

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

20th January 2022

REFERENCE: HW/FUL/21/00295

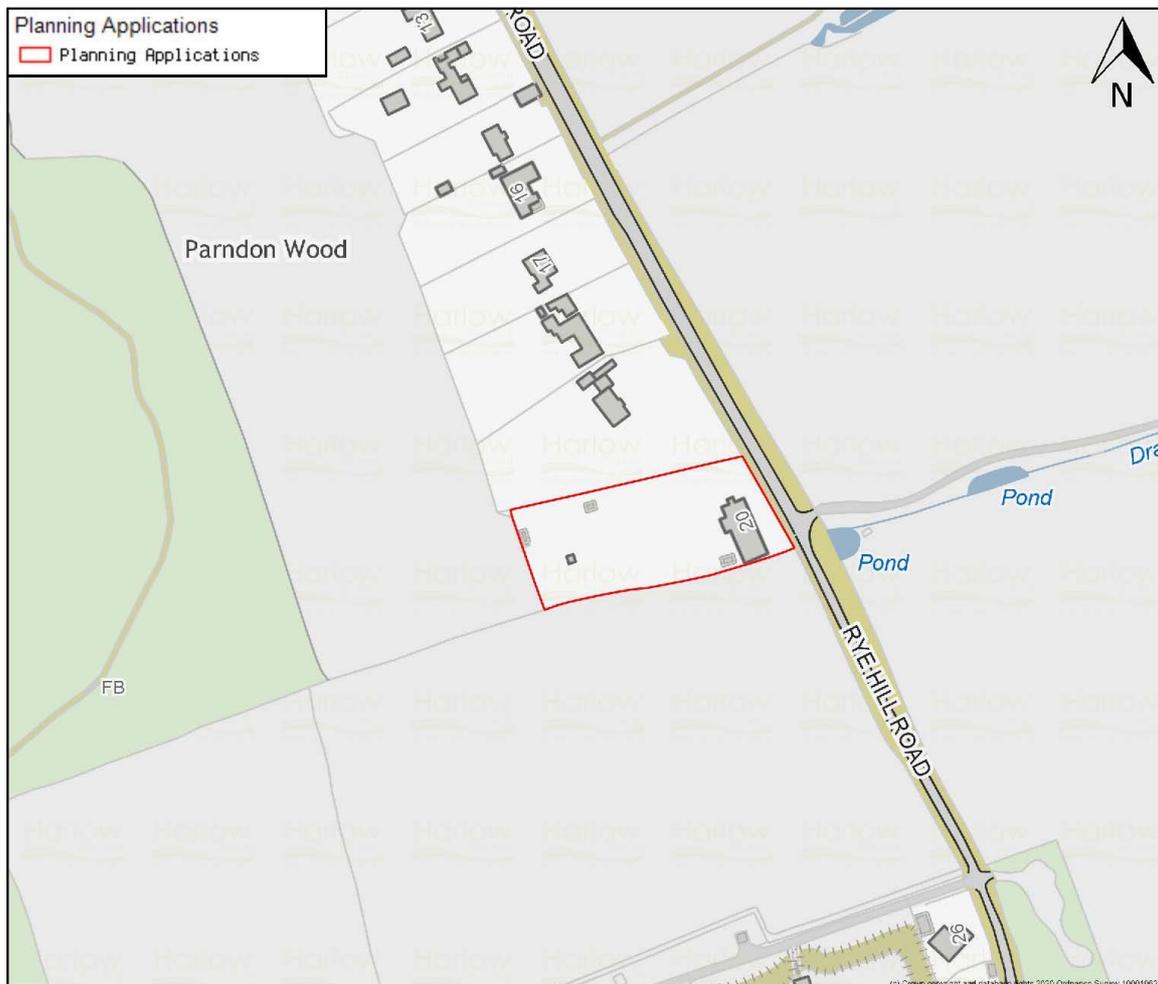
OFFICER: Nicholas Fu

APPLICANT: Mr & Mrs Coleman

LOCATION: 20 Rye Hill Road
Harlow
Essex
CM18 7JF

PROPOSAL: Erection of a 1.5 storey bungalow with new garage and new vehicular access gate

