

**PLANNING CONSULTATION BY
EPPING FOREST DISTRICT COUNCIL**

OAK TREE FARM PAYNES LANE, NAZEING EN9 2EY

**APPLICATION FOR PLANNING PERMISSION FOR THE SITING OF 5 NO.
CHALET LODGES (CARAVANS) FOR HOLIDAY ACCOMMODATION
PURPOSES (REVISED APPLICATION EPF/2983/19)**

Presented by Head of Planning

SUMMARY

This revised application proposes the erection of 5 holiday chalets within the River Lee Country Park to the west of Paynes Lane close to Holyfield Lake. Restrictions imposed due to Covid 19 in March 2020 delayed the committee at which Members were due to consider the original application and in the interim the matter was dealt with by Epping Forest District Council (EFDC) under delegated powers and permission refused.

The applicant has now obtained an exemption certificate which allows for the stationing of 5 caravans on the application site for a period of one year without the need for planning consent. This permitted development fallback position has been taken into consideration when reviewing the revised application.

The revised application is still deficient in terms of the information supplied to fully assess the proposal in terms of its Green Belt location and in terms of its impact on the adjacent Local Wildlife Site and protected species known to be present in the vicinity. Biodiversity impacts should be a material consideration in this case and the lack of information on this matter together with other concerns requires the Authority to lodge an objection in this case.

RECOMMENDATIONS

Members Approve: (1) that Epping Forest District Council be informed that the application proposal does not meet the requirements of the Authority's Park Development Framework Area Proposals 6.A.4 River Lee Country Park which are aimed at

conserving and enhancing the rural character and high ecological value of the River Lee Country Park. Notwithstanding the exemption certificate which allows for the stationing of 5 caravans on the application site for a period of one year, the Authority therefore objects to the current application on the grounds that:

- a) insufficient information has been supplied to demonstrate the special circumstances that apply for the development of 5 holiday chalets at this isolated location in the Green Belt within the Regional Park;
 - b) there is no accompanying ecological appraisal available for this proposal and as such there is insufficient information on which to assess the application for biodiversity impacts which should be a material consideration in this case;
 - c) limited detail is provided on the associated landscape and tree planting, there is no specification for the wild flower meadow or ecological management plan and it is not clear how this would help to 'buffer' or limit the 'visual obtrusiveness' of the lodges as suggested by the applicant;
 - d) further detail is required in respect of lighting and vehicle access to the site in order to fully assess impacts on biodiversity and recreational activity;
- (2) if the District Council are minded to grant planning consent without the required ecological reports, the Authority would wish to see the following conditions attached to any permission:
- a) timing of works to avoid nesting bird season;
 - b) construction plan to include protection measures for Badgers (e.g. holes covered or escape ramps);
 - c) a lighting plan for biodiversity agreed to avoid light spill into surrounding areas which would affect sensitive species including Bats, Badgers and Otters. In particular, a dark corridor to be maintained in the woodland and scrub edge to Holyfield Lake;
 - d) a detailed landscaping and management

plan to include use of locally native species;

- e) access restrictions to ensure only the road access from Paynes Lane is used in association with the holiday lodges and the vehicular access from the track that links with Green Lane is retained for agricultural purposes only; and
- f) the Authority should be consulted on the above details and plans in due course.

