area (SPA). Sport & Recreation proposals highlight the importance of angling within the area and that this should continue to be improved as a core activity on Nazeing Southern Lagoon. Circular walks within the Wetland Park are to be promoted linking together existing routes through Nazeing such as the Lee Valley Pathway, and Walk.

DESCRIPTION OF DEVELOPMENT

- 13 The applicant proposes the demolition and full clearance of the existing site and redevelopment to provide 10,205sqm (GIA) of flexible employment uses, including Class B2, Class B8, Class E(g)(iii) and up to 150sqm of Class F1 training uses. The new commercial floorspace is proposed across 7 new units, all except one of which, are subdivided to meet market demand in terms of size. The unit sizes would range between 328.87sqm and 1,486.20sqm with heights up to two storeys; max 10.5m Above Ordinance Datum (AOD). The units to the west of the site (close to the existing residential) are anticipated to have an eaves height of 7m with a ridge at no higher than 8.5m. The units to the east will have an eaves height of 9m and a ridge of 10.5m.

14 **Layout and Materials**

The proposed layout shows a terrace of units sited along the western boundary of the site screening activity from the adjacent residential neighbours. To the east two courtyards of units provide a flexible range of sizes for local businesses. In the south Unit 7a and some of its associated parking intrudes into the woodland and Green Belt area by approximately 11m. Please refer to the Proposed Site Plan at Appendix B to this report. The existing site access from Nazeing New Road is to be retained and enhanced to allow easy movement of vehicles and pedestrians. The proposals includes provision for:

- a minimum of 30 long stay cycle parking spaces (plus short term provision);
- 185 vehicle parking spaces, which is a reduction in 15 spaces compared to

existing situation (including disabled and electric vehicle charging provision, for 10% of spaces, with passive provision for 20% of the remaining spaces); and

- improved routes through and across the site for cyclist and pedestrians including improved pedestrian/ cycle access through the southern landscaped area with detailed specification and route to be agreed by condition.

15 The proposed materiality of the buildings would comprise high quality profiled and flat metal panel cladding systems. These are considered contemporary in appearance, and would be supported by accent materials such as timber panelling to provide additional character to the development. A limited palette of natural and neutral colours is proposed to provide a consistency in the appearance of the elevations, thereby creating a 'family' of high quality units.

16 Landscape and Ecology

A landscaping scheme is included as part of the development, this seeks to retain as much of the existing landscape as possible, as well as providing additional planting with native species to encourage enhanced ecology and biodiversity opportunities. The strategy aims to create a landscape buffer along the eastern boundary (approx. 3.5m wide) and proposes this should include species rich lawn, semi mature tree planting, shrub and ground cover planting and a meadow mix. A multi-functional landscape corridor is proposed through the centre of the development from north to south. The aim here is to soften the frontage of the built form through the introduction of tree (semi-mature) lined corridors, shrub and ground cover planting, street lighting and hedge screen planting. The area along the western boundary is to be left as existing with minimal intervention, although where appropriate additional trees will be added to provide screening for the adjacent properties. The southern area of woodland which lies within the Green Belt is to be left as existing.

17 Additional planting with native species of trees, shrubbery and hedges is proposed to encourage enhanced ecology and biodiversity opportunities. Bat and bird boxes and habitat piles are also proposed. The Preliminary Ecological Assessment (PEA) submitted with the application recommends a further habitat survey and bat surveys in order to inform the Ecological Impact Assessment. A Biodiversity Net Gain assessment will be undertaken to identify the potential for the proposals to deliver net gain, although, it is considered that BNG can be delivered on site through landscape planting and the enhancement of retained biodiversity habitats such as the woodland.

18 A Heritage, Townscape and Visual Assessment (HTVA) is submitted with the application and considers the potential changes to the visual amenity of people using the Park areas surrounding the site. It concludes that the views have demonstrated that *"the overall full visibility of the Proposed Development would be limited in both winter and summer months and the overall effect would largely be Minor Beneficial or Neutral."*

19 A Flood Risk and Sustainable Drainage Report has been prepared by consultants and submitted in support of this application. This report demonstrates that the site would not be at serious risk of flooding and the proposed development would not increase the level of flood risk to others. A number of mitigation measures are proposed within the statement, as well as sustainable drainage measures, including permeated paving and swales.

PLANNING APPRAISAL

20 Principle of Development

The majority of the application site, is a well-established designated employment site within the Regional Park. As such the principle of redeveloping this site for a mix of employment units is compliant with Local Plan policy and accepted. The proposed extension of the employment use onto the area of grassland within the existing Nazeing Glassworks site is also considered acceptable under Local Plan policy E1(b). The minor extension south into the Green Belt due to the location of Unit 7a will require the Local Planning Authority to consider whether very special circumstances have been demonstrated that outweigh any harm to the Green Belt. Implications in terms of the impacts upon the Regional Park are discussed below.