LOCATION PLAN



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REASON BROUGHT TO COMMITTEE: More than two representations have been received which are contrary to the officer recommendation

Application Site and Surroundings

The application site relates to 20 Rye Hill Road, which includes a detached bungalow with a sizeable rear garden. The site is located towards the southern edge of the district boundary. It is the last property within this group of dwellinghouses on the west side of Rye Hill Road.

Between the application site and 19 Rye Hill Road is a strip of woodland, which is covered under a Tree Preservation Order. There is a mature Oak tree within the rear garden of the property, which is also protected under the same Tree Preservation Order.

The surrounding area is mostly rural in character. To the immediate south and west of the site is an open field designated as and the Metropolitan Green Belt on the Harlow Local Development Plan (HLDP) 2020 Policies Map. The old Rye Hill Reservoir (which is now covered) and its Water Tower are located to the southwest of the application site. Further to the west (about 100m from the site) is the Pardon Wood Nature Reserve, which is designated as SSSI and Local Natural Reserves on the HLDP Policies Map.

The application site borders Epping Forest District Council's boundary. Dorrington Farm is located on the opposite side of Rye Hill Road, which includes some light industrial and warehouse units. The land to the east of Rye Hill Road is designated as Green Belt land on Epping Forest District's adopted local plan. On Epping Forest District's emerging Local Plan, this parcel of land is designated as the Latton Priory Area, which is set to deliver approximately 1,050 homes with community facilities, while the Dorrington Farm is designated as employment plan for businesses under Use Class B1. Nonetheless, the Epping Forest's emerging Local Plan is currently under examination.

The application site also falls within the 6.59km Recreational Zone of Influence (Zoi) of the Epping Forest Special Area of Conservation (SAC).

Details of the Proposal

Planning permission was granted for the subdivision of the existing residential plot and erection of a 3-bedroom bungalow (HW/FUL/19/00088). The current application, instead, seeks permission for a 5-bedroom 1.5 storey dwellinghouse with a detached double garage. The new residential plot measures about 43m by 45m (excluding the driveway), and the existing property would remain with a curtilage of about 58m by 40m. The proposed property would position roughly in the middle of the new plot, with an orientation parallel to the existing house. A driveway would be taken from Rye Hill Road running along the northern boundary. An entrance gate would be placed on the driveway and 5m away from the highway.

RELEVANT PLANNING HISTORY

Planning History for the development of a new dwelling in this location

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/19/00088	Erection of 1 No. Bungalow	Granted Planning Permission	30.04.2019
HW/FUL/19/00239	Erection of a 1.5 storey bungalow with new garage and new vehicular access gate	Refused	16.09.2019

Planning Appeals

APP/N1540/W/19/3240 582	Erection of a 1.5 storey bungalow with new garage and new vehicular access gate	Dismissed	22.04.2020
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Planning History related to the main house

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/HSE/18/00328	Loft Conversion involving the erection of front, rear and side dormers; erection of a ground floor front/side extension.	Granted Planning Permission	19.12.2018
HW/TP/15/10065	Removal of 1 Immature Oak Tree and Immature Hazel Tree	Granted Planning Permission	05.02.2016
HW/TP/08/10025	Fell Four Oak Trees	Granted Planning Permission	11.06.2008
HW/ST/99/00089	Retention of front perimeter wall and railings to 2m in height	Refused	

CONSULTATIONS

Internal and external Consultees

HDC - Consulting Arboricultural Officer

No objection.

The submitted Arboricultural Report and Impact Assessment shows the removal of a shrub, a hedge and 3 ornamental conifers, but these are not seen as a significant issue and would be mitigated by suitable replacement planting. A condition for the submission of a detailed landscaping scheme is recommended.

