

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 17 March 2021

Place: Virtual Meeting on Zoom **Time:** 7.00 - 7.45 pm

Members Present: S Jones (Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, R Morgan, J Philip, J Share-Bernia, J M Whitehouse and A Beales

Other Councillors: N Avey

Apologies: B Rolfe and C C Pond

Officers Present: A Marx (Development Manager Service Manager (Planning)), G Woodhall (Team Manager - Democratic & Electoral Services), N Cole (Corporate Communications Officer), G Courtney (Planning Applications and Appeals Manager (Development Management)) and R Perrin (Democratic and Electoral Services Officer)

63. 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.

64. 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. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

65. SUBSTITUTE MEMBERS

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

- (a) Councillor A Beales for Councillor C C Pond.

66. DECLARATIONS OF INTEREST

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

67. MINUTES**RESOLVED:**

(1) That the minutes of the meeting of the Committee held on 21 December 2020 be taken as read and signed by the Chairman as a correct record, subject to one amendment whereby Cllr H Brady was informed by the Committee that the Corporation of London had objected to this application;

(2) That the minutes of the meeting of the Committee held on 20 January 2021 be taken as read and signed by the Chairman as a correct record.

68. 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.

69. PLANNING APPLICATION EPF/2471/17 - LAND REAR OF OAKLEY HALL, HOE LANE, NAZEING

The Principal Planning Officer, G Courtney, presented a report for the demolition of a derelict Glasshouse and sundry structures, and the erection of a 50-bed care home with associated ancillary parking and landscaping; this planning application was a re-submission of the previously approved application EPF/1907/10. This application had been considered by Area Planning Sub-Committee West at its meeting held on 2 December 2020. The application had been recommended for refusal by Officers, however the Sub-Committee voted to grant planning consent and as this decision was contrary to planning policy, it had been presented to this Committee for a final decision. The recommendation of the Sub-Committee was to approve this planning application, subject to conditions and a Section 106 Legal Agreement to secure an appropriate contribution to address the impact on air quality from additional vehicle movements through the Special Area of Conservation (SAC) within Epping Forest.

G Courtney stated that the application site, located to the south of Oakley Hall, was largely disused with remains of glasshouses on the western half and open ground on the eastern half. The site had evidently not been used for horticultural purposes for a considerable period of time. The site and surrounding land were all within the Metropolitan Green Belt, with the Nazeing and South Roydon Conservation Area to the east of the site and glasshouses to the south of the site.

Planning Officers had originally concluded that the site had failed a number of key tests for exceptions to the Green Belt Policy, and had felt that to approve the development would undermine wider Green Belt protection in the area. It was acknowledged that planning permission for this site had been granted in 2010, but

planning permissions were only valid for a period of three years to allow possible consideration of changing planning requirements. This site was considered for allocation as part of the Local Plan but other sites were considered better suited to provide this type of accommodation, which were not in semi-rural Green Belt locations and in more sustainable locations for transport. However, the Sub-Committee felt that this proposal was supported by the Parish Council and local people, and the very special circumstances was the need for a dementia care facility in the area where none currently existed. If the Committee was minded to ratify the decision of the Sub-Committee then the release of the planning permission would be deferred pending the resolution of a mitigation strategy for the impact of the development on air quality within the SAC.

G Courtney added that the proposed development was not intended as a specialist dementia care unit but a general care home, and if the Committee agreed with the Sub-Committee then the planning permission should relate specially to dementia care and not a general care home.

The Committee noted the summary of representations that had been received in respect of this application, which consisted of letters of support from the Parish Council and the local MP for the area. The Committee heard from the Parish Council and the Applicant's Agent before proceeding to debate the application.

Cllr S Heap felt that, while the application site was within the Green Belt, Nazeing itself was not densely populated, and also acknowledged that the proposed development could not be restricted to patients who had lived in the District. It was a very balanced decision but the Councillor was in favour of granting planning permission. G Courtney reiterated that the application did not include any measures to mitigate the harm from the development to the SAC, and this would be agreed with the Applicant before the final permission was issued. The Service Manager for Development Management, A Marx, added that the second reason for refusal from Officers stated that the application contained insufficient information to satisfy the Council that the development would not adversely affect the SAC.

Cllr J Philip reminded the Committee that the Local Plan had assessed the need for dementia care within the District until 2030 and as the Planning Inspector had not requested the Council to amend the Local Plan, the allocation was considered sufficient. This area of the Green Belt had been considered inappropriate for development, and as no very special circumstances had been demonstrated, the Councillor could not support the application. Cllr H Kane highlighted that there had not been a single response from any of the 83 neighbours consulted on this planning application, and although the Councillor felt that the District needed a facility like this, this particular application was in an unsustainable location which would generate a lot of vehicle movements. G Courtney confirmed that the Council had not received a single response from any of the 83 neighbours consulted on this application, and that the site was an unsustainable location had been one of the original reasons for refusal for this application.

Cllr J M Whitehouse felt that the site had been considered as part of the Local Plan process, it had not been included for development and that the Officers had originally come to the right conclusion. Cllr H Brady pointed out that permission had originally been granted for this site in 2010, but it was not sustainable to put a 50-bed care home in such a location and therefore this would not be a good use for the site. Cllr Jones highlighted that the application would have been judged against a different set of planning policies in 2010 and therefore it would not be a contradiction if this application was refused permission.

Cllr J Philip agreed that planning policy situation had changed considerably in the last ten years. The key factors for this application was that the site was within the Metropolitan Green Belt and no very special circumstances had been demonstrated for this application. Therefore, the Councillor proposed that the application be refused planning permission for the reasons originally given by Officers to Area Planning Sub-Committee West; this proposal was seconded by Cllr H Brady.

Decision:

(1) That permission for planning application EPF/2471/17 on land to the rear of Oakley Hall in Hoe Lane, Nazeing be refused 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.

70. ANY OTHER BUSINESS

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

71. 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