

**committee agenda**



**Epping Forest  
District Council**

***District Development Management Committee  
Wednesday, 17th March, 2021***

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

**Virtual Meeting on Zoom**  
on **Wednesday, 17th March, 2021**  
at **7.00 pm** .

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer**

G. Woodhall Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

**Members:**

Councillors S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, J Lea, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse

**SUBSTITUTE NOMINATION DEADLINE:**

**18:00**

**1. WEBCASTING INTRODUCTION**

This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

The Chairman will read the following announcement:

*"I would like to remind everyone present that this virtual meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties). Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.*

*Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting."*

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

(Team Manager – Democratic & Electoral Services) General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

**3. APOLOGIES FOR ABSENCE**

(Team Manager – Democratic & Electoral Services) To be announced at the meeting.

**4. SUBSTITUTE MEMBERS**

(Team Manager – Democratic & Electoral Services) To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

(Monitoring Officer) To declare interests in any item on the agenda.

**6. MINUTES (Pages 7 - 20)**

(Team Manager – Democratic & Electoral Services) To confirm the minutes of the meetings of the Committee held on 21 December 2020 and 20 January 2021 (attached).

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

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

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

[http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**8. PLANNING APPLICATION EPF/2471/17 - LAND REAR OF OAKLEY HALL, HOE LANE, NAZEING (Pages 21 - 36)**

(Service Manager – Development Management) To consider the attached report for the demolition of derelict glasshouse and sundry structures, erection of 50 bed care home with associated ancillary parking and landscaping. (Resubmission of approved EPF/1907/10).

**9. ANY OTHER BUSINESS**

(Team Manager – Democratic & Electoral Services) Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after

prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

## 10. EXCLUSION OF PUBLIC AND PRESS

### Exclusion

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

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

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

### Background Papers

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

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

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

This page is intentionally left blank

## Advice to Public and Speakers at Council Planning Sub-Committees

### Are the meetings open to the public?

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

### When and where is the meeting?

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

### Can I speak?

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

### Who can speak?

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

### What can I say?

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

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

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

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

### How are the applications considered?

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

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

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

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

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

**Further Information?**

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

## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Management Committee      **Date:** 21 December 2020

**Place:** Virtual Meeting on Zoom      **Time:** 7.05 - 9.40 pm

**Members Present:** S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, J Lea, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse

**Other Councillors:** S Heather and S Kane

**Apologies:** -

**Officers Present:** A Blom-Cooper (Interim Assistant Director (Planning Policy)), L Grainger (Joint Implementation Team Manager), J Leither (Democratic Services Officer), R Moreton (Corporate Communications Officer), N Richardson (Service Director (Planning Services)), J Rogers (Planning Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

J Backhaus and H Mitcheson (Legal Advisors to the Council)

---

### 45. WEBCASTING INTRODUCTION

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

### 46. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

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

### 47. SUBSTITUTE MEMBERS

The Committee noted that no substitute members had been appointed for the meeting.

### 48. DECLARATIONS OF INTEREST

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

(a) Councillor D Dorrell declared a personal interest in item 8 (Planning Application EPF/2503/19 – Land to the North of Dowding Way, Waltham Abbey) of

the agenda for the meeting, by virtue of having received a notification letter for the application. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Councillor H Kane declared a personal interest in item 8 (Planning Application EPF/2503/19 – Land to the North of Dowding Way, Waltham Abbey) of the agenda for the meeting, by virtue of being a District Councillor for Waltham Abbey but the application site was not in her ward. The Councillor had determined that her interest was not pecuniary and indicated that she would remain in the meeting for the consideration of the application and voting thereon.

(c) Councillor J M Whitehouse declared a personal interest in item 8 (Planning Application EPF/2503/19 – Land to the North of Dowding Way, Waltham Abbey) of the agenda for the meeting, by virtue of being a member of the Epping Forest Heritage Trust. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

#### **49. MINUTES**

##### **Resolved:**

(1) That the minutes of the meeting of the Committee held on 11 November 2020 be taken as read and signed by the Chairman as a correct record.

#### **50. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

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

##### **Resolved:**

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

#### **51. PLANNING APPLICATION EPF/2503/19 - LAND NORTH OF DOWDING WAY, WALTHAM ABBEY**

The Committee considered a report for a planning application on land to the north of Dowding Way in Waltham Abbey, to erect one new building for use as a warehouse with ancillary accommodation and a photo studio with gatehouse, sprinkler tanks and pumphouse, substation, fuel island, vehicle wash, attenuation ponds and associated works; one new multi-storey car park with associated bridge link, along with access and servicing arrangements, landscaping and external amenity areas, and a roof-mounted photovoltaic array; the creation of a signalised junction to the A121 and shared foot and cycle links including a connection to the public Right of Way network.



The Committee noted that the application site was an undeveloped green field area directly to the north of the A121 (Dowding Way) and to the south of the M25 motorway. It was located within the Metropolitan Green Belt and had an open rural character. There were a number of trees on both the northern and southern boundaries but the site was visible from both the motorway and Dowding Way. To the west of the site was a housing estate with the nearest dwelling 360m away, as well as a supermarket distribution centre which was operated 24 hours a day. The town centre of Waltham Abbey was located approximately 1.25km to the north-west of the site. A public Right of Way ran from north to south approximately 350m from the site, and junction 26 of the M25 motorway was approximately 700m from the eastern boundary which offered both east and west bound entry onto the orbital motorway.

Planning Officers presented the details of the application to the Committee, including the policy position, representations from consultees and set out the material planning considerations to be taken into account when determining the application.