A condition is also recommended to ensure appropriate tree protection measures to protect existing trees during construction.

Essex County Council - Highways

No objection, subject to conditions on ensuring the implementation of the proposed parking and access provisions and suitable highway clearance.

HDC - Environmental Health

No objection, subject to conditions on construction hours and dust protection. No bonfire should be held on site.

HDC - Cleansing And Environment

No Comment Received.

Epping Forest District Council – Development Management

The site is outside the Latton Priority Masterplan Area, we have no comments to make.

Neighbours and Additional Publicity

Number of Letters Sent: 3

Total Number of Representations Received: 3

Date Site Notice Expired: 2 July 2021

Date Press Notice Expired: 24 June 2021

Summary of Representations Received

Four representations have been received objecting to the proposal. Their comments are outlined below;

- To the best of my knowledge there has been for many many years a family of great crested newts. There are 3 ponds in the garden. One natural where they live. They are protected . The garden has a natural sump, at the bottom of the garden for drainage. There are many birds including Owls that live in the trees . It's in green belt and so close to the nature reserve where wild animals roam. There's enough planning and building in Harlow. And rye hill road is so beautiful and should remain so. For many years to come
- I object for a number of reasons, one we've not had any conversation about this building works or been Informed, The land in question has a pond with protected great crested newts in and other wildlife and trees. I'd like the boundary line checked

Objector 3 has requested not to publish the comments for personal reasons. The objection is on personal matters, which is however not a material planning consideration and cannot be taken into the assessment of this application.

Officer comments: The concerns on design, character, green belt and wildlife are material planning condition, and discussed in the relevant sections of this report. In relation to the boundary line, the application boundary is in keeping with the Council's land registry record, and therefore this issue will not be taken any further.

PLANNING POLICY

Development Plan

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see 'Planning Standards' below. It is important to note that this is a very recently adopted and therefore 'up to date' plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

H2: Residential development

PL1: Design Principles for Development

PL2: Amenity Principles for Development
IN1: Development Sustainable Modes of Travel
IN2: Impact of Development on the Highways Network including Access and Servicing
IN3: Parking Standards
WE2: Green Belt, Green Wedges and Green Fingers
PL4: Green Belt
WE3: General Strategy for Biodiversity and Geodiversity
PL7: Trees and Hedgerows
PL8: Green Infrastructure and Landscaping
PL9: Biodiversity and Geodiversity Assets
WE4: Safeguarding Wildlife Sites Beyond the District Boundary

Several forms of 'planning standard' are relevant to the application. These standards complement Development Plan policies.

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF).

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for *larger scale* (housing) *development*. Of particular note is the emphasis on; *existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles)*.

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

HGGT Guidance

The HGGT Vision elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011)
Design Guide Addendum SPD (adopted December 2021).

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).

Planning Assessment

The main planning considerations of this application are the principle of development, the impacts on the character and appearance of the area, trees and landscaping, wildlife and ecology, neighbour amenity, and parking and highway safety matters.

Principle of development

Planning permission HW/FUL/19/00088 was granted for a 3-bedroom bungalow on this site in April 2019.

An application HW/FUL/19/00239 for a larger 5-bedroom 1.5 storey dwelling was later refused on design grounds on its impact on the character and appearance of the surrounding area. The reason for refusal is:

The proposed dwellinghouse is considered to be excessive in scale and does not respond positively to the existing dwelling at 20 Rye Hill Road in terms of design, massing, scale, height and orientation, thereby appearing overly dominating in this recessed location and would be an incongruous feature when viewing from outside the site. It would, therefore, result in detrimental harm to the character and appearance surrounding area, including the Green Belt and Special Landscape Area. The proposal therefore conflicts with Policies BE1, and H10 of the Adopted Replacement Harlow Local Plan (2006) and Principle DG28 of the Harlow Design Guide SPD (2011).

