Representations: None

***This application has been promoted to Subcommittee by Cllr Mrs Gibbins if the recommendation is to Permit***

Report

Description

1 A 1.42 ha site within the Metropolitan Green Belt, located on the west side of the B365 Seven Hills Road some 870 metres north of the junction with the A245.

2 The site is currently occupied by a substantial detached house and ancillary buildings including a detached triple garage, ancillary barn / tractor store and an outdoor swimming pool. Access to the site is via a shared driveway serving two other dwellings, Little Rig and Darien.

History

3 Recent planning history comprises (most recent first):

(i) 2010/1128 - Detached two storey house with detached garage and ancillary staff accommodation in separate two storey house following demolition of existing house and ancillary buildings – refused:

‘Due to there being a reasonable likelihood of bats this application has potential for harm to a protected species contrary to the requirements of national policy and advice contained in PPS9, Biodiversity and Geological Conservation, and Circular 06/2005, “Biodiversity and Geological Conservation - Statutory Obligations And Their Impact Within The Planning System and supporting guidance.”

(ii) 2010/0760 – Partial change of use from residential (Class C3) to Office (Class B1) for a temporary period of three years – refused:

The application for mixed residential and office use results in a large part of the dwelling being used for office purposes in a residential location that is considered to
be inappropriate and out of character for such a large scale office use. It is also considered to amount to an unacceptable loss of residential accommodation contrary to saved policies HSG8 and ELE8 of the Replacement Elmbridge Borough Local Plan 2000.

(iii) 2009/2182 – Detached two-storey house with detached garage and ancillary staff accommodation in separate two-storey house – Withdrawn.

(iv) 2009/1846 – Use of tractor store as ancillary staff accommodation (variation of Condition 1 to renew previous permission 2004/2233) – Granted:

It is considered that this application for variation to condition 1 to renew planning permission 2004/2233 (use the tractor store for ancillary residential accommodation) after careful consideration is not out of keeping with the character and appearance of the area or the amenities of neighbours. There have been no significant change in circumstances or policy since the previous permission. The proposal has been considered against saved policies HSG15, ENV1 and ENV2 of the Replacement Elmbridge Borough Local Plan 2000, Planning Policy Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Guidance 2 (Green Belt). It has been concluded that the development would not result in any significant harm that would justify refusal in the public interest.

(v) 2004/2233 – Converting tractor store to ancillary residential accommodation – Grant permission:

This is an acceptable proposal for the conversion of this redundant tractor store within the green belt into ancillary residential accommodation. It has been considered against policies HSG15, GRB2, GRB3, GRB5, ENV1 and ENV2 of the Elmbridge Borough Local Plan 2000 and other material considerations including third party representations. It has been concluded that subject to the obligation and conditions the development would not result in any harm that would justify refusal in the public interest.

Proposal

4 As with the previous application (2010/1128), planning permission is being sought for the demolition of all the existing buildings on the site with the exception of a store building and to replace the existing main dwelling, store, utility and garaging with a two-storey and part single storey flat roof design ‘Huf’ house and detached garage and the replacement of the ancillary barn accommodation with a two-storey chalet style ‘Huf’ house.

5 Based on figures submitted by the applicant, the existing buildings total some 428.46 sq.m. footprint, 662.63 sq.m. floor area and 2,278.97 cu.m. volume. The proposed new house and ancillary accommodation would total 421.09 sq.m. footprint, 682.33 sq.m. floor area and 2279.26 cu.m. volume; a .

6 The proposed house is to be sited in the location of the existing swimming pool and with the detached garage would occupy a footprint of some 317.45 sq.m. compared to an existing footprint of house, ancillary buildings and garage of 293.61 sq.m (an 8.1 % increase) and be of 492.64 sq.m. gross floor area compared with the existing of 492.5 sq.m. (a 0.03% increase). Being flat roofed the house would be some 6.3 metres maximum height.

7 The proposed ancillary accommodation is to be sited on what is currently part of the existing house and is to be some 31.21 sq.m. less footprint and 19.56 sq.m. (11.5%) larger in floor area. A substantial area of amenity space including the existing lake and woodland remains.