DESCRIPTION OF SITE

- 1 The application site is situated on the western side and at the southern end of Paynes Lane and forms part of agricultural land associated with Oak Tree Farm. It is an isolated location within the Green Belt, to the west the site is bounded by Holyfield Lake, a Local Wildlife Site and to the south are fields and Langridge Farm. Further out, to the east of the site and Paynes Lane are nurseries including the large scale Valley Grown Nursery glasshouses. However, the predominant character of the area is that of open land. Please refer to the plan at Appendix A to this report.
- 2 The site encompasses an area of a 1.53 ha broadly rectangular in shape positioned adjacent to Holyfield Lake. The site presents as a field of rough grassland and indeed in the Planning Statement is described as "improved grassland," although it is also to be noted that "the site (farm) is shortly to be dedicated to the production of lavender". Records held by Epping Forest District Council for the site have identified that it is potentially contaminated land due to former use as a landfill for soil and demolition waste.
- 3 An access track passes between the site and the bankside edge of the lake which is well vegetated throughout (woodland and scrub) and incorporates fishing stances. A hedgerow borders the western edge of the application site. The access track connects to Green Lane to the north and is a partial reinstatement of the former haul road used as part of the previous gravel extraction works which were widespread in this area. The applicant has planning permission to use this track as an agricultural access to Oak Tree Farm; although it is presumed the main access to the Farm is still via Paynes Lane. Indeed, it is this access route off from Paynes Lane, that is included in the applications' red line boundary. In the south the track continues alongside the Lake and towards Langridge Farm. This is well used by walkers to connect into the RLCP. A public right of way (PROW) runs from west to east close to the northern boundary of the application site connecting through to Paynes Lane.
- 4 Oak Tree Farm and the application site are located within the Regional Park and form part of the River Lee Country Park (RLCP). The adjacent Holyfield Lake is an important angling site within the RLCP and a number of angling clubs and societies operate on a licenced basis from the bankside. The water is also used by the Fishers Green Sailing Club who are located on the eastern bank further to the south. As a Local Wildlife site the Lake is an important wetland habitat and also acts as a refuge and alternative to the Turnford and Cheshunt Pits Site of Special Scientific Interest (SSSI) – part of the Lee Valley Special Protection

Area (SPA), providing habitat for over wintering and breeding birds.

- 5 The Authority was first consulted on proposals for 5 holiday chalets at Oak Tree Farm in early 2020. The application was due to be considered at the March Regeneration and Planning Committee when the first lockdown came into force and the meeting was cancelled. Before the matter could be considered at the April Committee EFDC dealt with the application via delegated powers and refused permission. The grounds for refusal included issues relating to flood risk (it is situated within Flood Zone 2), potential impact on the integrity of the Epping Forest Special Area of Conservation (SAC), the lack of any case being made as to the very special circumstances that would apply to overcome the inappropriateness of the development within the Green Belt and the lack of an up to date preliminary ecological survey to enable the Council to fully assess the development in terms of its impact on ecological matters.
- 6 More recently, in October 2020 the applicant obtained an exemption certificate which allows for the stationing of 5 caravans on the application site for a period of one year, providing the caravans are used by members of the exempted organisation, in this case the Woodland Champions Club, for the purposes of recreation. This is permitted under the General Permitted Development Order (GPDO) Part 5 (*Caravan sites and recreational campsites*), *Class A – use of land as caravan site*, which allows for the siting of caravans on the site in accordance with the "*circumstances mentioned in paragraphs 2 to 10 of Schedule 1 to the 1960 Act*" (the Caravan Sites and Control of Development Act 1960). The Council will be obliged to consider this permitted development position when reaching their decision on the revised application.
- 7 The Planning Statement explains that the applicant is also exempt from needing a caravan license for the site (due to the exemption certificate), although Council officers have submitted that a site licence will be required to operate the site, and that certain conditions will need to be considered in relation to the separation distances between lodges/caravans, the positioning of decking and the need for the site to meet the requirements of flood risk assessment, fire safety requirements and period of occupation of the site. It is understood that Epping Forest Council were consulted on the exemption application but did not provide any comment; the case officer has confirmed that she was unaware of this consultation.

POLICY BACKGROUND

- 8 The site is designated as Green Belt and policy in both the current Local Plan (Combined Policies of Epping Forest District Local Plan 1998 and Alterations 2006) and the Submission Version Local Plan 2017 (draft Local Plan) is clear that planning permission will not be granted for inappropriate development, except in very special circumstances. This is in accordance with national policy. Construction of new buildings are considered inappropriate development unless an exception to this policy can be demonstrated on the grounds, in this case, of the "*Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*", (draft Local Plan policy DM4 Green belt).
- 9 Policy in the adopted Local Plan seeks to preserve and enhance the biodiversity and networks of natural habitats of the area, (Core Policy 2). The draft Local Plan Policy DM1 on habitat protection and improving biodiversity seeks to

ensure development delivers net biodiversity gain in addition to protecting existing habitat and species. Development proposals should seek to integrate biodiversity through their design and layout.