The subsequent appeal is also dismissed, and the Planning Inspectorate agrees that the orientation of the dwelling, in combination with its overall design and bulk fails to respond positively to the existing pattern of development and the character and appearance of the existing house at 20 Rye Hill Road, thereby resulting harm to the character and appearance of the surrounding area.

These previous decisions are important material planning consideration for assessing the current application.

Policies PL1 and H2 of the HLDP do not preclude infill developments, provided that the established character of the area and neighbour amenity are protected. The development should also make provision for refuse storage and collection, provide off-street parking according to the adopted vehicle parking standards, and should not prejudice the potential for comprehensive development of adjacent land.

The application relates to an existing residential garden which is surrounded by the Green Belt and a TPO woodland. It is therefore considered that the potential for comprehensive development with adjacent land is limited.

The principle of development can be accepted subject to the height, massing, layout, and appearance making an appropriate visual relationship with the form, grain, scale of the surrounding area and building design is specific to context. This is examined in detail below.

Character and Appearance

Policies PL1 and H2 of the HLDP indicate that proposals should not result in detrimental impacts to the character and appearance of the application dwelling or street scene.

Principle DG28 of the Harlow Design Guide SPD states that infill residential development should positively respond to the prevailing character of the area, and be similar in scale, massing, height and design to the surrounding buildings.

Rye Hill Road comprises mostly detached dwellings characterised by large garden spaces. The proposed development includes subdividing the rear garden of 20 Rye Hill Road to create a dwelling. The existing plot measures more than 45m in width and 105m in depth. The new residential plot measures about 43m by 45m (excluding the driveway), and the existing property would remain with a curtilage of about 58m by 40m.

Notwithstanding this, 20 Rye Hill Road is the last property within this housing area. It is also visually and physically isolated from the other Rye Hill Road properties due to the strip of trees to the north of the site. It is therefore considered that the application site shows relatively limited spatial connection with other housings along Rye Hill Road.

The application site also has different layout, character and appearance to other developments on Rye Hill Road. While most properties on Rye Hill Road has the main house sitting in the middle of the plot and hiding behind the trees along the road, the existing house at 20 Rye Hill Road is positioned at a relatively forward siting with hedging providing some screening only at low level.

The siting of the existing house has enabled its plot to be subdivided for an infill development within its rear garden. This viewpoint is supported by the Planning Inspector in the appeal decision for the previous application HW/FUL/19/00239.

The site is of sufficient size, whereby both the existing and proposed properties would demonstrate open and spacious characters. The proposed dwelling would sit roughly in the middle of the new plot. It would be more than 12m from the shared boundary and nearly 50m from the existing house on 20 Rye Hill Road. The existing fence running along the width of the rear garden on the application site would remain as a boundary treatment between the existing and proposed properties.

Taking into account the size of the plot and the position of the dwellinghouses, it is considered that the proposed infill development would not overcrowd the application site, or result in an unacceptable overdevelopment of the plot.

In terms of design, the previous application HW/FUL/19/00239 and the subsequent appeal were refused permission on design grounds. The proposed dwelling sits perpendicular to the existing house at 20 Rye Hill Road. It includes a total of 8 gables in the design, and has a building footprint of 281m² and height of 7.3m. The Planning Inspector considers that the proposal, including its excessive footprint and building bulk, diminutive and cluttered gables and the orientation, would result in harm to the character and appearance of the surrounding area.

The current application has addressed these issues. The proposed dwelling has a building footprint of 265m², which is of similar that to the existing house. The proposed house would have a simple L-shaped layout, and as a result there is only 1 gabled end. The proposed first floor is included within the loft area and served by dormer windows, which reduced the building height to only 6.9m. .

Overall, by virtue of its tidy elevations and simple layout, the proposed design is easy to interrupt and would response positively to the character and appearance of the existing house.

The overall building bulk, orientation and design of the proposal are more closely resemble the approved scheme HW/FUL/19/00088.