Planning Officers had concluded that very special circumstances existed in this case which clearly outweighed the identified harms to the Green Belt set out in the report. The proposed development had demonstrated its compliance with the proposed allocation in the emerging Local Plan, which was at a very advanced stage in its production and carried significant weight in accordance with paragraph 47 of the National Planning Policy Framework. When adopted, this site would be released from the Metropolitan Green Belt. This, coupled with the identified significant economic benefits that the development would bring to the local area amounted to the very special circumstances required to outweigh the identified harms to the Green Belt.

Planning Officers had also concluded that the application had demonstrated its compliance with the requirements of the emerging Local Plan, the adopted Local Plan and the National Planning Policy Framework. It was therefore recommended that planning permission be granted for this application, subject to the satisfactory completion of an air quality assessment for the introduction of a right turn ban from Honey Lane East into Forest Side, the adoption of an Air Pollution Mitigation Strategy, suitable planning conditions and the satisfactory completion of a Section 106 agreement within four months of permission being granted.

The Committee considered the summary of representations received for this application. This included objections from the Conservators of Epping Forest, the Campaign for the Protection of Rural England, the Waltham Abbey Historical Society, the Epping Forest Heritage Trust, and Waltham Abbey Town Council. In addition, three public consultation exercises had been carried out which had resulted in a further 450 representations being received objecting to the application. Highways England were reviewing the modelling used as part of the application, and the London Borough of Waltham Forest felt that further information was required to analyse the impact of the application. A letter of support for the application had been received from Invest Essex. The Committee heard from an objector and the applicant before proceeding to debate the application.

The meeting was adjourned for five minutes at 8.00pm to allow the participants to take a comfort break.

Cllr H Kane opined that the report had a number of matters that were still to be agreed, such as a car park management scheme and a route management plan for operational vehicles, and that the Committee could not make a decision if so many matters were still undecided. The Team Manager for Joint Planning Implementation, L Grainger, responded that the mitigation measures mentioned had been drafted and

would form part of the Section 106 agreement that had been proposed. Cllr H Kane highlighted the table in the report which detailed the vehicular and Heavy Goods Vehicle (HGV) movements for the morning and evening peak hours only and requested the information for the number of HGV movements throughout the rest of the day. L Grainger stated that the information for the total number of vehicle movements was not available as that would fluctuate throughout the day, but it would be the peak hours that would have the biggest impact on local roads.

Cllr J Lea added that Dowding Way required substantial repairs as it was badly rutted, and if this was not included within the application then she could not support it. Cllr C C Pond supported the comments made by Cllr H Kane as he felt that the vehicle movements throughout the whole day was a salient and material point of the planning application. The Councillor felt that this was an inappropriate location for such a facility in the Green Belt, next to the Special Area of Conservation (SAC) within the Forest with the HGVs using the badly maintained Dowding Way. Cllr C Roberts added that if there were no figures for the vehicle movements throughout the whole of the day then the Committee could not assess the impact of the application on the SAC. The Chairman reminded the Committee that Highways England had not objected to the application, and it was the figures for the peak hours vehicle movements that were the most significant. Cllr H Brady agreed that the figures for the peak hours would have the most impact on the surrounding local roads, but the Committee needed to assess the total potential damage to the local air quality.

Cllr H Brady informed the Committee that the Corporation of London had objected to this application. She had also assumed that the Corporation had objected to the designation of this land for employment use in their representations to the regulation 18 stage of the emerging Local Plan. The Service Manager for Planning Policy & Implementation, A Blom-Cooper, stated she was not aware of any such objection by the Corporation of London at the hearing session and it was noted that no particular concerns or issues were raised in relation to the proposed allocation by the Local Plan Inspector. The site would therefore be allocated in the emerging Local Plan for light industrial, warehousing and office uses. Cllr H Brady felt that the size of the proposed development was the biggest issue, as many would have assumed that much smaller light industrial units would have been constructed on this site.

Cllr D Dorrell informed the Committee that he had received a petition objecting to the application that had approximately 1,600 online signatures and 400 physical signatures. The Councillor stated that he lived close to the existing supermarket distribution centre and had not experienced any noise issues. However, there had been substantial problems with HGVs incorrectly parked in the locality, and the Councillor sought reassurance from the applicant that this problem would not be replicated with their HGVs. The Committee was informed that Next plc owned and operated their entire commercial fleet, unlike a number of other operators. As a result, their fleet could be effectively monitored and managed to reduce the likelihood of such harm arising in the local area.

Cllr D Dorrell highlighted that nearby Meriden Way was noisy and would be congested whenever there was a traffic queue on the M25, and that this application would exacerbate the current situation. The Councillor agreed in principle with the proposal to ban right turns on Honey Lane East, but could not agree with the proposal to install traffic lights on the one local road that seemed to flow well.

Cllr D Dorrell also noted the lack of detail provided for the proposed local bus service and was not convinced that it would be successful anyway; the bus service for the nearby Sainsbury's supermarket distribution centre had not operated for very long. Neither did the Councillor foresee employees at the site walking into the centre of

Waltham Abbey, as this would take 45 minutes in his opinion. Like other Councillors, Cllr D Dorrell had thought that this location would become a small light industrial park not a large warehouse. In addition, if this proposal became a new hub then what would be the effect on the existing hubs that Next operated. For this reason, the Councillor did not believe that there would be as many new jobs for local people as stated, there would be little or no gain to the people of Waltham Abbey and consequently the Councillor would vote against the application.

Cllr J Philip reminded the Committee that it had to consider the application in conjunction with the Council's emerging Local Plan. It was a material planning consideration that the site was proposed for allocation for employment uses; this included warehouses. The Councillor could see no reason to object to the works required to Junction 26 by Highways England and Essex County Council Highways Authority. The Councillor acknowledged that it was a balanced decision, which would be easier to make if the Local Plan had already been adopted; but the Local Plan process had progressed sufficiently now to give strong weight to the emerging Local Plan and the Councillor would support the proposal.

