

# **Report to District Development Control Committee**

**Date of meeting: 5 April 2011**



**Epping Forest  
District Council**

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**Subject:** Planning Application EPF/1907/10 – Land rear of Oakley Hall Hoe Lane Nazeing - Demolition of derelict glasshouse and sundry structures, erection of 50 bed care home with associated ancillary parking and landscaping (revised application from EPF/0081/10)

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Committee Secretary: S Hill Ext 4249**

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## **Recommendation:**

**That the Committee grants planning permission for application EPF/1907/10 on land Rear of Oakley Hall, Hoe Lane, Nazeing subject to:**

- A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended)
- No further representation raising new issues received after 5<sup>th</sup> April 2011
- No Call-in from the Government Office for the East of England (or its successor)
- 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. No development shall have taken place until 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. Reason:- To ensure a satisfactory appearance in the interests of visual amenity.
  3. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority, the development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent pollution to surface/groundwater.

- 4. The development hereby permitted shall not be commenced until such time as a scheme to abstract and discharge groundwater for Ground Source Heat Pumps (GSHP) has been submitted to and approved in writing by, the Local Planning Authority. The Development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent the pollution of ground water**
- 5. The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved Flood Risk Assessment (FRA) by HCD Group Revision A dated October 2010 and the following mitigation measures detailed within the FRA:**

  - 1- Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed 5 Litres per second and not increase the risk of flooding off site (section 3.1)**
  - 2 - Use green roofs, ponds and wetlands to provide the storage needed to manage the surface water from the site (section 3.3).**

**Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide biodiversity and amenity benefits whilst managing surface water flood risk.**
- 6. The development shall be carried out in strict accordance with the recommendations made within the Applied Ecology surveys document dated May 2010 comprising either a SUDs and Landscape enhancement or an appropriate contribution in lieu as set out in the accompanying S106 Reason: To preserve and enhance the habitats onsite.**
- 7. Prior to the commencement of works, all existing structures on site shall be demolished and removed in their entirety. Reason: In order that the development accords with the approved plans, to preserve the character and appearance of the Green Belt and in the interests of the amenities of future occupiers.**
- 8. 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. Reason: In the interests of the amenities of neighbouring properties.**
- 9. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the**

**Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.**

**[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]**

**Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.**

- 10. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.**
- [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]**
- Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The Application does not secure the provision of affordable housing. The District is subject to a significant and increasing demand for affordable housing and accordingly the failure of this development to**

provide affordable housing would be contrary to Policies H5A and H6A of the adopted Local Plan and Alterations.

- 11. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]  
Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.**
- 12. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation 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.  
Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.**
- 13. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.  
Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.**

- 14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used solely as care accommodation for persons defined medically as in need of care and for no other purpose within Class C2.**  
**Reason: The very special circumstances set out to justify the development in the Green Belt and the loss of glass house land relate to the need for care in the District, therefore any other use would be unacceptable in the Green Belt and on a former glass house site and in order that the development accords with the approved particulars.**
- 15. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.**  
**Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.**
- 16. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an 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.**  
**Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to**

**the development with particular attention to the boundary treatments adjacent the neighbouring glasshouse sites.**

**Report Detail**

1. (Director of Planning and Economic Development) This application has been referred to DDC from the Sub Committee West on 19<sup>th</sup> January 2011. The Committee resolved to grant planning permission subject to conditions as above and the completion of a Section 106 legal agreement to secure the obligations set out in the Officers report from 19<sup>th</sup> January 2011 and an additional commitment offering a percentage of occupation of the facilities be restricted for use by local residents.

**Planning Issues**

2. The application put before the Area Plans Sub-Committee on 19<sup>th</sup> January 2011 (report attached at Appendix 1) was considered by Members to be acceptable as Members were persuaded that the local need for dementia care facilities was sufficient to represent very special circumstances to overcome the presumption against development in the Green Belt and loss of Glass House land. In addition this circumstance was considered sufficient to overcome sustainability concerns.

3. Members of the Area Plans Sub Committee suggested the following revisions or matters should be addressed:

- increased on-site car parking,
- review the potential use of an alternate access adjacent Prospect House
- Provision of details regarding a travel plan.
- Provision of a percentage of occupancy of the facility for those from the local area.

Applicants Position

4. Since the meeting the applicant has addressed the points above as follows:

- Increased car parking to 24 spaces with a further 14 spaces available on a permeable grassed surface.
- Clarified that the access to the site remains opposite Coronation Cottages as assessed not that adjacent Prospect House. The frequent use of the access adjacent to Prospect House raises fundamental safety issues with Essex County Council highways.
- The applicant has provided a Travel Plan which has been acknowledged as acceptable from Essex County Council
- The following clause has been drafted into the S106:  
*'The home will give priority to residents within a five mile radius prior to admission. Local residents of Nazeing will be offered a 10% discount for private fees and top up fees during the first ( ) year of operation of the home.'*

5. Should Members be inclined to recommend approval, Members may wish to consider whether 5 miles is a sufficient radius, whether a 10% reduction is acceptable and how many years Members wish this arrangement to be effective for.

## Conclusion

6. Officers presented the application to the Area Plans Sub-Committee West with a recommendation of refusal for the following reasons:

(1) The proposals represent inappropriate development within the Green Belt which is harmful by definition and the provision of significant amount of two storey accommodation results in an inappropriate and unacceptable impact to the detriment of the openness of the Green Belt. The applicant has failed to satisfactorily demonstrate very special circumstances in support of the proposals therefore the development is contrary to policies CP2, GB2A and CF2 of the Adopted Local Plan and PPG2.

(2) The proposals are situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, CP6 and ST1 of the Adopted Local Plan and Alterations.

(3) The site lies within an area designated for horticultural glasshouses the proposals result in the loss of a site earmarked for this purpose, resulting in a development which would conflict with the expansion, vitality and viability of the glasshouse industry in this locality contrary to the aims and objectives of policy E13B of the Adopted Local Plan and Alterations.

7. Members of the Sub Committee West resolved that the need for Dementia Care facilities in the local area was sufficient very special circumstances to overcome the presumption against development in the Green Belt and development on a former glass house site in a location identified as not sustainable. Officers remain of the view that the applicants have not demonstrated sufficient very special circumstances that relate directly to the Nazeing area.