The 6.9m height of the proposed house is of a similar height to the existing dwelling at 20 Rye Hill Road, which is 7m tall. The pitched and hipped roof design is in keeping with that of the existing house. Moreover, the proposal would be mostly screened by the existing house owing to the gradient of the site. It is therefore considered that the proposal would not be visually dominating within the street scene by virtue of its height, orientation and roof form which are in keeping with the existing house.

The application site is surrounded by vest green openspace which is designated as Green Belt. The proposal for an additional dwellinghouse in this location would be visible from outside the site and therefore have some indirect impact on the visual amenity quality of the wider countryside and the Green Belt.

Notwithstanding this, The rear elevation of the proposed dwelling would be dominated by a rear gable projection, alongside 3 dormer windows. The rear elevation offers an appearance of a typical rural dwellinghouse which is considered appropriate to the setting of the vest green openspace beyond the application site. Moreover, the dwelling would be located 18m from the rear elevation and the trees along the rear boundary would provide a significant screening effecting. It is therefore considered the visual amenity quality when viewed from the rear, especially from a longer distance, would not be significantly different to the existing.

Furthermore, the overall bulk of the building is mitigated by the orientation of the house. The orientation of the proposed house, which is parallel to the existing road and the highway, would be in keeping with the general pattern of development within the area. This orientation also means that the shorter and smaller side elevation would be facing the vest green openspace to the south, thereby reducing its visual impact to the wider surrounding. It is therefore considered that the proposal, while visible from the open countryside outside the site, and would have an acceptable impact to the character and appearance of the open countryside surrounding the application site.

The proposed double garage is appropriately located to the side of the main house. It has a simple form with a dual-pitched roof which is 0.75m shorter than the main house. It is considered to be an acceptable outbuilding which is subservient to the host dwelling.

Overall, it is considered that the application site is of sufficient size to accommodate both the existing and proposed dwelling without causing overdevelopment. The site is spatially separated from other properties along Rye Hill Road, which allows the proposed infill development on this location without disturbing the existing pattern of development of Rye Hill Road. The proposed dwelling is considered appropriately designed and would respond positively to character and appearance of the existing house. By virtue of its location, orientation, scale, layout and design, it is considered that the proposed dwelling would have an acceptable impact to the character and appearance of the wider countryside.

It is therefore considered that the proposed development would comply with Policies PL1, H2 of the Harlow Local Development Plan, the Harlow Design Guide SPD and the Harlow Design Guide SPD Addendum.

Nearby conservation designations, including the Green Belt, SSSI and Local Nature Reserves

Green Belt

The application site is surrounded by Green Belt land to the south and west. At the northwest corner of the application site, an area of approximately 6m² falls within the Green Belt land. No built development is proposed within this designated part of the site. This part of the site is covered by trees and vegetation that form part of the TPO protected woodland, which means the applicant is unlikely to develop this area unless separate tree works application is submitted and granted. This area is also more than 18m away from the proposed garage and 20m from the proposed house. As a matter of degree and fact, it is considered this 6m² of Green Belt land would not have any significant weight on the determination of this application.

The land immediate bordering the Green Belt would be residential garden space, which is similar to the existing situation. Proposed access would be taken from Rye Hill Road, and the applicant is not proposing another new road to access the land beyond the site boundary. The creation of an additional dwelling in this location would, to some degree, intensify the development density adjacent to the Green Belt. Nevertheless, given the scale of the proposed development in proportion to the size of the application site, it is not considered that proposal would affect the openness of the Green Belt, or conflict with the main role of Green Belt which is to contain developments and prevent unrestricted urban sprawl.

Policies WE2 and PL4 also protect the visual quality of Green Belt. The proposed dwelling would appear as one of the only two dwellings within the landscape, alongside the existing property on the application site. Nevertheless, the existing setting of Rye Hill Road is generally rural, and it is not envisaged that the proposed infill development for one additional house on this precious plot would have any significant harm on the character and appearance of the countryside. Within the Metropolitan Green Belt there is a general presumption against inappropriate development. The proposal would have some impact on the appearance of the surrounding area, but it is not considered to be this is detrimental to a degree to warrant a refusal of the application.