Cllr J M Whitehouse accepted that the Local Plan process was nearing completion, but felt that the Green Belt issue weighed against the application alongside the traffic and SAC issues. The Councillor felt that the impact of the proposed highways improvements could be to move the problem of traffic congestion from the Honey Lane junction to the Wake Arms junction, and would not assist the situation with the SAC. The proposed route management plan would only apply to HGVs, and what would happen when the M25 was closed? The Councillor acknowledged that a lot of work had gone into the traffic assessment but felt that more work needed to be completed. The design was acceptable but the planning conditions needed to be carefully thought through.

A Blom-Cooper responded that modelling work had been performed on the proposed right turn ban from Honey Lane East on the Wake Arms junction, and the initial conclusions were that it would be beneficial. The Council was still waiting for the technical note to be completed, but the indications were that there would be no negative impact on the Forest from the right turn ban. The Committee was reminded that the site had been proposed for allocation in the emerging Local Plan, and upon adoption it would be removed from the Metropolitan Green Belt. No objections or issues had been raised by the Planning Inspector at the Local Plan Hearings, or in her written advice which followed, and as such there were no Main Modifications required for this site and therefore the site would be allocated in the Local Plan upon adoption. However, the Committee was reminded that the site was currently still within the boundaries of the Green Belt and that this issue had been comprehensively considered as part of the report to the Committee. It was confirmed that the route management plan would only apply to HGVs, but that any lighter vehicles used by Next plc would be monitored; if the M25 motorway was closed then all vehicles in the area would use alternative routes.

Cllr H Kauffman pointed out the contradictions arising from this application: 92% of the District was within the Metropolitan Green Belt, but the Council needed to create jobs for residents; this proposal was for an enormous building but distribution centres generated low employment but high use by lorries. The Councillor also feared that Dowding Way was approaching its maximum usage, and the Council could receive more applications for large buildings in the future on this site. The Councillor could not see any benefits for Waltham Abbey from this application, just further problems, and the Council had to consider the future of the whole site, not just individual applications. The Councillor stated that he was undecided on the application.

L Grainger reminded the Committee that whilst this application was being made by Next plc, planning permission if granted would be for the land, not the occupier and any future occupier would have to comply with the requirements of the planning permission, including the planning conditions and Section 106 Agreement. Although it was highlighted by Councillor C C Pond that any new owner could apply to vary the existing permission.

Cllr H Kane voiced fears that some of the employment opportunities at the site would go to existing employees of Next plc from other sites, and that the residents of Waltham Abbey might only receive the opportunity for approximately 100 new jobs. In addition, the Councillor felt that the centre of Waltham Abbey was too far to walk for employees of the proposed warehouse and there would not be any additional spend in local shops. Not all of the stated benefits would be felt by the District and the Councillor was against the application.

Cllr S Kane, who was not a member of the Committee but was a Waltham Abbey District Councillor, felt that the report was incomplete. The Councillor highlighted that the report proposed support for the Demand Responsive Transport from Next plc for two years, whereas the Officer presentation had indicated the support would last for three years, and there was no indication of total vehicle movements within the report. In addition, Next plc had promised to use their best endeavours for 25% of the available jobs to be sourced locally, and Cllr S Kane was of the opinion that the development would not generate any additional trade within Waltham Abbey town centre. There was only one access route proposed for pedestrian and cycle access, and this would be via the bridge over the M25 motorway and through a residential estate, with no pedestrian or cycle access to the site proposed from Dowding Way.

In addition, Cllr S Kane felt that local highway congestion would be severely impacted from the development, and the existing local road network within Waltham Abbey would not be able to cope with the extra vehicular movements. The ban on right turns on Honey Lane East would simply move the traffic deeper into the Forest towards the Wake Arms junction, which was already an air quality 'black spot'. The Councillor felt that you could not put more traffic into the Forest and then say that the application had less impact on the Forest, and this would also impact access to the Forest by the residents of Waltham Abbey. Cllr S Kane felt that a development of this size should not be built half a mile from the Forest and he urged the Committee to refuse planning permission for the application.

Cllr S Heap drew the attention of the Committee to the existing gas pipeline running under the road, and that the proposed highways improvement works would not be required if the application was refused permission. The application would generate at most 100 new jobs for local residents, and the employees at the site would not have enough time to venture into Waltham Abbey town centre at lunchtime. The Council had declared a Climate Emergency, but there was no mention of low level ozone emissions within the report. This development would not improve the local environment and thus the Councillor would not support the application.

L Grainger highlighted the response from the Health & Safety Executive, which mentioned the high pressure gas pipeline but had no objections to the application. The Director for Planning Services, N Richardson, also highlighted that the pipeline was actually to the east of the site and not through the site or along the path of Dowding Way.

Councillor C C Pond reminded the Committee that a bus service already existed between Waltham Abbey and Loughton, the funding allocated to the Demand Responsive Transport of £800,000 over a two or three year period would be

insufficient as the service would need to be guaranteed for a ten-year period. The use of the building could also be changed in the future through further planning applications, and the site could be further developed with a possible phase II. The Councillor felt that the application should be refused planning permission at this point as there were still too many unanswered questions.

Cllr J Philip reminded the Committee that it was important to only consider the relevant planning issues for this application; some of the issues raised during the meeting had not been planning related. The application before the Committee was for a distribution centre, not a lorry park, and the Committee could not consider what might happen with the site in the future. The Councillor would be supporting the application as he could not see any valid planning reasons for refusing permission.

Cllr J Lea could not understand why a distribution centre could be built, but not new houses as they would cause problems with the Forest. The Councillor did not have much faith in the emerging Local Plan and would not support the application. Cllr J M Whitehouse pointed out that the active travel route was not the most direct route from the west of the site, and the footbridge over the M25 motorway had steps as well which raised questions about whether it was suitable to use for a cycle path. The Councillor also felt that cycle path improvements were required from the Sewardstone Road direction as well.

