

UTT/15/1884/FUL (LANGLEY)

(Referred to Committee by Cllr Oliver. Reason: Size and design of outbuildings, incorporation of paddock land, removal of hedge, Scarlet Malachite Beetle. Applicant related to Council employee. Deferred to September committee for site visit.)

PROPOSAL: Demolition of existing dwelling and erection of replacement dwelling and change of use of paddock to residential garden land.

LOCATION: Long View, Waterwick Hill, Langley

APPLICANT: Mr & Mrs C Wakerley

AGENT: Mr A Frostick

EXPIRY DATE: 20 August 2015, extension of time 8 September 2015

CASE OFFICER: Samantha Stephenson

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises a 2 storey white rendered, on a brick plinth, detached dwelling with off road parking for several vehicles and a detached pitched roofed double garage building. The dwelling is set well back from the road and has established hedging to the road frontage and neighbouring boundary, remaining boundaries are bounded by a mixture of post and rain fencing and hedging. The dwelling is sited on a hill and set considerably lower than the nearest adjacent property which is sited over 40m away to the south. To the rear of the dwelling is open countryside and to the north east is paddock land which is within the applicant's ownership. The residential area of the site is approximately 0.53ha with the adjoining paddock at approximately 1.54ha.

The dwellings in the locality are of varying sizes and design with no uniformity.

3. PROPOSAL

3.1 The application proposes the demolition of the existing dwelling and the erection of a replacement dwelling and garage building with games/gym room. The proposed house would be a 5 bedroom dwelling on two floors and will be sited in the same place as the existing dwelling with a larger footprint.

3.2 The dwelling would have maximum dimensions of approximately 21m in depth and an approximate width of 17.5m with a maximum ridge height of approximately 7.2m. Proposed materials are bricks and weatherboarding with natural slate and clay pantiles and painted timber fenestration and doors. The dimensions of the garage building are 10.5m x 7.4m and 5.8m to the pitch with studio over and the adjoining gym room is proposed to be 7.3m x 3.8m and 4m to the ridge.

3.3 Three parking spaces are proposed in the garage building with additional off road parking provision within the curtilage of the dwelling. It is also proposed to convert a small corner of the adjacent paddock into residential garden land.

4. APPLICANT'S CASE

4.1 Application supported by;

- Design and Access Statement
- Biodiversity questionnaire
- Bat Survey
- Sustainable construction checklist
- Site Waste Management Plan

5. RELEVANT SITE HISTORY

5.1 UTT/0902/91 Outline application for erection of one house and construction of new access. Refused 05.09.91

5.2 UTT/0903/91 Outline application for erection of one house and construction of new access. Refused 05.09.91.

6. POLICIES

6.1 National Policies

National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy H7 – Replacement Dwellings
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy ENV6 Change of use of Agricultural Land to Domestic Garden
- Uttlesford Local Parking Standards 2013
- SPD Replacement Dwellings

7. PARISH COUNCIL COMMENTS

7.1 At the meeting of the Parish Council on Tuesday 21st July planning application UTT/15/1884/FUL - Long View, Waterwick Hill, Langley was discussed and no objections were raised.

Although the Council are in favour of the development they would like to point out that the red line on the ordnance extract outlining the site does not demonstrate correct line of boundary as access to the property is over common land, for which a deed of grant will need to be given.

8. CONSULTATIONS

Access and Equalities Officer

- 8.1 I have reviewed the application and whilst there is no reference to compliance with the SPD on Accessible Homes and Playspace within the Design and Access Statement the internal layout of the dwelling, because of its size will meet the requirements of the standard. Expired 23.07.15.

ECC Ecology

- 8.2 Thank you for consulting us. I have no objections. The bat survey undertaken by John Dobson in June 2015 found no evidence of bats in the property and deems no further surveys to be necessary.

Further response received dated 21.08.15.

The Scarlet Malachite Beetle is a priority (Section 41) species which is offered some protection under the Natural Environment and Communities Act (2006). The protection does not extend to its habitat (unlike European Protected Species).

I have reviewed the information sent over, including:

1. Langley Parish Council Minutes dated 8 June 2015 - item 3 refers to recent sightings
2. Langley Parish News & Environment Notes dated July 2015 - article notes recent sightings
3. Langley Parish News & Environment Notes dated July 2012 - article notes recent sightings (highlighting that this is a long-established breeding site)
4. Scarlet Malachite Beetle 2014 Report - published by buglife.org.uk
5. Scarlet Malachite Beetle 2013 Report - published by buglife.org.uk

I have also viewed recent aerial imagery of the site and its surroundings.

