



LEE VALLEY REGIONAL PARK AUTHORITY

**REGENERATION AND PLANNING
COMMITTEE**

21 SEPTEMBER 2017 AT 11:30AM

Agenda Item No:

10

Report No:

RP/05/17

**PLANNING CONSULTATION BY EPPING FOREST DISTRICT
COUNCIL ON AN OUTLINE APPLICATION FOR NINE
RESIDENTIAL DWELLINGS AT BROXLEA NURSERY,
NURSERY ROAD, LOWER NAZEING**

Presented by the Head of Planning and Strategic Partnerships

SUMMARY

The application is for outline planning permission for 4no.detached dwellings on a former mushroom farm on Nursery Road. The site lies in the Green Belt and Regional Park. An objection is recommended on the grounds that the proposed scheme would be counter to Green Belt policies contained within the National Planning Policy Framework and the Authority's adopted policies and those emerging in the Park Development Framework.

RECOMMENDATIONS

Members Approve: (1) The Authority objects to the proposed development as it is contrary to the policies designed to protect the permanence and openness of the Green Belt included in the National Planning Policy Framework and the adopted polices of the Park Plan designed to integrate the site into the landscape of surrounding parkland.

BACKGROUND

- 1 The site has a long planning history with many applications being made for new development to the former mushroom farm. This history includes applications for other uses unrelated to agriculture. However despite this and according to the Council's records the site's lawful use is as an agricultural unit. This is a use which is consistent with its Green Belt designation. This is an important point which has a bearing on the recommendation included in this report.
- 2 In 2014, officers, in response to a pre application enquiry for up to 9 dwellings on this site, objected to the principle of residential development. An outline

application for two dwellings was refused planning permission in October by the Local Planning Authority (Paper ULV/103/15) on the grounds of protection of the Green Belt, adverse impact on the Regional Park and the absence of a sequential test to counter flood risk.

- 3 In 2016 an application for a 'self build scheme' submitted in accordance with the Self Build Act 2015 was refused given the sites location in the flood zone Green Belt, on a land fill site and forming part of the Regional Park and a further application was refused in 2017 for 7 no. houses for 3 of the reasons used for the previous decision excluding reference to contaminated land.

DESCRIPTION OF SITE AND PROPOSALS

- 4 The site lies on the west side of Nursery Road, a private road within the Park which lies to the east of the Lee Pathway. Nursery Road is characterised by detached residential properties at its southern end with nurseries towards the northern end. There are however large areas of open land, a large proportion of which is owned by the Authority in the surrounding areas.
- 5 Broxlea Nursery is a former mushroom farm of 1.49ha, although the application site comprises 0.49ha, comprising 2 clusters of buildings which are in a serious state of dilapidation. There have an industrial character unlike glasshouses. There are large areas of hard standings.
- 6 The application seeks full planning permission for the demolition of the existing buildings and structures and the development of 4 detached dwellings. However, site layout, design, and landscaping are indicative and reserved with separate access points identified for each dwelling. Each dwelling would have a maximum ridge height of 9m and a maximum footprint of 125sm. with additional garage space set in plot sizes of between 900-1325sm The 4no. dwellings would be arranged in a row along the frontage to Nursery Lane.
- 7 The application includes an ecological study which identifies the potential for breeding birds, reptiles and bats. A series of measures designed to mitigate impacts are suggested.

RELEVANT POLICY

- 8 The site lies in the Green Belt which is accorded protection in the National Planning Policy Framework (NPPF 2012). Further, in 2013 and 2014 through Ministerial statements Government has stated that unmet need for housing 'is unlikely to outweigh the harm to Green Belt and other harm, to constitute the very special circumstances justifying inappropriate development in the Green Belt'. Protection of the Green Belt was re-iterated in the White Paper (February 2013) Other policies within the NPPF encourage local planning authorities to improve the state of derelict sites in the Green Belt.
- 9 The adopted Park Plan (2000) identifies the site as lying in a Landscape Investment area, defined as of a 'negative, visually or physically fragmented and degraded (landscape) character' which requires considerable investment to support integration into the surrounding landscape of the Parklands.

APPRAISAL

- 10 The application poses issues of principle for the Authority in responding to a development proposal which will clearly have some merit in improving the appearance of a site which has been in a state of disrepair for a significant period of time. For the purpose of this consultation officers support the District Council's understanding of the site's planning history and conclude that it has a lawful use for agricultural use.
- 11 The NPPF and the Authority's own policies in the Park Plan and draft Park Development Framework seek to improve the state of the site. This approach is affirmed in the draft Park Development Framework proposals for the site which seek to improve it not through new forms of development which are non Park related (as the proposal suggests) but through the delivery of a landscape solution; this is consistent with the Authority's approach to other similar applications. The site's lawful use is for agricultural purposes and it would appear that there have been no intervening uses which could make the case that the site is previously developed land. For these reasons an objection is recommended.
- 12 The Authority's Biodiversity officer considers that insufficient surveys have been carried out which adequately assess the form of mitigation to be provided on site.

ENVIRONMENTAL IMPLICATIONS

- 13 Environmental implications have been addressed in the body of the report.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

- 15 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.
- 16 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

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

EQUALITY IMPLICATIONS

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

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BACKGROUND REPORTS

Background papers application 17.094

April 2016

PREVIOUS COMMITTEE REPORTS

ULV

103/15

Planning
Consultation

October 2015

APPENDICES ATTACHED

Appendix A

Site plan

LIST OF ABBREVIATIONS

NPPF

National Planning Policy Framework