A Blom-Cooper reminded the Committee that for all proposed growth within the District, whether it be for housing or employment use, the air pollution mitigation strategy contained measures to ensure that there would be no adverse impact caused to the Forest as a result of Local Plan growth with respect to air quality. Officers had engaged in long discussions with the applicant regarding the cycle routes, securing significant integration and improvements with the existing Public Right of Way to the west of the site into Roundhills, but Officers could have further discussions if required.

A motion to refuse planning permission for the application was proposed by Cllr H Kane and seconded by Cllr C C Pond. The reasons given for the proposed refusal were as follows:

- the adverse impact of the development on Waltham Abbey;
- by reason of the obtrusive height, length and bulk of the proposed development, it would have an adverse effect on the Green Belt and the environs of Waltham Abbey;
- the effects of the proposal on the Special Area of Conservation (SAC) as the air pollution mitigation strategy had not yet been adopted and was likely to be insufficient;
- there was no reason to develop on this site within the Green Belt as other areas could be utilised for employment use – the emerging Local Plan had not yet been adopted and the main modifications had not yet been consulted upon;
- the extra use of the roads through the SAC by employees and visitors to the distribution centre could not be prevented;
- there was no indication in the transport assessment of how the HGV routing and the large numbers of lorry movements generated by the development could be accommodated on local roads when the motorway network was disrupted;
- the proposed Demand Responsive Transport bus service was not assured for the whole life of the project and was insufficient;
- the lack of a revised and up-to-date transport assessment for the application; and

- the inadequacy of the proposed cycle and pedestrian network and its failure to link in a useful manner to the south and west of the site.

A Blom-Cooper observed that Officers felt the application complied with all necessary policies and there was not the evidence to support the proposed reasons for refusal. J Backhaus added that the application had been the subject of a comprehensive report examining all aspects of the application. Substantial weight could be attributed to the emerging Local Plan and it was the professional opinion of Planning Officers that planning permission for this application should be granted. The Council had to have robust evidence to support its reasons for refusal if Next plc decided to appeal against the Committee's decision.

Cllr C C Pond reminded the meeting that Officers advised the Committee, which was always appreciated by Councillors, but it was the Councillors who decided. However the Chairman was also concerned that the Officers were stating that they had no evidence to support the proposed reasons for refusal. Cllr J Philip was also very uncomfortable about the proposed reason for refusal citing the effects of increased traffic on the SAC when the scientific evidence said otherwise and Natural England had not raised any concerns.

The Committee voted to refuse permission for the application for the reasons previously stated. Following the completion of the vote, Cllrs J Philip, B Rolfe, R Morgan, H Brady and I Hadley 'stood up' to refer the application to the Council for confirmation via the minority reference rules within the constitution.

**Decision:**

(1) That planning application EPF/2503/19 on land to the north of Dowding Way in Waltham Abbey be referred to the Council for confirmation by way of a minority reference under Council procedure rule M2 within the Constitution, with a recommendation to refuse planning permission for the following reasons:

- (i) the adverse impact of the development on Waltham Abbey;
- (ii) by reason of its obtrusive height, length and bulk, the proposed development would cause significant harm to the Green Belt and to the environs of Waltham Abbey;
- (iii) the effects of the proposal on the Special Area of Conservation (SAC) as the air pollution mitigation strategy had not yet been adopted and was likely to be insufficient;
- (iv) there was no reason to develop on this site within the Green Belt as other areas could be utilised for employment use – the emerging Local Plan had not yet been adopted and the main modifications had not yet been consulted upon;
- (v) the extra use of the roads through the SAC by employees and visitors to the distribution centre could not be prevented;
- (vi) there was no indication in the transport assessment of how the HGV routing and the large numbers of lorry movements generated by the development could be accommodated on local roads when the motorway network was disrupted;

(vii) the proposed Demand Responsive Transport bus service was not assured for the whole life of the project and was insufficient;

(viii) the lack of a revised and up-to-date transport assessment for the application; and

(ix) the inadequacy of the proposed cycle and pedestrian network and its failure to link in a useful manner to the south and west of the site.

**52. ANY OTHER BUSINESS**

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

**53. EXCLUSION OF PUBLIC AND PRESS**

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

**CHAIRMAN**

This page is intentionally left blank



## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee      **Date:** 20 January 2021

**Place:** Virtual Meeting on Zoom      **Time:** 7.00 - 7.20 pm

**Members Present:** S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, J Lea, R Morgan, J Philip, C C Pond, J M Whitehouse and C P Pond

**Other Councillors:** -

**Apologies:** C Roberts

**Officers Present:** A Marx (Development Manager Service Manager (Planning)), R Perrin (Democratic and Electoral Services Officer), P Seager (Chairman's Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

### **54. WEBCASTING INTRODUCTION**

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

### **55. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES**

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

### **56. SUBSTITUTE MEMBERS**

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

- (a) Councillor C P Pond for Councillor C Roberts.

### **57. DECLARATIONS OF INTEREST**

There were no declarations of interest made by members of the Committee, pursuant to the Council's Code of Member Conduct.

### **58. MINUTES**

The Team Manager for Democratic & Electoral Services reported that, due to the Christmas break, there had been insufficient time to get the minutes of the last

meeting held on 21 December 2020 published in time for this meeting. The Committee was reassured that the minutes had now been drafted and would be agreed at the next meeting.