- 10 Development proposals which are likely to have a negative impact on a locally designated site such as a Local Wildlife Site will only be permitted where the benefits of the proposed development clearly outweigh the value of the ecological feature adversely affected and there are no appropriate alternatives. Policy DM1 (G) also states that:

“where there are grounds to believe that a Protected Species, Priority Species, Priority Habitat or other valuable habitat may be affected by proposed development, applicants must provide a full survey and site assessment to establish the extent of potential impact. This evidence should inform appropriately designed plans and mitigation measures.”

Ecological information must be supplied in accordance with BS 42020 2013 for all relevant planning applications.

- 11 The draft Local Plan also includes policy for the Visitor Economy E4 (1) which seeks to support the development of high quality visitor accommodation, in particular accommodation linked to outdoor sport and activity hubs in the Lee Valley Regional Park, and visitor accommodation of an appropriate scale and type that makes use of existing buildings and strengthens existing rural leisure businesses.
- 12 Area 6.A.4 Proposals from the Park Development Framework for “the River Lee Country Park” apply in this case. These include Sport & Recreation proposals to protect and improve the fisheries and to manage and promote sailing at Holyfield Lake, to improve visitor access particularly at entrance points to the RLCP along Paynes Lane and Green Lane and in terms of biodiversity to protect, enhance, and manage the mosaic of open water, scrapes, meadows floodplain grassland to improve ecological value and species diversity. Non designated waterbodies are to be managed in accordance with their role in supporting the wider SPA.
- 13 Landscape proposals seek to conserve and enhance the secluded rural character and high ecological value of the River Lee Country Park with positive conservation and management of diverse wetland habitat, balanced with the provision of recreation and enjoyment of the landscape. Visitor hubs are identified at Fishers Green, Broxbourne Riverside, Lee Valley Park Farms and at the Cheshunt Station and Pindar Visitor Gateway.

DESCRIPTION OF DEVELOPMENT

- 14 The application proposes the erection of 5 single storey holiday chalets with cedar clad walls and pitched dark grey tiled roofs. From the drawings provided each chalet is approximately 4 metres in height by 19 meters in length, with 2 double and 1 single bedroom. A wide veranda wraps around the front and one side of each chalet and includes a hot tub in one corner. Each unit is capable of accommodating 4 adults and 2 children. Each chalet has been orientated out of direct line of sight from each other and look out toward the lake.
- 15 Car parking provision is provided alongside each chalet for 2 cars and a total of 30 cycle spaces are also specified although it is unclear where these would be

accommodated. An access road off Paynes Lane in the east is shown on the location plan and referred to in the Planning Statement as the means of access to the holiday chalets. No reference is made to the secondary access into the site via Green Lane and whether or not this will be closed to visitors staying on site.

- 16 The site block plan shows proposed flower meadow planting alongside and to the east of each chalet and the proposed planting of 3 or 4 oak trees in association with each plot. No other details are provided. Please see the site plan and proposed elevation drawings at Appendix B, C and D to this report.
- 17 A short section titled Preliminary Ecological Assessment is included within the Planning Statement Assessment which notes the observations of the author, following multiple site "inspections and surveys". No evidence of important species and habitats were found to be present although it is acknowledged that "a variety of bat species are likely to forage in the area". It is proposed that any external lighting will be kept to a minimum and that the applicant intends to install bat boxes and nesting boxes in boundary hedges. The competency of the author of the Planning Statement, in ecological terms is not specified. No ecological survey is included with the application.

PLANNING APPRAISAL

- 18 The provision of visitor accommodation within the Regional Park is, in general an acceptable use. Opportunities for visitor accommodation are identified in the Authority's Park Development Framework, usually in association with popular visitor hubs such as the Lee Valley Park Farm, as part of the Broxbourne Gateway (Old Mill and Meadows) or as part of established sites such as Dobbs Weir Caravan Park. Most of these sites are also in the Green Belt but unlike the application site are already developed sites forming part of a wider leisure and recreation offer.
- 19 The current proposal is located on a somewhat isolated and open site in the Green Belt within the River Lee Country Park and no evidence has been supplied to demonstrate the special circumstances that might apply for this proposal in this situation. The 5 chalets, the access road and associated hard standing for car parking are situated some distance away from existing properties at the end of Paynes Lane and will introduce a new and quite stark built presence adjacent to Holyfield Lake, interrupting the more rural and open landscape character of the area. An explanation as to why this location is considered more suitable than one closer to the farm buildings is provided in the Planning Statement where it explains that the "site has been chosen specifically to avoid proximity to neighbours and to provide maximum open space and amenity benefit to visitors / users".
- 20 In addressing the Council's Green Belt/special circumstances reason for refusal, the applicant refers to the exemption certificate and provision this allows for use of the site for the stationing of 5 caravans without the need for any landscaping or buffer planting. This is described as a permitted development fallback position, which the applicant states, would give rise to greater harm to the openness of the green belt than the proposed scheme due to the lack of any planting "to limit the visual obtrusiveness of the structures". This argument serves to reinforce concerns about the impact this use would have on the openness of the Green Belt, whether under the permitted development fallback position or the current application.

