

UTT/18/0420/FUL(GREAT EASTON)

Referred to Committee as site is owned by the Council.

PROPOSAL: **The proposal is for the demolition of a bungalow and the erection of a detached dwelling.**

LOCATION: **The Elms, Glebe Lane, Little Easton, Essex, CM6 2JP**

APPLICANT: **Uttlesford District Council**

AGENT: **Mr T Welland**

EXPIRY DATE: **20th April 2018. EOT 5th September 2018**

CASE OFFICER: **Mrs M Jones**

1. NOTATION

- 1.1 Within Development Limits. Within 2km of SSSI. Within 6km of Stansted Airport. Within 500m consultation area of oil pipe line (Hazardous Installation)

2. DESCRIPTION OF SITE

- 2.1 The site is located to the south of Glebe Lane in the village of Little Easton. To the west of the site is the rear garden of Flambards which is in Manor Road. Opposite the site is a garage with first floor storage serving Tithe Cottage. There is a detached house to the east of the site. The Elms terminates the development on the south eastern side and similarly development on the opposite side but terminating at a point nearer to the Duck Street junction. There is mature hedging to the front of the site.
- 2.2 Access to the site is via a single lane road that also serves five other residential properties.
- 2.3 The Elms is a detached bungalow that is set back from the road close to the boundary with the residential property Old Tiles and is currently unoccupied.

3. PROPOSAL

- 3.1 The proposal is for the demolition of a bungalow and the erection of a detached dwelling.
- 3.2 The dwelling would have four bedrooms and three parking spaces.
- 3.3 The rear garden would be in excess of 300m²

4. APPLICANT'S CASE

- 4.1 A Design and Access Statement supports the application to Uttlesford District Council for the proposed demolition of a bungalow and replacement with a 4 bedroom dwelling house. The property has remained vacant since the last resident moved out as the property. It is no longer in a habitable state and therefore deemed hard to let.

- 4.2 The site is owned by Uttlesford District Council and following a study of costs to bring the existing property up to modern standards, the council have come to the conclusion that the existing house should be sold and the proceeds spent on other services within the council.
- 4.3 A formal pre application enquiry was made for the site under planning reference: UTT/17/3093/PA. The comments received were positive enough to make a full planning application for the site taking on board the comments made. These were:
- ☐ Undertake a topographical survey for the site and include a street elevation to clearly show that the ridge line of the new dwelling to be lower than the adjacent house.
 - ☐ Materials to reflect the character of the area and use quality natural materials
 - ☐ The retention of the existing side and front hedge
 - ☐ Three parking spaces are required and to meet Essex Design guide of 2.9 x 5.5m and include space to the side of 1 space for easy access
 - ☐ Dwelling to comply with Category 2 Accessibility and adaptable dwellings
 - ☐ An ecology survey to be undertaken
- 4.4 The site is not in an area where there is a risk of flooding.
- 4.5 A full arboricultural assessment has been undertaken for the site and recommendations made. This includes issues relating to overshadowing which are all shown as being acceptable.
- 4.6 The existing bungalow on the site is located very close to the eastern boundary. There are windows in the side elevation of the existing bungalow within 1m of the boundary. The proposals allow for the new dwelling to be further away than the existing bungalow.
- 4.7 There are three obscured glazed windows in the side elevation of Old Timbers at low level. This is screened by a 1.8m high close boarded fence with 300mm trellis over. This fence is also partly covered by roses and over climbing plants. It was agreed at the pre-application stage that these were not habitable rooms and so there are no issues with overlooking.
- 4.8 There is a high level dormer window in the side elevation of Old Timbers which overlooks the existing front garden of the bungalow. The new dwelling has been set back further than the existing bungalow and so there will be no more overlooking issues than exists at present.
- 4.9 The existing bungalow is located behind a hedge that is on a raised embankment, all of which will be retained.
- 4.10 The proposed street elevation clearly shows that the new dwelling will be set behind the existing raised hedge and the ridge height will be lower than the adjacent Old Timbers. The impact on the existing lane, which only leads to the handful of dwellings, will be no worse than at present. The proposals will enhance the character of the lane and will not detract. There will be no views lost from the west as it retains the hedge screening. There are no dwellings further to the west of the site and so the only passing interest will be pedestrians walking along the public footpath leading across the fields.
- 4.11 The existing access from Duck Street into Glebe Lane is narrow but it is visibility

good. There are only five dwellings served from this access that includes the bungalow to be demolished. Although, the access is restricted there have been no accidents attributed to the access.