- 21 The main issues for consideration by the Authority are firstly the degree to which the proposed redevelopment and extension of the Nazeing Glassworks employment site will impact upon the visual amenity and recreational enjoyment of the Park and secondly whether the development will have an impact on the ecology/biodiversity of the Park. As stated in the PDF Area Proposal 7.A.2, it is important that the proposed scheme demonstrates high quality development and enhances boundaries shared with the Park's open spaces.

22 Impact on the Visual Amenity, Landscape and Recreational Enjoyment of the Park.

Recreational enjoyment of the Park is closely related for many, to the quality and interest of the landscape and the associated views they experience during a visit. The scale of the proposed units, at 2 storeys and the location of the application site which benefits from a degree of screening helps to mitigate views of the proposed units and reduces their impact on the Park's landscape. This is demonstrated by the Heritage, Townscape and Visual Assessment (HTVA) submitted with the application which shows limited impact on views and landscape character. Please refer to the viewpoints included in Appendix C to this report.

- 23 On the southern and western boundaries the existing woodland within the green belt, the majority of which is to be retained, and the residential area fronting Nazeing New Road, largely conceals the new units from views along Nazeing New Rd. The mixed scrub and wooded edge to the Nazeing South Lagoon on the eastern boundary helps to soften views of the site from more distant points across the lake. Although the development will be visible between the trees in winter the use of timber panelling will assist in reducing the massing and to some extent help the buildings blend with the surroundings. Along the northern boundary the mix of existing tree cover and the industrial buildings adjacent to the site, together with the narrow boats and waterside structures results in only a minimal sense of intensification.

- 24 The applicant is seeking to maintain and enhance boundary planting to the application site and strengthen these with additional native tree and hedge planting. This is supported and will be an important measure to maintain the screening of the site and continuity of habitat corridors along the boundary of the site which link with the wider area. The space allocated for the boundary enhancements on part of the southern and the eastern boundary is narrow ranging between 3 and 5 metres. A Landscape Management Plan and planting scheme will need to be secured by condition should the Council be minded to

grant consent to ensure the planting survives and matures as envisaged by the applicant. Swift boxes and bat boxes should also be included in any habitat enhancements.

- 25 Although the Green Belt woodland area on the southern and western boundaries of the site will be retained, a small part will be lost to the proposed warehouse unit 7a, its car parking and a small picnic area. No justification is given for this incursion into the Green Belt. The applicant is already proposing to extend the employment use westwards across the area of grassland which falls outside the employment area, although it has functioned as part of the Nazeing Glassworks site for many years. The woodland is not part of the employment area and sits outside both the designated area and the existing site, hence its green belt designation. It is important both for the ecology of the woodland and its landscape function as an attractive feature and substantial buffer that it is retained as a whole and that the development is pulled back away from the woodland. Indeed the PEA identifies the woodland as important for nature conservation and recommends further habitat surveys to assess its value. Setting the development footprint back from the woodland would assist in minimising as far as possible disturbance from noise, traffic and lighting.
- 26 Finally it is noted in the Transport Statement that the applicant is proposing a new pedestrian/cycle route into the site from the south to offer an alternative to the main existing vehicular access point in the north. This is shown as an indicative route at this stage, passing through part of the woodland along the southern boundary of Unit 7a. A pre-commencement condition for the delivery of the route is proposed as its exact location will need to be agreed with the ecologist. Setting back Unit 7a would enable the route, at least in part, to be provided outside the main area of woodland and avoid disturbance/loss of habitat.
- 27 **Ecological Impacts**
The PEA identifies a number of further surveys and reports required to fully understand the ecological baseline and impacts of the proposed development. These should be submitted prior to determination. This is also the view of Place Services the Council's ecological advisors (based at Essex County Council) who have placed a holding objection on the application for this reason. Specifically the additional information required is as follows:
- The PEA noted the need for a Habitat Regulations Assessment (HRA) due to the sites proximity to the internationally important areas including the Lee Valley Special Protection Area. It states that this would apply to both the construction and operational phases although as the development proposals are non-residential "*the likely impacts from increase recreation use are unlikely*".
 - Impacts on the adjacent Carthage Estate Lakes, Broxbourne Gravel Pits Local Wildlife Site should also be assessed and set out in an Ecological Impact Assessment (EclA).
 - Bat surveys undertaken in 2018 will need updating and the submitted lighting plan should be reviewed as part of the EclA, particularly with respect to light spill into the adjacent woodland.
 - Great Crested Newt (GCN) surveys should be undertaken on the nearby

ponds to provide the required Protected Species information. The results of these and the Bat surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- The PEA noted the need for an up to date habitat survey (known as a UK Habitat survey). This is required to work out the BNG baseline and final units. A BNG assessment is required as part of the application and this should inform the landscape plans and layout of the proposed development. Although biodiversity enhancements are indicated in the key to the landscape plans not all of the proposals appear on the plans.