- 21 Whilst the stationing of 5 caravans under the permitted development position could take place, (the road and hardstanding would likely require permission) this proposal would none the less be of a temporary nature requiring annual renewal. It could therefore be argued that this proposal would be less harmful to the openness of the green belt than the proposal for the five lodges, despite the lack of landscaping.
- 22 In terms of the current application limited detail is provided on the associated landscape, there is no specification for the wild flower meadow or ecological management plan and it is not clear how this would help to 'buffer' or limit the visual obtrusiveness of the lodges as suggested by the applicant. The lodges would form a prominent feature in the landscape, in contrast to the general openness of the immediate surroundings, for those experiencing the RLCP and walking along the lakeside track for example. The planting of standard oak trees is noted but again there are no details as to how these would be managed or replaced if they were to fail. In any event it would be preferable not to rely on landscaping to try and mitigate unattractive or 'visually obtrusive' development.
- 23 It remains a concern that there is still no ecological appraisal accompanying this application; there would have been time to commission and deliver the required surveys prior to the resubmission of the application. As such there is insufficient information on which to assess the application for biodiversity impacts which should be a material consideration in this case given its location adjacent to a Local Wildlife Site – Holyfield Lake and its proximity (under 800m) from the Lee Valley SPA/Turnford and Cheshunt Pits SSSI.
- 24 Holyfield Lake forms part of the Lee Valley South Local Wildlife Site and is important for its bird populations, aquatic invertebrates, aquatic mammals (Otters and Water Voles), wildlife corridor function and swamp communities. This extensive site provides much additional and extremely valuable habitat next to Turnford and Cheshunt Pits SSSI that are of national importance for overwintering and breeding birds. Both the District Council and the Authority have strong policies and proposals that seek to protect and improve biodiversity, both existing habitat and species and to ensure development delivers net biodiversity gain.
- 25 There is currently informal recreational usage in this area by walkers, dog walkers and anglers. Fishing stances are provided at intervals around the Lake but this use is managed under license by the angling clubs. Park Development Framework (PDF) Area Proposals are focused on improving the fisheries, enhancing visitor access and protecting and enhancing biodiversity. With no lighting in the immediate area the woodland and scrub edge of the lake provides a dark corridor which is of benefit to wildlife.
- 26 Increases in light and noise from the proposed Chalets could have impacts on protected species such as Bats using this corridor. Other protected species known to be in the immediate area include: Otter, Water Vole, Badgers, and Grass Snakes may also be present. Several Skylarks (UK red list) were seen on the original site visit back in March 2020, over the development site and the surrounding fields which provide potential breeding habitat for these and other ground nesting birds. Very limited information about lighting is supplied with the application and there is only limited detail about the proposed wildflower meadow sections and planting of individual oak trees. It is also understood that the site has potentially contaminated land due to former use as a landfill for soil

and demolition waste. Although a matter for the Council to resolve this may impact planting proposals and public recreational use of site.

