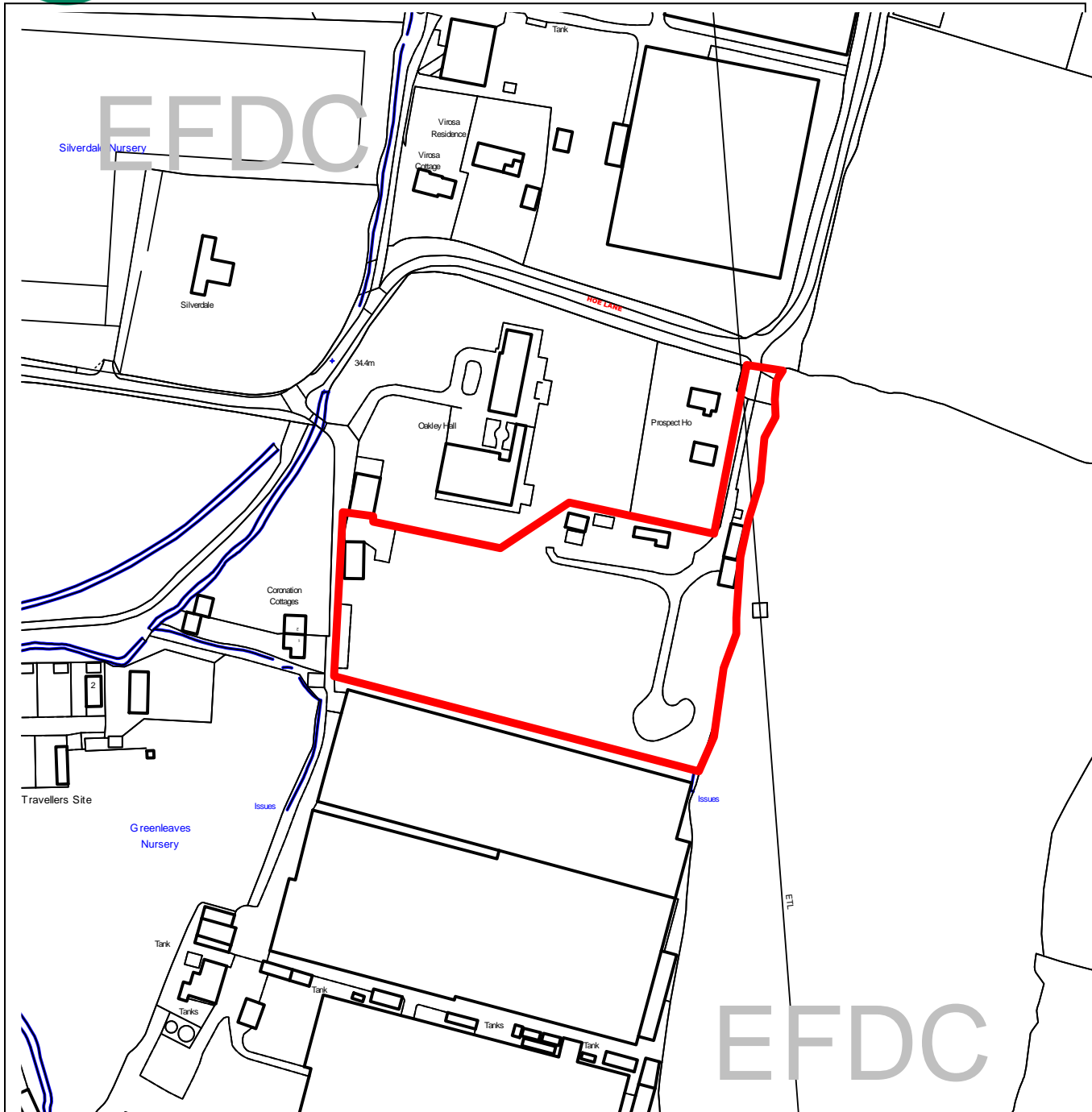




# Epping Forest District Council



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

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/3471/17
<b>SITE ADDRESS:</b>	Land rear of Oakley Hall Hoe Lane Nazeing Waltham Abbey EN9 2RN
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Essex Care Homes Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	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)
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=603833](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=603833)

**REASON FOR REFUSAL**

- 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 polices CPI , CP2, CP3, CP6 and STI of the Adopted Local Plan and Alterations, policies SP1, SP2, T1 and DM21 of the Local Plan Submission Version 2017, and the NPPF.

## **EPF/3471/17**

*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 abut 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)***