- 4.12 A request for an Ecology Survey to be undertaken has been carried out and attached to the application.
- 4.13 The proposals are for the construction of a new 4 bedroom dwelling house together with parking and turning within the plot. The plans attached shows a 1½ storey dwelling reflecting the character of other dwellings in the vicinity. The layout of the dwelling has been designed to remove any overlooking issues in either direction and due to the land sloping there will be little overshadowing issues especially due to the orientation.
- 4.14 The site plan shows adequate space for turning and parking with spaces to meet the Essex Design Guide. The dwelling has been set back to allow the first floor dormer to the dwelling adjacent to look into the front garden of the new home which will have no impact on private space. The location of the existing bungalow is shown dotted on the site plan which indicates that the new dwelling will be further away than the existing structure and there will be the removal of any windows in that elevation.
- 4.15 The materials would be
- ☐ Clay plain roof tiles
 - ☐ Buff facing brickwork to plinth
 - ☐ Painted lime render with wood float finish
 - ☐ Weather boarding to the rear area using Marley Eternit Cedral boarding or Natural oak
 - ☐ Timber painted double glazed windows
 - ☐ Painted timber doors and frames
 - ☐ Painted timber eaves with exposed rafter feet
 - ☐ Black cast iron or aluminium gutters and downpipes
- These are taken from the materials found around the village
- 4.16 The village is sustainable with good bus service to neighbouring villages and has the benefit of a public house. The nearest main town is Great Dunmow 2.5 miles away and the nearest train station is at Stansted Airport, 7 miles away.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0012/89: Outline application for the erection of one bungalow and garage and construction of new access. Refused and dismissed on appeal. (site adjacent to application site)

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S3 – Other Development Limits
- Policy GEN2 – Design
- Policy GEN1 – Access

- Policy GEN8 – Vehicle Parking Standards
- Policy GEN7 – Nature Conservation
- Policy H7 – Replacement Dwellings
- Policy GEN4 – Good Neighbourliness

6.3 Supplementary Planning Documents

- Accessible homes and playspace
- Essex County Council Parking Standards: Design and Good Practice
- Uttlesford Local Residential Parking Standards
- Essex Design Guide
- Replacement Dwellings

7. PARISH/TOWN COUNCIL COMMENTS

7.1 No objections.

8. CONSULTATIONS

Essex County Council- Highways

8.1 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

Informative: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 4 (Little Easton) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

The Highway Authority would like to emphasise a footpath is a highway over which the public has a right of way on foot only. Most footpaths do not have a sealed surface. Essex County Council maintains to footpath status only

Essex County Council Ecology

8.2 Following a holding objection due to insufficient information, a bat survey has been carried out and submitted. They now have no objection subject to securing biodiversity mitigation and enhancement measures.

Aerodrome Safeguarding

- 8.3 The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

UK Power Network

- 8.4 Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), the applicant should contact UK power Network to obtain a copy of the primary route drawings and associated cross sections.

9. REPRESENTATIONS

- 9.1 Fourteen neighbours were notified and the application advertised. One representation has been received. Expiry date 6th April 2018
- 9.2 Glebe Lane is too narrow for construction traffic. UDC refuse lorries were banned from using Glebe Lane as they damaged guttering and the roof of outbuildings.

10. APPRAISAL

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

- A Principle of development at this site within development limits (NPPF and ULP Policies S3, and H7);
- B Design / amenity (ULP Policies GEN2 and GEN4);
- C Impact on nature conservation (ULP policy GEN7)
- D Access and parking (ULP Policies GEN1 and GEN8);

A Principle of development at this site within development limits (NPPF and ULP Policies S3 and H7)

- 10.1 The site is still located within development limits where infilling with new houses will be permitted if the development would be compatible with the character of the settlement. Policy H7 also states: a replacement dwelling will be permitted if it is in scale and character with neighbouring properties. As such, subject to scale and design, the principle of development of the site is acceptable and accords with policies S3 and H7.

B Design / amenity (ULP Policies GEN2 and GEN4)

- 10.1 The Local Plan policy GEN2 sets out the general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 10.2 The development along this piece of road is linear in nature and the majority of dwellings are detached. The properties to the south are predominantly large detached properties and therefore the design of the property would be in keeping with the surrounding character of the settlement. The proposed dwelling would be set back from the road and would continue the linear development to the south of the site. The existing hedging to the frontage and western boundary are to be retained and reinforced with native species planting.
- 10.3 The proposed height of the property is no greater than the property to the north

west. The proposed materials are compatible with the character of the area.

- 10.4 A garden of sufficient size (in excess of 300m²) is provided to comply with the recommended garden provision within the Essex Design Guide.
- 10.5 The property has been designed so as to avoid any overlooking, overbearing or overshadowing of existing properties. If approved a condition should be attached to control any future windows being inserted within the north eastern elevation to avoid any overlooking issues.
- 10.6 In terms of design, layout and scale, the proposal is considered acceptable and would comply with ULP policies GEN2 and GEN4.

C Impact on nature conservation (ULP policy GEN7)

- 10.7 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.8 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 10.9 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
 - The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
 - There must be "no satisfactory alternative"; and
 - The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".
- 10.10 A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. The biodiversity questionnaire answered yes to some questions and the proposal is for the demolition of the existing bungalow and as such the proposal has the potential to impact on bats. Accordingly a bat survey has been carried out and the bungalow is a roost for one pipistrelle bat and an EPS licence will be required for the demolition of the building. Essex County Council Ecologists have been

consulted and they have no objections to the proposal subject to conditions. It is considered unlikely that there would be any adverse impact on protected species caused and therefore complies with Policy GEN7.