- 27 Clarification that the route into the site from Green Lane will not be used by visitors and the means of controlling this restriction is also required, particularly given the access track from Green Lane is used as by walkers and anglers.
- 28 Flood risk issues were cited by the Council as a reason for refusal in relation to the previous application. The site is located within Flood Zone 2 but the applicant refers to hydraulic modelling carried out in 2017 that placed the site within Flood Zone 1. Council officers however still refer to the site being within Zone 2 and have also raised the need for the site to meet the requirements of flood risk assessment as a condition of any caravan site licence.
- 29 In conclusion the resubmitted application still lacks supporting information to justify the development's location in the Green Belt, it has not provided an ecological assessment and appraisal, nor does it include a lighting plan. This means that as it stands it is not possible to adequately assess the application and an objection to the proposal would seem appropriate. Further detail on controlling access to and from the site is also required.
- 30 However, the exemption certificate and fallback position must also be considered. This allows for the stationing of 5 caravans on a temporary basis without due consideration of any of the above points other than the issue of flood risk, which might be picked up via the site license process. Would the current application therefore offer a better outcome? From the perspective of the impact on the Park, the concerns raised regarding ecological impact (a material consideration), the lack of landscape details and impact on openness are significant. Officers do not therefore consider that the current proposal meets the requirements of the Authority's PDF Area Proposals, 6.A.4 River Lee Country Park. These are aimed at conserving and enhancing the rural character and high ecological value of the River Lee Country Park, and seek positive conservation and management of the diverse habitats, balanced with the provision of facilities for recreation use and enjoyment of the landscape.
- 31 It is therefore considered appropriate to lodge a formal objection to this application notwithstanding the fallback position. Should the Council be minded to grant permission relevant conditions have been identified to assist in overcoming the concerns discussed above.

ENVIRONMENTAL IMPLICATIONS

- 32 These are addressed in the body of the report.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

- 34 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). 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.

- 35 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

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

EQUALITY IMPLICATIONS

- 37 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 20.119

December 2020

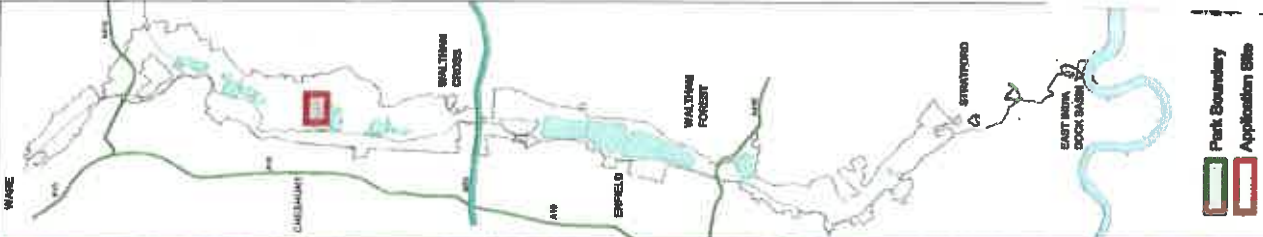
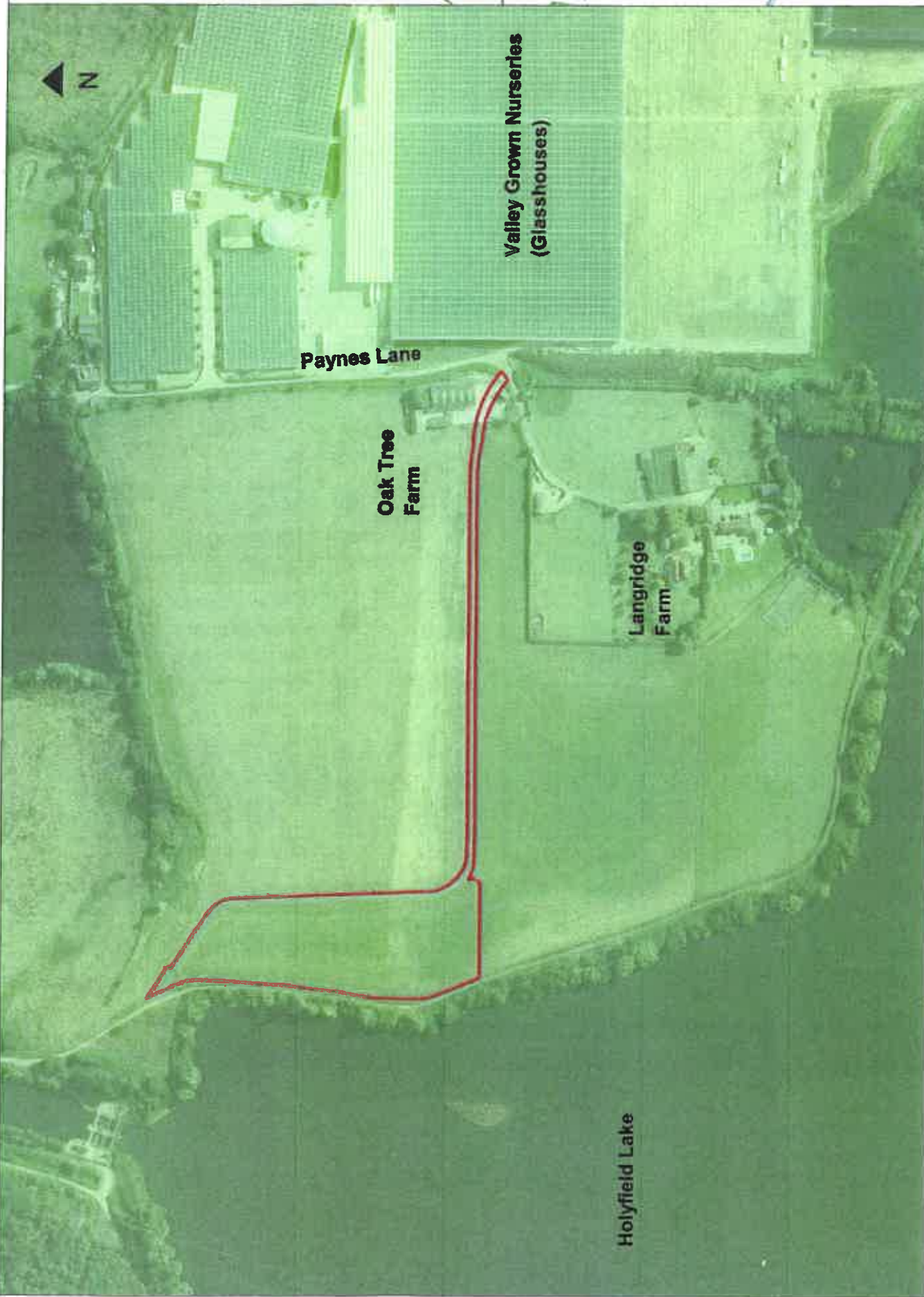
APPENDICES ATTACHED