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

The Service Manager for Development Management reminded the Committee that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

**Resolved:**

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

**60. PLANNING APPLICATION EPF/2007/20 - HIGHBURY COTTAGE, 51 COPPICE ROW, THEYDON BOIS**

The Service Manager for Development Management, A Marx, presented a report for a proposed rear first floor infill to extend the existing bedroom. This application had previously been considered by Area Plans Sub-Committee East on 25 November 2020 with a recommendation to grant planning permission. The application was granted permission by the Sub-Committee but was then referred to this Committee for a final decision by way of a minority reference under Article 10 of the Constitution.

A Marx stated that the application site consisted of a semi-detached dwelling, located within the built-up area of Theydon Bois. The building was not listed and the site was not in either the Metropolitan Green Belt or a Conservation Area. The proposal was for a rear first floor infill to extend an existing bedroom.

Planning Officers had concluded that the proposed development would not result in a material impact on the neighbour that would make their living conditions unbearable, as the loss of light to the window highlighted by the neighbour was in fact a bathroom, and therefore a non-habitable room. In addition, there were no flank windows proposed so there would be no material loss of privacy. Therefore, Officers had recommended that planning permission be granted.

The Committee noted the summary of representations that had been received for this application, which consisted of an objection from the neighbour on the basis of loss of light and overlooking, and an objection from the Parish Council citing similar reasons. The Committee heard from the Applicant before proceeding to debate the application.

The ward member for the site, Cllr J Philip, explained to the Committee that when the application was considered at Area Plans Sub-Committee East, it was not clear what the use of the room next door was. However, the Councillor believed that the situation was now a lot clearer and that the room was a bathroom. Consequently, Cllr Philip supported the Officer's recommendation to grant planning permission.

**Resolved:**

(1) That permission for planning application EPF/2007/20 at Highbury Cottage in Coppice Row, Theydon Bois be granted, subject to the following conditions:

1...The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2...The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 100/001, 100/002, 100/003, 100/004, 100/005, 100/200 and 100/201. Reason: To ensure the proposal is built in accordance with the approved drawings.

3...Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority. Reason: To safeguard the visual amenities of the locality, in accordance with policy DBE10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

**61. ANY OTHER BUSINESS**

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

**62. EXCLUSION OF PUBLIC AND PRESS**

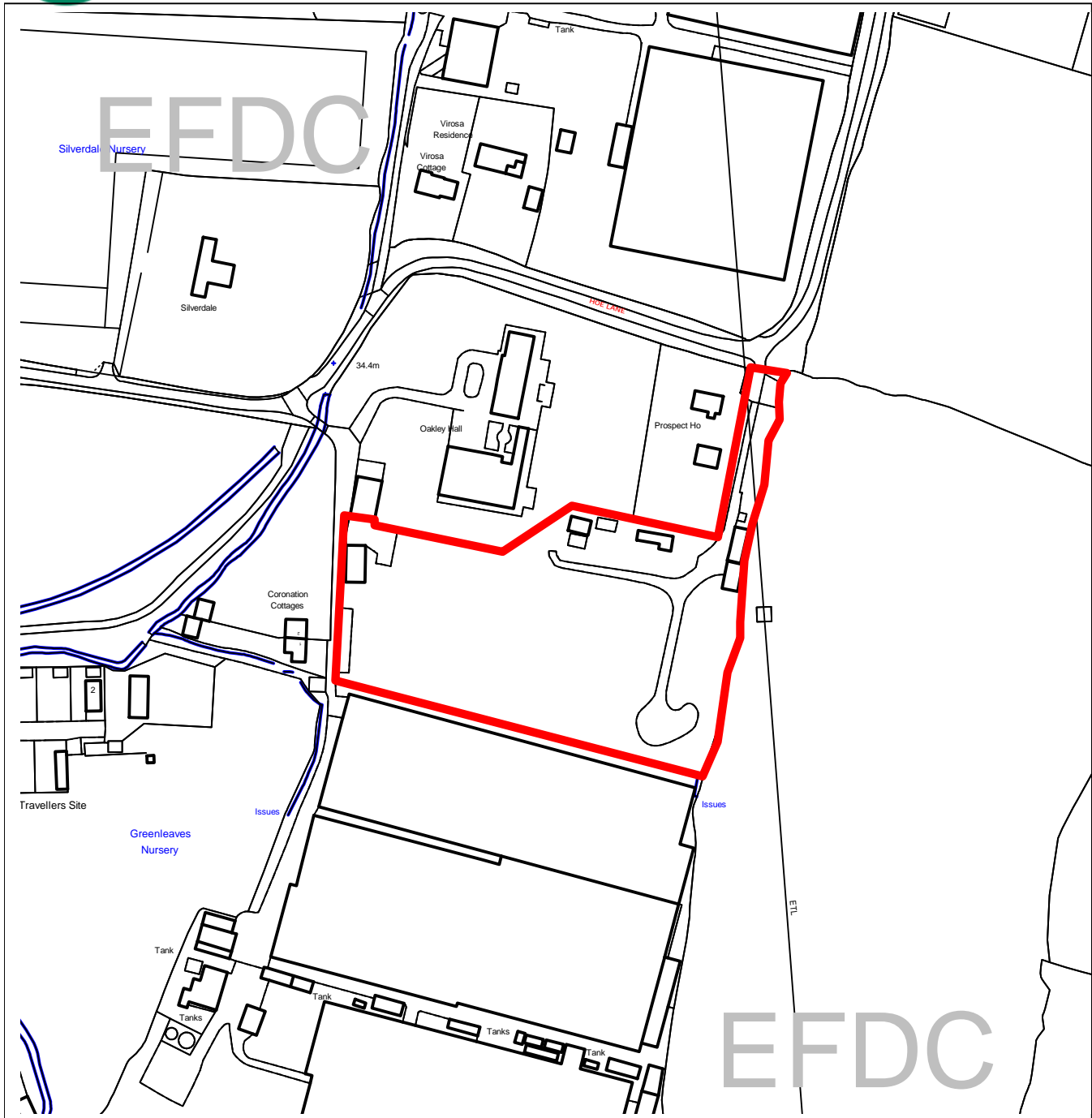
The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**

