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Application Number:	EPF/1531/19
Site Name:	Land adjacent The Fox Inn PH Harlow Road, Matching Tye Essex, CM17 0QS
Scale of Plot:	1:1250

## Report Item No: 10

APPLICATION NO:	EPF/1531/19 **SAC CASE NOW PROGRESSING**
SITE ADDRESS:	Land adjacent The Fox Inn PH Harlow Road Matching Tye Essex CM17 0QS
PARISH:	Roydon
WARD:	Hastingwood, Matching and Sheering Village.
APPLICANT:	C, E & M Gibson
DESCRIPTION OF PROPOSAL	Erection of x 2 no. detached dwellings complete with access, parking, gardens and infrastructure.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

## 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&FOLDE R1\_REF=625253

## 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 strictly in accordance with the approved drawings nos: 98718.01 REV.F; 98718.02 REV.A and 98718.03 REV.A.
- 3. Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4. 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 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.

- 5. 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.
- 6. 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 by the local planning authority.
- 7. If any tree, shrub or hedge shown to be retained in the submitted 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.
- 8. 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
- 9. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with

the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 10. 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.
- 11. Prior to preliminary ground works taking place, details of sewage 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.
- 12. No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 13. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include: Location of active and passive charging infrastructure; Specification of charging equipment; and Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:

a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;

b) How charging point usage will be charged amongst users;

c) The process and the triggers for identifying when additional passive charging points will become activated; and

d) 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

- 14. Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, B or E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

- 16. No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 17. Prior to commencement of development, details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

This application is before this Committee since the recommendation is for approval contrary to an objection from at least 5 non-councillor residents, on planning grounds material to the application (Pursuant to The Constitution, Part 3, Scheme of Delegation to Officers from Full Council).

## Description of site

The application site comprises a parcel of land measuring an area of 0.16 hectares with vehicle access located within the small hamlet of Matching Tye. The site is bound to the north by Harlow Road and Shetlocks Farm beyond; the Fox Inn PH to the east; Matching Park (a designated local wildlife site) to the south and The Woodlands (residential) to the west.

The site is used in part as an outdoor beer garden with additional uses taking place for various village related events/festivals throughout the year. The Council's Conservation Character Appraisal (*Matching Tye Conservation Area Character Appraisal and Management Plan, March 2007*) indicates that the site was previously occupied by a large house although no visible above ground structures remain today.

In terms of relevant local plan designations, the site is Green Belt land and is also part of the Matching Tye Conservation Area. The site is not included within any statutory or non-statutory heritage listings.

## Description of proposal

The application proposals seek planning permission for two detached dwellings, (Plot (1) - 1x4 beds and Plot (2) - 1x3 beds) with a shared singular vehicle access and assigned car parking including curtilage landscaping.

The buildings have been set back from the road frontage and will be marginally staggered from one another. In terms of building heights, Plot (1) will measure 7.9m to ridge level and Plot (2) will measure 7.77m to ridge level.

Both houses will incorporate a range of traditional features such as chimneys/stacks, dormer windows, oak framed porches, plinths, conservation rooflights, exposed rafters and drip moulds. Roofs are angled at traditional pitches with dormer windows. The driveway will be laid to shingle.

## Relevant History

**EF\2018/ENQ/00724 -** Proposal for two detached dwellings. The current proposal was subject of a pre-application discussion with the LPA which has helped to inform the scheme.

EPF/1379/12 - Erection of two semi detached houses and two detached houses. Application withdrawn 04/09/12.

**EPF/0521/10** - Replacement permanent ancillary storage building. Granted Permission with Conditions 12/05/10

**EPF/0515/10** - Proposed marquee to be erected for use in summer months for no more than 28 days in any calendar year. Granted Permission with Conditions Time Limited Use on 13/05/10.