Appendix A	Plan of the application site
Appendix B	Site Block Plan showing location of chalets
Appendix C	West elevation of proposed chalet
Appendix D	Birds Eye perspective of chalet

LIST OF ABBREVIATIONS

PDF	Park Development Framework
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
RLCP	River Lee Country Park
GPDO	General Permitted Development Order
EFDC	Epping Forest District Council
PROW	Public Right of Way
SAC	Special Area of Conservation
the Park Act	Lee Valley Regional Park Act 1966

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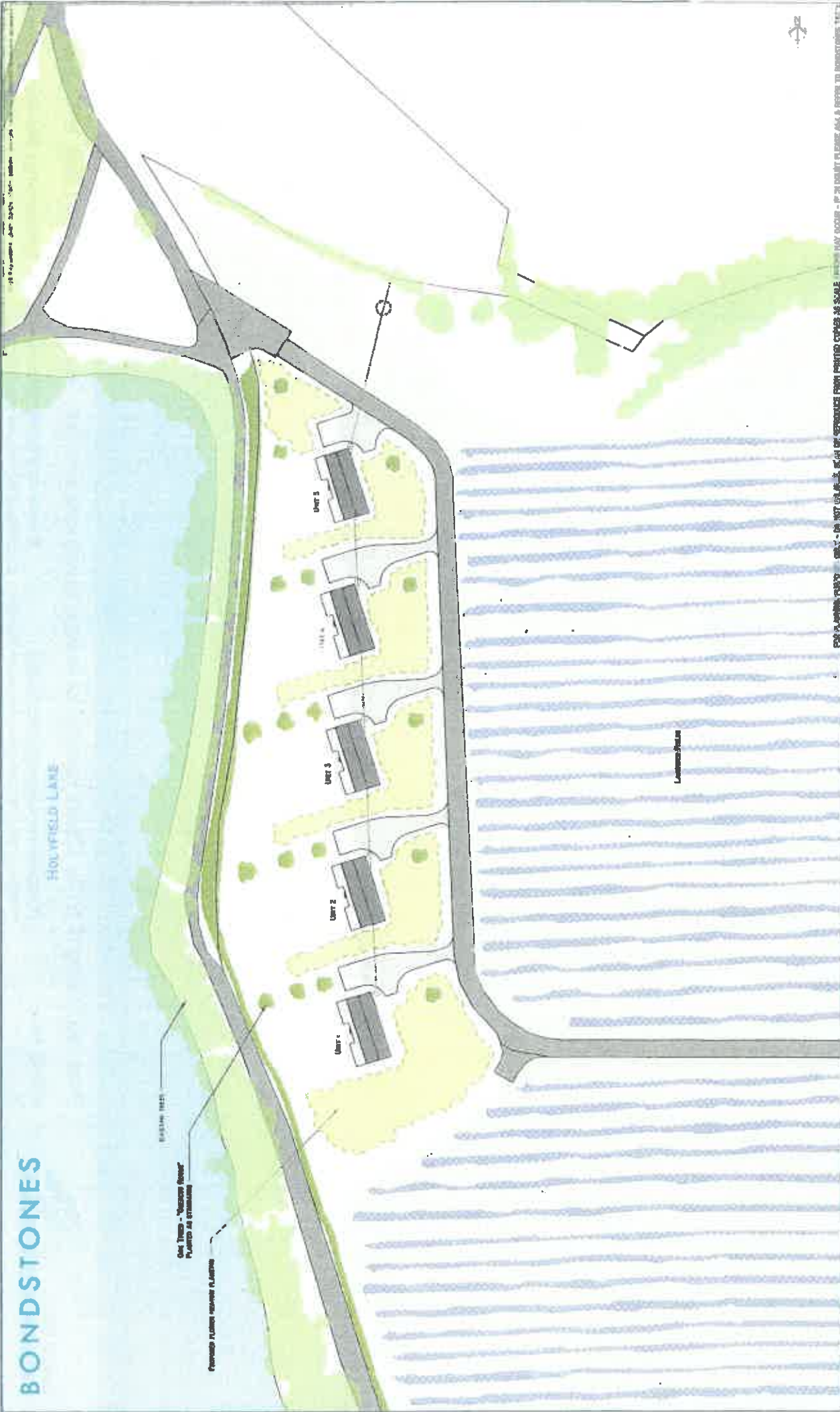
Proposed Siting of 5 No. Chalet Lodges for holiday accommodation: Oak Tree Farm, Paynes Lane, EN9 2EU

**NTS @ A4
03.03.20**

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IF YOU ARE VISITING THE SITE, PLEASE REFER TO THE SITE PLAN FOR THE LOCATION OF THE SITE. IF YOU ARE VISITING THE SITE, PLEASE REFER TO THE SITE PLAN FOR THE LOCATION OF THE SITE.

SITE BLOCK PLAN - PA-02

NOTES: LAYOUT & BLOCK PLAN SHALL BE SUBJECT TO CONVEYANCE REPORT & SITE PLAN APPROVAL BY THE LOCAL AUTHORITY. THE LOCAL AUTHORITY SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE INFORMATION PROVIDED IN THIS PLAN. THE LOCAL AUTHORITY SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE INFORMATION PROVIDED IN THIS PLAN.

CLIENT	MR & MRS R. J. O'CONNOR	2020 REC.	21/07/2019
PROJECT REF	W0001		
PROJECT	PROPOSED HIGHLY ACCURATE AT QUARTER PLAN		
DRAWING TITLE	Site Block Plan		
TITLE (DSD-AS)	Lead	Drawn BY:	RF
DATE	Nov 2019	Checked BY:	SH



BIRDSEYE PERSPECTIVE (PROPOSED) - PA-15

DATE: 08/20/2024

NOTES: THIS AND ALL OTHER VIEWS ARE SUBJECT TO CHANGE.

DATE: 08/20/2024

PROJECT: [REDACTED]
 DRAWING NO: [REDACTED]
 SHEET NO: [REDACTED]

DESIGNED BY: [REDACTED]
 CHECKED BY: [REDACTED]
 DATE: [REDACTED]



CONCEPT ARCHITECTURE 2001 W. ALI ROAD, SUITE 1000 - PALM BEACH, FL 33480