This page is intentionally left blank



# Epping Forest District Council



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

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

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

Application Number:	EPF/3471/17
Site Name:	Land rear of Oakley Hall Hoe Lane Nazeing EN9 2RN
Scale of Plot:	1:2500

This page is intentionally left blank

**Report to District Development  
Management Committee**



**Epping Forest  
District Council**

**Report Reference: EPF/3471/17  
Date of meeting: 17 March 2021**

**Address: Land rear of Oakley Hall, Hoe Lane, Nazeing EN9 2RN**

**Subject: Demolition of derelict glasshouse and sundry structures, erection of 50 bed care home with associated ancillary parking and landscaping. (Resubmission of approved EPF/1907/10)**

**Responsible Officer: Ian Ansell (01992 564481)**

**Democratic Services: Gary Woodhall (01992 564470)**

---

**Recommendations/Decisions Required:**

**This application was considered at Area Planning Sub-Committee West on 2<sup>nd</sup> December 2020 where it was recommended that planning permission be refused. Members did not agree the Officers recommendation and there was a majority vote by Members to grant consent. The application is therefore recommended for approval subject to a S106 legal agreement to secure an appropriate contribution to address impact on air quality from additional vehicle movements through the EFSAC, and the following conditions:**

- 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 2. The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 0835\PP\ 001A, 003A, 004A, 005A, 006B, 011A, 012A, 013A, 021A and 022A**
- 3. No development shall take place until a Final Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.**

**The Final Reptile Mitigation Strategy shall include the following:**

- a) Purpose and conservation objectives for the proposed works.**
- b) Review of site potential and constraints.**
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.**
- d) Extent and location/area of proposed works on appropriate scale maps and plans.**
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.**
- g) Persons responsible for implementing the works.**
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).**

- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Final Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
5. No preliminary ground works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
6. All preliminary ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd, Addendum March 2019) and the Outline Reptile Mitigation Strategy Hybrid Ecology Ltd, Addendum June 2020), and a statement from a ecology specialist confirming the completion of the preliminary works shall be submitted to the Local Planning Authority prior to commencement of ground works for the development.
7. Subject to any other requirements in these conditions, the development be carried out in accordance with the flood risk assessment (SuDS Statement & FRA, Ref 2477/2019, Rev B, December 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
8. Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd 'Tree protection plan' drawing dated 21<sup>st</sup> February 2020.
9. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures



to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

10. Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
11. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
12. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (Hybrid Ecology Ltd, Addendum March 2019).

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

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

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

13. Prior to first occupation of the development hereby approved, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
14. No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to

the commencement of the development. The development shall be implemented in accordance with such approved details.

15. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
16. Prior to the commencement of development other than groundworks, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No other external lighting shall thereafter be installed without prior consent from the local planning authority.
17. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
18. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
19. All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
20. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be

planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

21. Details and location of the parking spaces equipped with active Electric Vehicle Charging Points shall be submitted prior to works commencing on site, including details which shall demonstrate that the development will deliver a minimum of 20% of spaces with active ECVPs from occupation. The details shall include:
- Location of active charge points;
  - Specification of charging equipment; and
  - Operation/management strategy.

A management plan for the charging points shall be submitted in writing prior to occupation of the development and shall address:

- Which parking bays will have active charging provision, including disabled parking bays;
- How charging point usage will be charged amongst users and non-users;
- The process users can go through to activate passive charging points, and/or the triggers for identifying when additional passive charging points will become activated; and
- Electricity supply availability.

The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date. The development shall be completed in accordance with the approved details and retained in perpetuity. Prior to occupation, the applicant shall submit confirmation that any active charging points are operational.

22. Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
23. The parking areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents, staff and visitors vehicles.
24. The premises shall be used solely for residential accommodation for people in need of care and for no other purpose (including any other purpose with in Class C2 of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
25. The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Additional comments:

This application was originally recommended to Area Planning Sub-Committee West on 2<sup>nd</sup> December 2020 with a recommendation for refusal for the following reasons:

1. The proposals represents inappropriate development within the Green Belt which by reason of its scale and mass and the associated extent of hard landscaping would have a significant and adverse effect on the character and openness of the Green Belt, which has not been justified by an established case of very special circumstances in support of the proposals. The development would therefore be contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations, policies DM4, DM5 and DM9 of the Local Plan Submission Version 2017, and the NPPF.
2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to policies SP1, SP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policy DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.
3. The location of the development in an unsustainable location would be remote from public transport or local service facilities without adequate and safe access for pedestrians in particular to and from such facilities, thereby increasing dependence on private car use contrary to policies CP1, CP2, CP3, CP6 and ST1 of the Adopted Local Plan and Alterations, policies SP1, SP2, T1 and DM21 of the Local Plan Submission Version 2017, and the NPPF.

Members did not agree with the Officer's recommendation. In reaching their decision, Members justification for their view was "*this proposal is supported by the Parish Council and other local people. The very special circumstances are the need for a dementia care facility in the area, and no other facility is provided, and the site will be good for people with dementia*".

With regard to the specific issue, officers have sought further clarification and have confirmed that the development is not intended as a specialist dementia care unit. While an element of dementia care takes place in any care home, Members are advised that this aspect should not be given any greater weight in assessing the application than may be afforded to the application as a care home offering a broad range of accommodation.

Officers would further remind Members that the site lies within the Green Belt and is not allocated in the Local Plan Submission Version for development. As such the development must be considered as contrary to the development plan, and a departure would need to be supported by a significant case to justify such a departure. The previous approval carries little weight in this regard in that the decision predates the last two versions of the NPPF and the LPSV, and the applicants submission on need is not supported by the Local Plan evidence base.