This view is also shared by the Planning Inspector in the appeal decision for the previous application HW/FUL/19/00239. It is therefore considered that the proposal development would not constitute inappropriate development within Green Belt.

SSSI and Local Nature Reserves

The application site is 100m away from the Parndon Wood Nature Reserve, which is designated as SSSI and Local Nature Reserve on the Adopted Local Plan. Policy WE3 of the HLDP seeks to protect biodiversity assets from inappropriate development. Policy PL9 states that development which would negatively affect the nature conservation of a wildlife site would not be supported, unless appropriate mitigation measures or compensatory measures are provided.

The applicant provided a Preliminary Ecological Appraisal. Despite the surrounding area being relatively natural and mostly undeveloped, the application site comprises of a managed garden within an existing residential development. While recognising there is a pond within the site, the report noted that the pond was dry and defunct, which is not considered reasonably likely to present potential aquatic habitat. Protected species were not found to be present within the site. The appraisal concludes that the proposed development is unlikely to cause any adverse impact to wildlife habitat, and ecological enhancements

features including bird, bat and swallow boxes and the use of wildlife friendly lighting scheme are recommended. These could be secured by conditions.

Furthermore, the Parndon Wood is an ancient woodland. It was designated as SSSI and Local Nature Reserves mostly due to its variety of flora and value as an educational resource. The application site is the rear garden of an existing residential development. The proposed development would not be readily perceivable from the Parndon Wood Nature Reserve due to the distance as well as the existing trees along the site's western boundary. Given the scale and location of the proposal, it is considered the Parndon Wood's instinct values as a SSSI and Local Nature Reserve would not be negatively affected by the proposed development.

For these reasons, it is considered that the proposal would not be contrary Policies WE3 and PL9 of the HLDP.

Epping Forest Special Area of Conservation

The proposed development, given its scale and location, would not result in any direct harm to the Epping Forest Special Area of Conservation (SAC). Nevertheless, Policy WE4 of the HLDP indicates that, where appropriate, developments should consider the possible impact on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of disturbance from recreational activities or air pollution from increased vehicle movements.

The core recreational catchment area in which the majority of visitors to Epping Forest SAC arise from is considered to be the Recreational Zones of Influence (Zoi). Natural England is currently working with all the affected local authorities to develop a strategy to mitigate these potentially harmful effects, thereby allowing development to proceed.

The application site falls within the outer part of the 3km-6.59km Zoi. The original advice from Natural England covers an area of 3km-6.2km radius from the SAC, but this was amended in June 2020 to 6.59m to cover a wider area.

Notwithstanding this, the March 2019 interim advices from Natural England states that development for 1 new dwelling is not considered inappropriate within the outer zone of Zoi. Proposals for 1 new dwelling in the 3km-6.59km Zoi do not require mitigation measures.

Although this was questioned by the Planning Inspectorate during the previous appeal for HW/FUL/19/00239 for the lack of evidence base on its reasoning, this March 2019 interim advices still stands as the most up-to-date Epping Forest Mitigation Strategy publication regarding mitigation measures.

Therefore, no mitigation measures would be required in this instance.

Trees

The application site is surrounded by trees on all sides, including a strip of protected woodland to the north, a mature Oak tree within the garden of 20 Rye Hill Road, and a few smaller trees within the application site. A local resident submitted representation expressing concern regarding the woodland between no.19 and 20 Rye Hill Road.

The smaller trees within the application site would need to be removed to facilitate the development. The Council's Tree Officer carried out a site visit and considered the removal of these trees would not have any significant impacts.

The proposed driveway would run adjacent to the woodland to the north and adjacent to the mature oak tree to the south. There might be some impacts to these trees but the Council's Arboricultural Consultant considered these could be mitigated through appropriate protection measures. Planning conditions on Arboricultural Method Statement and detailed landscape scheme should be attached if permission was granted.