D Access and parking (ULP Policies GEN1 and GEN8)

- 10.11 ECC Highways have not raised any highway objections in principle to the proposal. The proposed dwelling would have four bedrooms and therefore three parking spaces are required for the property to meet the requirements of the adopted parking standards. The proposal would therefore comply with the requirements of ULP Policy GEN8. The access is an existing access. The proposal complies with Policy GEN1.

11. CONCLUSION

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

- A** The principle of the development is acceptable in accordance with the NPPF and ULP Policies S3 and H7.
- B** The design and scale of the development would be acceptable and accords with ULP Policies GEN2, H7 and GEN4.
- C** Subject to appropriate conditions the proposal would not have any material impact on biodiversity and would comply with Policy GEN7.
- D** The parking provision and use of the existing access are considered to be acceptable and would comply with ULP Policies GEN1 and GEN8.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

- 3 Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the north eastern side elevation of the proposed dwelling without the prior written consent of the Local Planning Authority.

REASON: In the interest of neighbour's amenity in accordance with Uttlesford Local Plan Policy H8 and GEN2.

- 4 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (Wild Frontier, July 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

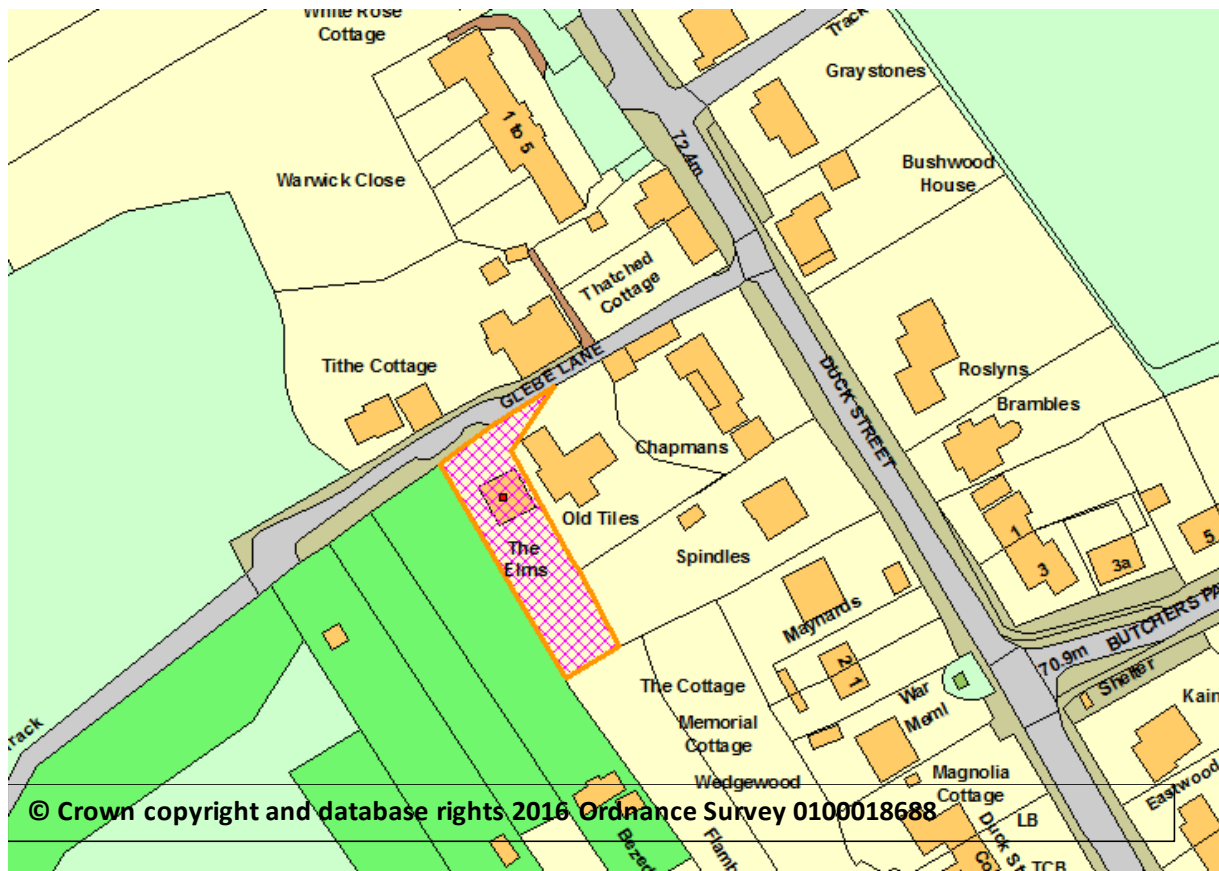
This includes; due diligence regarding nesting birds, storing materials above ground, cover trenches overnight, permeable boundaries for hedgehogs, installing bird boxes and native planting

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and Uttlesford Local Plan Policy GEN7.

- 5 The demolition of the bungalow shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Uttlesford Local Plan Policy GEN7.



Organisation: Uttlesford District Council

Department: Planning

Date: 10 August 2018