### **Original officer report**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

### **Description of Site:**

The application site comprises around 1.26ha and located to the south of Oakley Hall, itself on the east side of Hoe Lane. The site appears largely disused with remains of glass houses on the western half, and open ground to the east; it has evidently not been used for horticulture for a considerable period. Access to the site is from the north, along the flank of Prospect House.

The site and surrounding land all lies within the Green Belt and the eastern site boundary abuts the Nazeing and South Roydon Conservation Area.

The area comprises a mix of uses, immediately to the south lies glasshouses and such a common in the area. Oakley Hall and Prospect House are residential properties with separate access from each other and the site, and land to the east is of open character.

### **Description of Proposal:**

The application proposes demolition of all existing structures and the erection of 50 bed care home with associated ancillary parking and landscaping, and is effectively a resubmission of a scheme previously approved under application EPF/1907/10.

The building lies on the western half of the site comprising effectively a central core with three wings. The buildings are mostly two storey with a simple elevational form, a glazed link breaks the structure into two main cores and the east wing includes a sloping roof continuing to ground level and featuring a green roof.

Individual rooms are of simple layout providing en-suite facilities and a bedroom. Communal lounges are located across the building and larger communal dining areas are provided on ground and first floor. A café lies at the central core and other facilities include cinema room, library, hairdressing space and multi- purpose space. Staff facilities include changing room and lounge, in a first floor cluster.

The land to the west of the building is enclosed to provide landscaped grounds and access is from the east side where parking is set in further grounds for 20 vehicles; provision is also made for an ambulance stand and four cycle stands about the building.

### **Relevant History:**

There is a history of applications relating to horticultural buildings and in the period leading up to the previous permission a number of refused applications for housing schemes.

EPF/1907/10 Demolition of derelict glasshouse and sundry structures, erection of 50 bed care home with associated ancillary parking and landscaping. This was itself a resubmission following an earlier withdrawn application. Officers initially recommended refusal but the application was referred to DDMC where permission was granted subject to conditions and a section 106 agreement.

### **Policies Applied:**

#### *Adopted Local Plan:*

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

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

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
NC1	SPA's, SAC's and SSSI's
NC3	Replacement of lost habitat
NC4	Protection of existing habitat
RP4	Contaminated land
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE9	Loss of Amenity
LL2	Inappropriate rural development
LL10	Adequacy of landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST5	Travel Plans
ST6	Vehicle parking

*NPPF (February 2109):*

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

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

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

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

- 9 Promoting sustainable transport – paragraphs 105, 108, 110
- 11 Making effective use of land – paragraphs 118, 121, 123
- 12 Achieving well designed places – paragraphs 124, 127, 128, 130, 131, 132
- 13 Protecting Green Belt land – paragraphs 134, 143 - 147
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 150, 151, 153, 163, 165
- 15 Conserving and enhancing the natural environment – paragraphs 170, 174-178, 180

*Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

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

<b>POLICY</b>		<b>WEIGHT AFFORDED</b>
SP1	Presumption in favour of sustainable development	Significant
SP2	Spatial Development Strategy	Some
SP6	Green Belt and District Open Land	Some
SP7	The Natural Environment, landscape character and green infrastructure	Significant
T1	Sustainable transport choices	Significant
T2	Safeguarding of routes and facilities	Significant
DM1	Habitat protection and improving biodiversity	Significant
DM2	Epping Forest SAC and Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM5	Green and Blue Infrastructure	Significant
DM9	High Quality Design	Significant
DM10	Housing design and quality	Significant
DM15	Managing and reducing flood risk	Significant
DM16	Sustainable Drainage Systems	Significant
DM19	Sustainable water use	Significant
DM21	Local environmental impacts, pollution and land contamination	Significant
DM22	Air quality	Significant

### **Consultation Carried Out and Summary of Representations Received**

Date of site visit: 29 June 2020  
 Number of neighbours consulted: 83  
 Site notice posted: 06 May 2020  
 Responses received: No responses received from neighbours.

Parish Council: Initial consultation took place during the first lockdown at a time when the Parish Council was unable to comment. An individual Parish Councillor supported the application. Nazeing Parish Council were re-consulted once local meetings recommenced and have supported the application on grounds that the proposal will:

- i) Provide state of the art care for local people.*
- ii) Provide new jobs for local people.*
- iii) Remove another unsavoury site, which has become a dumping ground for rubbish.*

*Further it is considered that there is a need for a Care Home in Nazeing which local people will be able to use without their visitors having to travel long distances. In addition, any potential issues in relation to Green Belt were resolved when the previous application was considered by EFDC.*

Additional comment – Robert Halfon MP has submitted the following:

*I would hope that the views of individual residents have been made directly to the district council including those of individual councillors.*



*I do however note that a similar application in 2010 was approved with conditions (although this did not go ahead) and that this had parish council and public support - it was believed to be a facility which would be beneficial to the local area.*

*I therefore very much hope that the view of those who have made representations will be carefully considered when this application is examined.*

### **Main Issues and Considerations:**

Representations refer to the previous permission for the development. That permission was finally issued in January 2013 and expired therefore in January 2016 without any works commencing. Planning permission has a limited life for a number of reasons, but primarily to allow development to be assessed against changing local and national planning policy. The policies against which this scheme is judged has changed significantly since 2013 with two revisions to the NPPF and the emergence of the Local Plan Submission Version. The site was considered as part of the Local Plan process, but did not proceed beyond initial assessment and has therefore not been allocated for development. Guidance on determining applications is clear, that significant weight needs to be given to the most up to date policy and guidance. In this context therefore, little weight should be given to a decision that pre-dates that up to date policy by a significant period.