## Development Plan

Section 38(6) Planning and Compulsory Purchase Act 2004, as amended, 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 CP2 CP7 GB2A GB7A HC7	Achieving Sustainable Development Objectives Protecting the Quality of the Rural and Built Environment Urban Form and Quality Development In the Green Belt Conspicuous Development Development within Conservation Areas
HC9	Demolition in Conservation Areas
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
NC1	SPA's, SAC's and SSSI's
UA1	Infrastructure Adequacy
U2B	Flood Risk Assessment Zones
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
DBE8	Private Amenity Space
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
L11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

# Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the Council's District, on 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> August 2019, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies are relevant to the determination of this application:

- SP1 Presumption in Favour of Sustainable Development
- SP6 Green Belt and District Open Land
- SP7- The Natural Environment, Landscape Character and Green and Blue Infrastructure
- H1 Housing Mix and Accommodation Types
- T1 Sustainable Transport Choices
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM4 Green Belt
- DM5 Green and Blue Infrastructure
- DM7 Heritage Assets
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM11 Waste Recycling Facilities on New Development
- DM15 Managing and Reducing Flood Risk
- DM16 Sustainable Drainage Systems
- DM18 On Site Management of Waste Water and Water Supply
- DM22 Air Quality
- D1- Delivery of Infrastructure
- D3 Utilities

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

**EFDC Arboricutural –** No objections subject to conditions to secure tree and existing retained hedges are adequately protected including hard and soft landscaping details.

**EFDC Land Drainage –** No objections subject to conditions to secure a Flood Risk Assessment and details of surface water drainage prior to development.

**EFDC Environmental Health –** No objections subject to standard conditions to mitigate the risks of potential contamination on future residential occupiers.

**EFDC Conservation -** No objections subject to inclusion of planning conditions to secure details of all external materials and hard and soft landscaping.

**Matching Parish Council** – No objections although request their comments in relation not sewage capacity, parking for visitors to the Fox Inn PH and the impacts on the conservation area are considered by officers.

**Essex County Council Historic Environment** – No objections subject to inclusion of planning condition to secure a programme of archaeological works in accordance with a written scheme of investigation to be approved by the LPA.

**NEIGHBOURS** – <u>9</u> properties were consulted including a site notice. To date <u>9</u> notices of objections and <u>1</u> notice of support have been received. The main concerns raised by objectors are summarised as follows:

- Design of houses do not reflect the existing character and quality of the surrounding listed and local listed buildings;
- Damage to the pattern of development;
- Block views of Matching Park;
- Loss/obscuring of light to neighbouring side window at The Woodlands;
- Knock on impacts to highway safety from the loss of car parking;
- Loss of ability to host future events and festivals in the village; and
- Sewage and water infrastructure is currently inadequate to cater for additional dwellings.

## Issues and considerations

The main issues to consider are the potential impacts on the Metropolitan Green Belt, the living conditions of the neighbours and its design in relation to the character and appearance of the area.

## Metropolitan Green Belt

The National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special

circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

However paragraph 149 part (e) of the NPPF allow certain exceptions to inappropriate development one of which is '*limited infilling in villages.*'

In terms of satisfying the exception test above, officers must consider two specific aspects:

-whether the site is located within a village; and -whether the development is limited infilling.

The Council's Submission Version Local Plan (2017) defines infill development as:

# *'....the development of a small gap in an otherwise continuous built up frontage, or the small scale redevelopment of existing properties within such a frontage.*

With regard to the first consideration, officers consider the site clearly forms part of the village of Matching Tye. In terms of the second consideration, the development is located within a small gap in between the Fox Inn PH and The Woodlands which forms a continuous built up frontage. Accordingly, officers consider that the development for 2 dwellings in this location would qualify as limited infilling in a village.

In terms of the minimising the impact on openness, it is considered that the overall size and layout of development is proportionate to adjacent existing buildings. Equally, the strong visual buffer provided by Matching Park to the south would further contain the effects of new development and prevent any further incursion into the openness of the Green Belt. If Members are minded to approve the application, officers would recommend restricting permitted development rights under Schedule 2 Part 1 Classes A,B and E of the General Permitted Development Order 2015 (as amended) to further ensure the future integrity of this Green Belt location can be maintained.

Overall, it is concluded that the proposal for 2 new dwellings onsite will not have a materially greater impact on the Green Belt in physical terms and therefore complies with Polices CP1, CP2, GB2A, GB7A and H2A of the Adopted Local Plan (2006) and Alterations (2008); Policy DM4 of the Submission Version Local Plan (2017) and the aims and objectives of the NPPF under part (e) of paragraph 149.

## Design and character

Plot 1essentially adopts a reversed 'L-shaped layout with its forward building line sited marginally proud of its nearest neighbour at The Woodlands. In terms of its maximum roof height, it would match the tallest part of the nearest neighbouring building at The Woodlands. In comparison, the layout of Plot 2 is T-shaped with 3 bedrooms and is set slightly forward. Both properties would measure similar gross internal floor areas of approximately 200m2. Plot 2 would be marginally shallower in height by 0.2 metres. Generally, the scale of the proposals and their siting relative to neighbouring buildings and the road is acceptable.