The map in the 2014 Buglife report (Page 42) does not show any scarlet malachite sightings in the south western corner of 'Malachite Meadow', which is to be lost to the proposals (or indeed in any part of Malachite Meadow). The report identifies two sightings close to the site, one on 'Walnut Tree Green' and the other beyond Park Lane. Walnut Tree Green exists approximately 150 metres to the north east of the site. The loss of a small area of 'Malachite Meadow' is not thought to impact any population using Walnut Tree Green.

In response to the queries from Jenny and Joe Walsh:

- Item 3 on the meeting minutes relates specifically to Walnut Tree Green, not the site in question.
- The Langley Parish news again mentions Walnut Tree Green, not the site in question.
- Langley Environment Notes (2012 and 2015) again refers to Walnut Tree Green, not the site in question.
- Neither Buglife Report 2013 or 2014, refer to the species being present on the site in question.
- I have not seen any information indicating that the site is a long established breeding site for the species.

There is currently no evidence to suggest that any Scarlet Malachite beetles exist on the site, despite two studies being done specifically on this area by Buglife. I think it would therefore be unreasonable to request further surveys, as there is not a 'reasonable likelihood' they are present (see <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>) . Even if the beetles were present, the area in question is very small relative to the remainder of Malachite Meadow and a significant area of suitable habitat will remain post development.

In order to remove any residual risk of harm, I recommend that the habitat is cleared in the summer months when the beetle is active and can naturally disperse away from any areas of disturbance. You may wish to tie the developer into providing some enhancements on Walnut Tree Green, to enhance the habitat they are known to be present on.

Regarding the pond, our aerial imagery only showed one pond, 280 metres to the north east of the site. However, there appears to be another small pond slightly closer to the site, approximately 100 metres to the north east within the tree line. There appear to be no other ponds within 250 metres of the site.

I have taken the time to run a 'rapid risk assessment' on the land required for removal. This is a tool offered by Natural England to guide ecologists and developers through the licensing process for European protected species. It is my understanding that the pond will be untouched by proposals.

Taking into account the above, I do not consider great crested newt surveys to be necessary. I do however recommend the following non-licensed avoidance measures are adhered to:

Location & layout

- (a) Locate site as far as possible from potential breeding ponds and high quality terrestrial habitat.
- (b) Locate in areas subject to high pre-existing fragmentation.
- (c) Locate on hard, compacted ground with few fissures.
- (d) Design layout so that any hard landscaping is as far as possible from ponds, with retained habitat and soft landscaping toward ponds.

Timing & duration

- (a) Restricting works to the winter period (when newts are rarely active above ground) is sensible if the project would not harm hibernation habitat. Projects with temporary habitat disruption and reinstatement, such as some pipelines, could potentially be carried out without any licensable activity in this way.
- (b) Keep duration of groundworks as short as possible.
- (c) Undertake during the day works that might only affect newts above ground.

Construction methods and special precautions

- (a) Backfill trenches and other excavations before nightfall, or leave a ramp to allow newts to easily exit.
- (b) Raise stored materials (that might act as temporary resting places) off the ground, e.g. on pallets.
- (c) For pipelines, use directional drilling to cross areas of core habitat and dispersal routes.
- (d) Avoid installing structures that act as barriers close to ponds, or include gaps at ground level where walls or fences are unavoidable.

ECC Highways

- 8.3 From a highway and transportation perspective the impact of the proposal is acceptable subject to conditions.

Thames Water

8.4 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

9. REPRESENTATIONS

9.1 16 neighbours were informed. Consultation expired 16.04.15. 1 objection received. Description of application not clear. Size and location of the proposed new outbuilding. inaccuracies on biodiversity questionnaire.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of development of the site (ULP Policies S7 and H7)
- B Design and visual impact (ULP Policies H7 & GEN2)
- C Impact on adjacent residential amenity (ULP Policy GEN2).
- D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)
- E Nature Conservation (ULP Policy GEN7)

A The principle of development of the site (ULP Policies S1 and H7).

10.1 The existing dwelling is located outside of the development limits and is therefore countryside for the purposes of the local plan where new dwellings are generally not permitted. However, the proposal is for a replacement dwelling and this would be acceptable in principle subject to it being in scale and character with neighbouring properties and through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set (ULP Policy H7).

10.2 Policy GEN2 states that development should be compatible with the scale, form, layout and appearance of surrounding buildings and should have regard to guidance on layout and design adopted as supplementary planning guidance to the development plan. While Policy H7 states replacement dwelling will be permitted if in scale and character with neighbouring properties. The SPD on Replacement Dwellings expands on this and specifies that dwellings must be lawful, structurally unsound or poorly constructed for a replacement dwelling to be acceptable. In addition replacement dwellings should be of a similar size to the dwelling to be replaced, take account of local character and the footprint should be similar.