28 An Environmental Construction Management Plan will also be required but this could be covered by an appropriate condition on any grant of consent.

29 Conclusion

The proposed redevelopment and expansion of the existing Nazeing Glassworks employment site is acceptable in principle, although the extent of the development footprint on the southern boundary needs to be reconsidered and drawn back away from the Green Belt and woodland. Whilst the impact on the visual and recreational amenity of the Park has been shown to be minimal the lack of biodiversity information and up to date ecological surveys means the impacts of the proposed development are not fully understood at this stage. In particular the presence of protected species is a material consideration when a planning authority is considering a development proposal and it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted, (ODPM Circular 06/2005).

30 A holding objection is recommended therefore, pending the completion, submission and consideration of the outstanding ecological surveys, the EclA and the BNG assessment and plan. This would also enable the reconfiguration of Unit 7a to be considered and the scheme layout redrawn to protect the ecology and landscape value of the woodland.

ENVIRONMENTAL IMPLICATIONS

31 These are addressed in the body of the report.

FINANCIAL IMPLICATIONS

32 There are no financial implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

33 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.

- 34 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 35 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 36 There are no equality implications arising directly from the recommendations in this report.

Author: Claire Martin, 01992 709885, cmartin@leevalleypark.org.uk

BACKGROUND REPORTS

Application Papers 20.007

July 2023

PREVIOUS COMMITTEE REPORTS

COMMITTEE	REPORT NO.	REPORT NAME	DATE
R&P	RP/3/20	Application for outline planning permission for demolition of all buildings & structures on site & a comprehensive mixed use development comprising up to 5,000sqm (gia) floorspace for employment uses including retail (class A1), office (class B1a), light industrial (class B1c), health care (class D1), leisure (class D2), a maximum of 230 residential (class C3) units, the formation of new pedestrian, cycle & vehicular circulation routes & means of access, new private & public open space, play space, cycle & vehicular parking.	26 03 2020

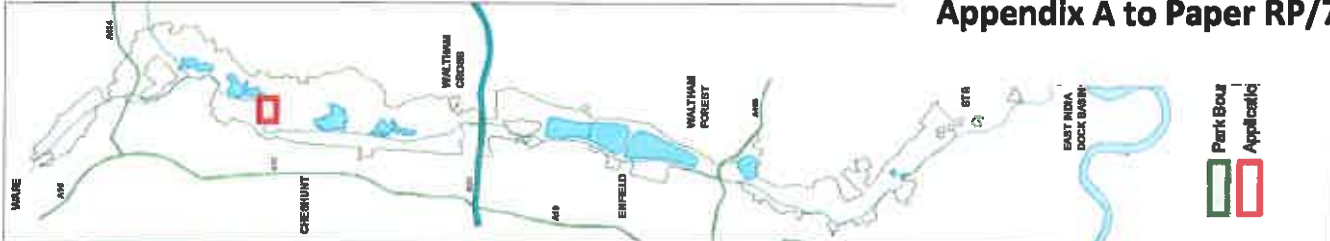
APPENDICES ATTACHED

Appendix A	Location Plan of the application site
Appendix B	Proposed Site Plan
Appendix C	Extract from Viewpoint Assessment

LIST OF ABBREVIATIONS

PDF	Park Development Framework
BNG	Biodiversity Net Gain
LEMP	Landscape & Ecological Management Plan
GIA	Gross Internal Area
EFDC	Epping Forest District Council
LVRP	Lee Valley Regional Park
SPA	Special Protection Area
AOD	Above Ordinance Datum
PEA	Preliminary Ecological Appraisal
HTVA	Heritage, Townscape and Visual Assessment
HRA	Habitat Regulations Assessment
EclA	Ecological Impact Assessment
GCN	Great Crested Newt

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Proposed new commercial development: Nazeing Glassworks Site, Nazeing New Road, EN10 6SU.

NTS @ A4
08.09.23

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Appendix C Extracts from Viewpoint Assessment

View 4 from Carhagena Lock Bridge



Existing view



View with proposed development



View 8 Centre south of the Nazeing South Lagoon



Existing



With Proposed Development



View 9 for Nazeing Labyrinth Weir



Existing view top and with proposed development bottom

