

**Report to District Development Control
Committee**



**Report Reference: DEV-014-2014/15.
Date of meeting: 8 April 2015.**

**Epping Forest
District Council**

Subject: Planning Application EPF/2936/14 – Land adjoining Longacre Cottage, School Lane, Stanford Rivers – Outline application for proposed new 4 bed dwelling with some matters reserved.

Responsible Officer: David Baker 01992 564514.

Committee Secretary: Gary Woodhall 01992 564470.

Recommendation:

(1) That outline planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.**
- 2 a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
(i) scale;
(ii) appearance;
(iii) landscaping.
b) The reserved matters shall be carried out as approved.
c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.**
- 3 The curtilage of this proposed dwelling shall be restricted to the area edged in red as shown on the approved plan 1493/01a.**
- 4 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.

5 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.

6 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1493/01a; 1493/05; and MP/LA/01 Rev A.

7 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

9 Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m x 43m to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction in perpetuity.

10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

- 11 **There shall be no discharge of surface water onto the Highway.**
- 12 **Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.**

Report Background:

1. This application has been referred by the Area Plans Sub Committee East with no recommendation, however it was recommended for grant of planning permission by Planning Officers subject to conditions 1 to 8 above. At the meeting however a proposal to refuse the application was defeated. Before another decision was reached 4 members stood up and hence the application was referred to this District Development Control Committee with no recommendation. The sub committee did request that further details be provided on what constitutes 'limited infilling in villages' and the addition of 4 highway related conditions.

Planning Issues

2. Most villages in the District are located in the Green Belt and prior to the National Planning Policy Framework (NPPF) being introduced in 2012, proposals to build infill houses in villages were normally refused on grounds of inappropriate development in Green Belt. However paragraph 89 now states that 'limited infilling in villages' now constitutes an acceptable exception to the general rule that new buildings in the Green Belt are inappropriate. There is though no definition of what is "limited infilling" so we can only draw reference to recent appeal decisions.

3. Recent appeal decisions in this District, at Rosedale, Hornbeam Lane in Sewardstonbury, and at Pond House in Matching Green, reinforce this change to Green Belt policy - where the inspectors have agreed that the proposals come within the terms of infill development. The Matching Green decision has similarity with this Toot Hill application in that there is not a continuous line of buildings into which the additional house was proposed, and the site also faced a village green. An extract from this Planning Inspector's decision is as follows:-

'The appeal scheme is for a single house in an established row of houses overlooking the Green in the village centre. I consider this can reasonably be regarded as limited infilling in a village. The Local Plan policies are silent in relation to infilling in villages and are therefore not consistent with the Framework in this particular regard and I therefore give greater weight to the Framework rather than (Local Plan) Policy GB2A in considering whether the appeal scheme constitutes inappropriate development. I conclude that the appeal scheme constitutes limited infilling in a village and therefore constitutes development which is not inappropriate in the Green Belt in accordance with the provisions of the Framework.'

4. Although this Toot Hill application is an outline one the layout of the site, including the footprint of the house, is being approved at this stage. The proposed footprint is not excessive and is similar to nearby dwellings. Consequently the proposed house will not be of a size which is out of character with its surroundings. In addition elevation plans submitted for information purposes show a 2 storey dwelling and anything larger in scale would not be approved when a reserved matters application is subsequently submitted.

5. At the 18 March 2015 East Sub-Committee meeting, 4 conditions requested by Essex CC Highways were verbally reported following highway acceptance of revised plans, and it was agreed that these be added to the existing 8 suggested conditions. They cover 'standard' issues relating to sight lines, surface material to be used on the drive, no discharge of surface water on to the highway, and any gates to be positioned 6m back from the edge of the carriageway.

Conclusions:

6. The proposal complies with the NPPF, and it is recommended that outline consent be granted subject to the original 8 conditions in the attached report, together with the 4 highways conditions referred to in para 5 above.