10.3 The site accommodates an existing dwelling which is of 1980's design and has little architectural merit either visually or materially and does nothing to enhance the countryside setting.

10.4 In addition to the requirements of Policies GEN2 and H7 mentioned above the SPD also states that development should result in an enhanced building on the site. The proposed replacement dwelling is of modern construction using sustainable and renewable energy sources, in line with the SPD- Energy Efficiency and Renewable Energy Adopted October 2007 and the Code for Sustainable Homes.

B Design and visual impact (ULP Policies H7 & GEN2).

- 10.5 The proposed dwelling would be larger than the existing with a proposed ground floor footprint of approximately 240m². Whilst it is larger than the existing it is considered that given the allowance for extensions and development that would be allowed under permitted development rights, as well as the size of the plot and distances between neighbouring sites that the size is acceptable in this case.
- 10.6 The design of the new dwelling addresses the scale of the houses in the locality, it would be set in from the boundaries and is set lower than the existing (by 1m), the submitted south-eastern elevation drawing demonstrates this and shows that the proposed dwelling would provide an appropriate transition between the neighbouring properties and would be compatible with the group as a whole. Although the proposed garage building has moved closer to the boundary there remains sufficient distance between it and the existing boundary screening and as well as the distance between properties to ensure that there will be no detrimental visual impact.
- 10.7 The new dwelling has been positioned in the same location as the existing, the plot is a deep one with a large verge, the large gardens remain and the general sense of space that exists in the street scene achieved by the separation between buildings will be preserved.
- 10.8 The majority of landscaping and trees is proposed to be retained along the boundaries, and new indigenous planting will also be introduced to strengthen these boundaries. Therefore, the rural character of this locality can be adequately safeguarded and screening can be maintained, the imposition of landscaping conditions will help to ensure this.
- 10.9 The gables reflect the design details of the existing and neighbouring dwellings and whilst the overall proposed design differs from the existing, it is of vernacular design and similar to other dwellings in the locality. It is not considered therefore that the proposal is so out of keeping as to warrant refusal. Given the area is characterised by a mix of development styles with no conforming style, the proposed dwelling would not look out of place or be unduly prominent in the street scene. It would replace an unremarkable building with a more attractive property, more in keeping with nearby dwellings. It is considered that the design would not be out of keeping with the street scene or detrimental to the character and appearance of the street scene.
- 10.10 The Essex Design Guide recommends 100sqm of private amenity area for a dwelling of this size and this plot is well in excess of that.
- 10.11 The proposal to convert a small area of paddock land to residential garden land is considered to be compatible with ULP Policy ENV6 which states that this will be permitted if it does not result in a material change in the character and appearance of the surrounding countryside. The proposed area of the paddock is considered to be a small unworkable corner and will not create a wedge of domestic garden intruding into an agricultural landscape. The applicant has proposed appropriate boundary treatment suitable for the rural location, which will not have the effect of urbanising the area or compromising the openness of the countryside.
- 10.12 The erection of one replacement dwelling would not generate a volume of traffic that would impact on the surrounding transport network.

C Impact on adjacent residential amenity (ULP Policy GEN2).

10.13 With regard to the proposed replacement dwelling and its impact on residential amenity, the dwelling to the south is at a sufficient distance to ensure that there will be no overshadowing, overbearing or overlooking impact. The proposed dwelling will be set lower than the existing by 1m so will have a reduced visual impact. Although the garage building is larger than the existing and is moved slightly closer to the boundary there still remains sufficient distance to minimise this impact and the dropped eaves line design minimises its visual impact.

D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)

10.14 The proposal would utilise the existing access into the site. Essex County Council Highways Department has no objection to the proposal subject to conditions. The proposed garage and additional off road parking provision within the curtilage of the site is sufficient to meet and exceed the Uttlesford Local Residential Parking Standards adopted December 2012.

E Nature Conservation (ULP Policy GEN7)

10.15 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. As part of the application a Bat Survey and biodiversity questionnaire was submitted and as part of the determination of the application the County Ecologist was consulted. The County Ecologist had no objections but recommended that some non-licensed avoidance measures be adhered to. The proposal complies with Policy GEN7.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

A The proposed development is acceptable and complies with all relevant Development Plan policies.

RECOMMENDATION – APPROVAL WITH CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 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 erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. Proposed finished levels or contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);

- vii. Proposed and existing functional services above and below ground (e.g. drainage power,
- viii. Communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. Retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

4. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the adopted Local Plan (2005).