8 The proposed dwelling is identical to that refused under application 2010/1128. As that permission was refused solely for the insufficient information regarding bats the applicant has resubmitted the current application with additional information in that respect to attempt to overcome the reason for refusal.
Consultations

9 Surrey County Council (Transportation) – Following a site inspection, the Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objections. The development is considered to be in accordance with saved policies MOV4 and MOV6 of the Local Plan and PPG13, Transport.

10 Tree officer – No Objection subject to conditions

11 Surrey Bat Group – No objection: we have read the attached survey report prepared by The Ecology Consultancy, which appears to be in accordance with best practice and acknowledges the need for at least one further survey in the core part of the breeding season prior to an application for a European Protected Species derogation licence. Provided a condition is attached requiring such a licence to be obtained we would be happy for the development to proceed.

Pre-application discussions

12 None held in connection with this application, however previously advice was sought from officers following withdrawal of application (ref. 2009/1846). It was advised to reduce the size of the ‘ancillary’ building and to position it closer to the existing ‘spread’ of the buildings on site in order to respect openness of the Green Belt.

Planning Considerations

13 The material planning considerations in the determination of this application are considered to be whether the proposal to replace the existing main house and ancillary accommodation is acceptable in green belt policy terms and whether the design and layout of the proposed development is acceptable. In addition and based on information submitted with the application it is also necessary to assess whether sufficient account has been taken of protected species and the trees on the site. As such regard need to be had to national policy and guidance contained in PPS1: Delivering Sustainable Development, PPG2: Green Belts, PPS3: Housing and to local saved policies GRB5, HSG16, HSG19, ENV1, ENV2, MOV4 and MOV6 in the Replacement Elmbridge Borough Local Plan 2000.

Green Belt

14 Given the site’s location within the Green Belt, saved Policy GRB5 is key to the determination of this application. This allows for the replacement of an existing dwelling provided that the replacement is not materially larger, is to be used for single household residential purposes and would not contribute to a reduction in the stock of small dwellings. In addition, the impact of the proposed development on the openness of the Green Belt is a consideration.

15 In terms of ‘spread’, the submitted plans show the buildings to occupy an area measuring some 65 metres by 24 metres on the site of Chestnuts. The previous withdrawn scheme occupied a spread of some 65 by 30 metres with the ‘ancillary building’ being sited some 15 metres to the west and 4 metres north of the proposed main house. The revised scheme now shows the ‘ancillary’ building to be 18 metres to the west but with the rear elevation now 1 metre behind the front elevation of the main house. This re-siting is considered to result in a slightly more compact developed area and combined with the proposed increase of some 8.1% in footprint compared to the existing buildings results in an acceptable replacement dwelling and ancillary accommodation in the green belt.

16 In terms of impacts on openness, it is considered, as was determined by the Council in application 2010/1128, that due to a combination of the reduction in height of the main dwelling compared with the existing house and the restoration of a substantial area of hardstanding to landscaped garden, that openness of this part of the Green Belt would be improved.
Design and Layout

17 Saved Policies ENV1 and 2 require new development to have regard to the scale character and materials of existing development in the locality and to promote the conservation of energy, water and other resources. In addition, ENV2 requires new development to achieve a standard of design that is sensitive to the character of the surrounding area and which in keeping with the area in terms of scale, mass and bulk.

18 Saved Policy HSG16 sets out the particular criteria that residential development proposals need to have addressed.

19 In this case it is considered that given the recent redevelopment of the adjacent sites at Darien and Little Rigg with Huf type houses the redevelopment of this site is acceptable. The site is not readily visible by passers by and as such the proposal to replace the existing building with ones of contemporary design is acceptable.

20 Given the size of the site and the generous separation distances between the proposed house and ancillary accommodation, it is considered that no undue loss of amenity or privacy due to overlooking would occur. In coming to this conclusion however it is noted that the proposed layout with the ancillary building being sited forward of the main house would result in an unsatisfactory layout if the site were ever proposed to be subdivided.

21 The proposed house being flat roofed and utilising large amounts of glazing is not considered to result in a development that would be unduly prominent.