Both Plots 1 and 2 would incorporate a similar architectural style and treatment in terms of external rendered facades with brick plinths, plain tiles for the roof coverings (lead to both conservatory roofs) and timber window casements. The driveway would be laid to shingle with soft landscaped features (existing and proposed) planted on the boundary of Harlow Road.

Overall, it is considered that the siting, scale and proportion of the proposed dwellings, including the use of traditional construction materials provides a high-quality form of residential design that preserves and maintains the existing character of the Matching Tye Conservation Area.

It is therefore concluded that the design and character of the dwellings including their impact on the Matching Tye Conservation Area are acceptable and complies with Polices HC7, HC9, DBE1, DBE4, DBE5, DBE6 and DBE8 of the Adopted Local Plan and Alterations; Policies DM7, DM9 and DM10 of the Submission Version Local Plan 2017 and the aims and objectives of the NPPF.

## Amenity of neighbouring occupiers

The neighbouring occupiers at the property known as 'The Woodlands' have drawn officers attention to their concerns that Plot 1 would obscure/overshadow the window in the east facing flank of their attached garage limiting daylight. On balance, officers have observed the window in question and consider any potential loss of daylight is negligible given the separation distance between both buildings (c.4.8m). Furthermore, the existence of a roof dormer to the south roof slope would likely continue to provide adequate daylight to this roof space.

The impact on residential amenities are acceptable and therefore comply with Policy DBE2 of the Adopted Local Plan and Alterations (2008) and Policy DM9 of the Submission Version Local Plan (2017).

# Landscaping

There are no objections to the landscaping of the proposal subject to conditions recommended by the Council's arboricultural officer to ensure existing hedges are protected during construction and protected thereafter including additional hard and soft landscaping information for further agreement.

## Flood Risk and Land Contamination

Contaminated land and drainage officers have no objections to the proposals on flood risk or land contamination grounds provided recommended planning conditions are secured on grant of planning permission. Neighbours concerns relating to the inadequacy of existing sewage and water infrastructure to cope with additional development can be addressed via planning condition to ensure that any potential impacts can be minimised.

In this regard the proposals would comply with Policies U2B and U3B of the Adopted Local Plan and Alterations (2008) and Policies DM15, DM16, DM21 and D3 of the Submission Version Local Plan (2017)

## Parking and highways

Officers consider that the amount of residential traffic that would result from the proposed development would not have a detrimental impact on the highway in terms of safety, efficiency and capacity. The existing access point off Harlow Road is retained as part of these proposals meaning that only one means of access will be provided for both dwellings.

The current adopted parking standards (Essex Vehicle Park Standards) requires a minimum 2 car parking spaces per 2+ bed dwelling and 0.25 visitor spaces per dwelling, resulting in a requirement of 5 spaces. The proposals have made provision for 3 spaces per dwelling and therefore is considered acceptable.

# Epping Forest Special Area of Conservation

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

a. The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim

Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

b. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore, the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathways of Impact.

## Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions, e.g. electric vehicle charging infrastructure and support for home working.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

## Other issues

Neighbour objections have also cited the loss of the seasonal events/festivals as a result of the proposed development. Whilst officers are sympathetic to residents desire to maintain these seasonal village functions/festivals going forward, there are no planning policies that would prevent the loss these uses on what is essentially privately owned land.

## **Conclusions**

The proposals to provide two new dwellings can be considered an exception to inappropriate development under emerging local plan policy DM4 and paragraph 149 (part e) of the NPPF and does not cause harm to the openness and character of the Green Belt. The scale and design of the proposals are also considered compatible with the conservation area character and would not cause significant harm to existing residential amenities in terms of daylight, sunlight and outlook.

For the reasons outlined above the proposals comply with relevant policies under both the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006), the Epping Forest Local Plan Submission Version 2017 as well as advice contained in the NPPF. Therefore it is recommended that conditional planning permission be granted subject to conditions completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of air pollution on the Epping Forest Special Area of Conservation.

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

Planning Application Case Officer: Cuma Ahmet Telephone Number: 01992 564000 (x2581).

or if no direct contact can be made please email: <a href="mailto:contactplanning@eppingforestdc.gov.uk">contactplanning@eppingforestdc.gov.uk</a>