Residential amenity

The application site is separated from the nearest neighbour, no.19 Rye Hill Road, by a strip of woodland. It is therefore not considered the proposal would have any demonstrable harm to the residential amenity of the neighbours.

Given the distance between the two houses and the generous garden spaces, it is not considered the proposed dwelling would have any detrimental harm to the amenities enjoyed by the occupants of 20 Rye Hill Road such as access to daylight and sunlight and privacy.

The proposed development complied with the 18m back-to-back distance between properties as set out in the Harlow Design Guide SPD Addendum. The Addendum also minimum garden space standards for new dwellings depending on the number of bedrooms provided, which the proposed development with its larger plot would also comfortably comply with. The proposed dwelling would also comply with the Nationally Described Space Standard, which means it would provide a reasonable living condition for the future occupants.

It is therefore considered that the proposed development would provide acceptable residential amenity to the prospect residents and on the neighbors. It is therefore comply with Policy PL2 of the Harlow Local Development Plan, the Harlow Design Guide SPD and the Harlow Design Guide SPD Addendum.

Parking and Highway

The proposed dwelling would be accessed through a new driveway along the northern boundary of 20 Rye Hill Road. There is an existing dropped kerb fronting the highway. The proposal includes an entrance gate on the new driveway 5m from the kerb. It is not considered the proposal for one additional dwelling in this location would create unacceptable traffic.

The existing property has an existing access to the south of the front garden and the driveway lead to its attached garage. There are sufficient spaces for the parking for two vehicles and the proposal would not alter this existing parking arrangement.

The new property includes a detached garage with internal dimension of 6.6m deep and 6m wide. The internal dimension is smaller than the recommended size for garage parking space in accordance to the Essex Parking Standards (2009). However, it is still practical for two normal sized family cars can fit in it. In any event, the hard surfaced area to the front of the proposed dwelling would have more than sufficient space for the parking of two vehicles. It is therefore considered that the proposal would comply with Policies IN2 and IN3 of the HLDP and the Essex Parking Standards.

The Highway Authority was consulted and has no objections to the proposal subject to planning conditions on parking and access.

Refuse

Policy H2 of the HLDP states that development should make adequate provision for refuse storage and collection. The Council's Cleansing and Environment team has been consulted but no comment was received. Nevertheless, the resulting properties would have a reasonably sized curtilage where storage of refuse and recycle bins would be possible. The refuse collection is also anticipated to be similar to the existing property at 20 Rye Hill Road, and the clearance between the highway and the entrance gate would allow sufficient space for the present of bins on collection days without blocking the highway. A condition on waste management scheme would ensure waste collection can be undertaken appropriately.

Equalities Impact

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

“(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

CONCLUSIONS

The application relates to residential infill development within the rear garden of a property which is visually and physically isolated from nearby developments. The application site sits adjacent to Green Belt land, Local Nature Reserve and SSSI. Having regards to the scale of development in relation to the size of the application site, it is on-balance considered that the proposal for an additional dwelling in this location would not result in any adverse impacts to the aforementioned conservation designations.

The design of the proposal is considered acceptable and would have sufficiently addressed the previous reason for refusal. It would not cause any harm to amenities enjoyed by the neighbouring residents and the occupier of the existing property. The proposal also includes satisfactory parking and access provisions. Subject to appropriate tree protection measures,

the proposed development would not cause any undue harm to the protect trees within the area.

It is therefore considered that the proposed infill development would meet the criteria set out in Policy H2 of the HLDP and Principle DG28 of the Harlow Design Guide. The principle of development is therefore acceptable. The proposal complies with Policies H2, PL1, PL2, IN2, IN3, WE2, PL4, WE3, WE4, PL7, PL8 and PL9 of the HLDP, the Harlow Design Guide SPD, the Harlow Design Guide Addendum SPD, the Essex Parking Standards. It is therefore recommended that permission to be granted.