#### *Green Belt considerations*

The primary consideration is therefore the consideration of the Green Belt issues. The site was previously used as glasshouses and would not meet the definition of previously developed land. In any event, from an inspection of the site it has been disused for a number of years and has merged somewhat into the landscape. National and local policy are therefore clear – that development of this nature is inappropriate in such a location as it fails to meet any of the exceptions in paragraph 145 of the NPPF, and policy DM4 of the LPSV.

As such it is necessary to consider whether very special circumstances exist which may justify departure from the adopted policy. The application is accompanied by a Care Needs Assessment which identifies a catchment of around 8 km from the site and this indicates an overall shortfall in the existing and planned capacity for care homes and extra care housing. It should be noted that due to the location of the site, this catchment area includes Harlow, Hoddesdon, Cheshunt and Waltham Abbey, as well as most of Epping. Officers suggest that including all of the major population centres in the surrounding area is likely to identify a higher level of need. The study does not identify a specific need for the accommodation on this site, or even within Nazeing Parish and this is significant in the context of the findings from the LPSV studies. These do identify a need for additional accommodation over the plan period, but include provision within the overall supply of land for all types of housing within the allocated sites, which include significant sites within the catchment study. It is noted that the study does not appear to have taken these allocations into account. As such, there is no overriding need for the accommodation, nor evidence to suggest it cannot be provided elsewhere (particularly not on sites which are within the Green Belt, or on sites that may be classed as previously developed land), then in the current policy framework, the development would be contrary to national and local policy designed to protect the Green Belt.

#### *Epping Forest Special Area of Conservation*

The site lies more than 3km from the EFSAC and has therefore been considered in terms of potential impact on air quality only. The application includes a transport assessment which argues that a comparative site in use as glasshouses would generate vehicular activity greater than the proposed care home (which it is suggested would be expected to generate around 105 movements per day). However, in terms of an appropriate assessment under the Habitat

Regulations, this is a modelled calculation not based on any actual traffic data from the site, raising a number of issues. Firstly, there is nothing to suggest the modelled data is comparable to the application site (other than in terms of site area), and secondly, the site has been disused for some period and historic activity cannot be considered a relevant comparison.

In such circumstances, it must be concluded that the development will have a harmful effect on air quality within the EFSAC.

#### *Location sustainability*

The site lies in a remote location, some distance from any services and facilities. Hoe Lane is a narrow road without any footways or street lighting for much of its length. The Transport Assessment records bus services on Middle Street, around 1.3km from the site entrance, presenting extremely hazardous conditions for staff to travel to and from work by public transport. As a result, the development would not be considered as situated in a sustainable location and would rely almost entirely on journeys by car.

No evidence has been submitted to suggest any updated analysis has been carried out in terms of a sequential approach to reconsidering the site. Other allocated sites in Nazeing are allocated in the LPSV for new residential development of all types, which as set out above would include care accommodation and to locate development of this scale in such a location would be contrary to a range of policies seeking to reduce the need for car journeys.

#### *Design considerations*

The site is set back from the road and partially screened from public view. The building does not exceed two storeys, similar to the adjacent property and therefore the scale is not excessive nor unduly prominent architecturally. There is sufficient interest in the built form to break up the visual mass.

The overall scale of the building, together with the associated works of parking and access, and the managed grounds are that of a development to be found in a more urban setting and could not be described as in keeping with the overall character of the setting, nor a Green Belt location. This only adds to the potential wider harm, but the scheme could not be defined as of poor design when viewed in isolation.

#### *Other matters*

In highways terms, the development raises no safety issues for access and vehicle users, the existing access is designed for large vehicles visiting the former glasshouses and there are no highway objections.

No concerns arise in regards to potential impact on surrounding properties, the siting of the buildings away from boundaries with adjoining dwellings to the north and east prevents overshadowing and overlooking, and the overall level of external activity would not be seen as intrusive.

The historic uses mean that the site is likely to be contaminated, and has been confirmed in a contaminated land report submitted with the application. Further testing would be required if development were to be acceptable and this could be dealt with by condition.

The site has been identified as being of ecological interest, in that evidence of slow worms has been found on the site, and a nearby pond supports great crested newts. Given the semi-rural location, potential for bat and bird nesting activity has been identified. Mitigation measures are recommended if development were to proceed and can be controlled by condition.

The site lies within an EFDC Flood Risk Assessment Zone. A Flood Risk Assessment (FRA) accompanies the application and proposes a drainage strategy incorporating appropriate sustainable drainage techniques. These measures are supported in principle by the drainage authorities and conditions would provide opportunity for these measures to be fully designed.

The previous development was subject to a s106 agreement dealing with a number of off site matters, and a contribution for health care was paid. At this time no further obligations have been identified.

**Conclusion:**

Members are reminded that applications are required to be determined on the basis of the most up to date national and local planning policy. Historic decisions should carry little weight where wider circumstances have changed. That does not imply that the previous approval should be disregarded entirely, but planning permission last for a three year period for a reason, specifically to allow consideration of the changing planning requirements. The site was considered for allocation as part of the LPSV but did not proceed as other sites evidently are better suited to provide this type of accommodation – sites not in semi-rural Green Belt locations and those in more sustainable locations accessible directly by a range of transport modes; such sites include allocated sites within Nazeing.

The application site fails a number of key tests in terms of meeting criteria for exceptions to Green Belt policy and to approve the development now would undermine wider Green Belt protection in the vicinity.

However, taking account of the previous decision, if Members are minded to consider the development further, then it should be noted that the application could not currently be approved as it would result in an increased impact on air quality in the EFSAC area, and decision should be deferred pending resolution of a mitigation strategy in that regard.

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

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

This page is intentionally left blank