RECOMMENDATION

That Committee resolve to: Granted Planning Permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development, comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.
REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.
- 3 Prior to the commencement of the development, hereby approved, a detailed landscape scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include all hard and soft landscaping and details of boundary treatments. A specification of all materials shall be supplied within a detailed method statement which shall include site preparation, planting techniques, aftercare and a programme of maintenance for a period of 3 years following completion of the development.
The scheme shall be implemented during the next planting season following completion of the development and retained thereafter.
REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity. To accord with policies PL1 and PL7 of the Harlow Local Development Plan, December 2020.
- 4 Prior to the commencement of the development, hereby approved, a scheme for the provision of ecological enhancement features shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include bird, bat and swallow boxes and the use of wildlife friendly lighting scheme, based on the recommendations in Section 5 of the Preliminary Ecological Appraisal (Prepared by T4 Ecology LTD, reference HM1346 Version 1, received by the LPA on 08 Oct 2021). The scheme shall be implemented within the site prior to the first occupation of the development and retained thereafter.

REASON: To protect and enhance local wildlife habitat and ecology, in accordance with Policies WE3 and PL9 of the Harlow Local Development Plan, December 2020.

- 5 Prior to the commencement of the development, hereby permitted, an amended waste management scheme, including the detail and design of storage, display and collection areas, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

REASON: To ensure waste collection can be undertaken appropriately and in the interests of character and appearance in accordance with Policies H2 and PL1 of the Harlow Local Development Plan, December 2020.

- 6 No development shall take place on site, including site clearance, tree works, demolition or any other works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plants and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities
- Routing of construction traffic
- Measures to minimise dust production

REASON: To minimise disruption to neighbours and obstruction of the highway in light of Policies PL2 and IN2 of the Harlow Local Development Plan, December 2020.

- 7 Prior to the first occupation of the development, hereby permitted, the vehicle parking, driveway and turning areas as indicated on the approved plans shall be provided hard surfaced, sealed and marked out. The parking, driveway and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate parking and turning is provided. To accord with Policies IN2 and IN3 of the Harlow Local Development Plan, December 2020.

- 8 The proposed development shall be completed in full accordance with the submitted arboricultural details (Arboricultural Report and Impact Assessment, prepared by Moore Partners Ltd, received by the LPA on 03 Dec 2021) (Tree Constraints and Protection Plan, Dwg no. MP/RHR/01, prepared by Moore Partners Ltd, received by the LPA on 03 Dec 2021) . Any alterations to the agreed details must be first approved by the Local Planning Authority in writing.

REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and Policies PL7 and PL8 of the Harlow Local Development Plan, December 2020.

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

Reason: In the interests of highway safety and enable vehicles using the access to stand clear of the carriageway. To accord with Policy IN2 of the Harlow Local Development Plan, December 2020.

- 10 No demolition, construction works or any other associated works, including any machinery operations, in connection with the development shall take place outside the hours of 0800-1800 on weekdays and 0800-1300 on Saturdays, nor at any time on Sundays or Bank Holidays.
Dust production should be kept to a minimum which may need the utilisation of water damping measures being employed.
Bonfires are not to be held on site.
REASON: In the interests of the amenity of adjoining residents, in accordance with Policy PL2 of the Harlow Local Development Plan, December 2020.

- 11 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.
REASON: For the avoidance of doubt and in the interests of proper planning.

Plan Reference	Version No.	Plan Type	Date Received
2161_12	(Gate)	Proposed Elevations	20.05.2021
2161_10	Rev E	Proposed Plans and Elevations	04.08.2021
2151_11	Rev F	Proposed Elevations	04.08.2021

INFORMATIVE CLAUSES

1. The existing access has appropriate visibility onto Rye Hill Road, although some vegetation to the north of the access might need to be cleared to the back of the highway boundary to improve/restore the existing visibility. These works should be included in the Arboricultural Method Statement and landscape plan as appropriate.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
3. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.