Ecology including Protected Species

22 The potential impact of the development on Bats within the site is the key consideration in respect of the application, as all other matters have previously been considered acceptable in application 2010/1128. The application is accompanied by both a Desk Study, extended Phase 1 habitat survey and external survey for bats carried out by Thomson Ecology and a Phase 2 survey for bats carried out by The Ecology Consultancy in August 2010. The Thomson Ecology Report dated January 2010 identified several potential roost sites and recommended further dusk and dawn bat detector surveys for seven out of eight buildings surveyed. The Ecology Consultancy survey found evidence in the form of bat droppings in the roof void of the Main House, the carport on the west side of the house and the garage on the east side of the house. These were identified in regard to species by DNA analysis. In addition, one tree was found to have low potential to support roosting bats, all the others were found to have no potential to support roosting bats. Two pipistrelle bats were observed emerging from the Main House during the first emergence survey, and one pipistrelle was observed entering the building on the dawn survey. Given this the consultants have recommended that:

- a development licence from Natural England will need to be obtained prior to the commencement of any works affecting the Main House
- tree surgeons should be briefed by a suitably qualified bat ecologist prior to any tree works being undertaken
- due to poor weather conditions encountered on the second dusk survey further surveys in the form of a dawn survey be carried out at the beginning of the 2011 bat activity season and that if a significant amount of time elapses between the time of the original 2010 surveys and the commencement of the works (in the event that planning permission is granted), that further surveys may be required due to the possibility of bats moving into the buildings.
- the tractor store be retained as a replacement roost for that being lost in the Main House and that consideration be given to incorporating bat access points in pitched or hipped roofs, that construction timbers should be treated in chemicals that are non-toxic to bats and that bat bricks, bat tubes be installed into the exterior or the buildings and that bat boxes be installed onto buildings or mature trees on the site.
Given the comprehensive and thorough nature of the Phase 2 Survey it is considered, having regard to advice in Circular 06/2005, Biodiversity and Geological Conservation – Statutory Obligations And Their Impact Within The Planning System, that the presence or otherwise of a protected species has been satisfactorily established and as such as advised by the Bat Conservation Trust a bat survey has been carried out and its findings be considered in the determination of the application, that a decision on the planning application can now be made.

Trees

The Council’s tree officer has raised no objection to the proposed development in terms of its impact on trees, subject to conditions.

Matters raised in Representations

None to consider

Conclusion

This application for a detached two storey house with detached garage and ancillary staff accommodation in separate two storey house following demolition of existing house and ancillary buildings of satisfactory siting and scale that, after careful assessment is considered to be appropriate development within the Green Belt and would not have a significant adverse impact either on the street scene, neighbouring properties or protected species. It has been considered against saved policies GRB5, HSG16, ENV1, ENV2, MOV4 and MOV6 of the Elmbridge Borough Local Plan 2000 and national planning policy and guidance contained in PPS1: Delivering Sustainable Development, PPG2: Green Belts, PPS3: Housing, PPS9, Biodiversity and Geological Conservation and other material considerations including third party representations. It has been concluded that the development would not result in any significant harm that would justify refusal in the public interest.

Recommendation: Grant Permission

Conditions/Reasons

1 TIME LIMIT (FULL APPLICATION)
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans:
b100b, b101b, b110b, b111b, b120b, b121b, b122b, TMC-09065-L received on 26 November 2010.

Reason: To ensure that the development is carried out in a satisfactory manner.

3 GARAGES - NO CONVERSION
The building indicated for use as a garage on the approved plans shall be kept permanently for that purpose, and shall not be converted to living accommodation or other use.

Reason: To comply with the Borough Council's approved standards for the parking and garaging of vehicles in accordance with saved Policy MOV6 of the Replacement Elmbridge Borough Local Plan 2000.
4 FLAT ROOF - NO OTHER USE
The flat roof to the building hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Borough Council.

Reason: To prevent undue loss of privacy to adjacent properties contrary to saved Policy HSG21 of the Replacement Elmbridge Borough Local Plan 2000.

5 OCCUPANCY - STAFF ACCOMMODATION
The detached proposed ancillary dwelling as shown on the approved plans shall only be used as staff accommodation in connection with the proposed Huf house as shown on the approved plans and in particular shall not be separately let, sold or otherwise occupied as a separate independent dwelling.

Reason: Because of its small size the accommodation would be out of keeping with other properties in the locality, which would be contrary to saved Policy HSG16 of the Replacement Elmbridge Borough Local Plan 2000.

6 PD LIMITATION
Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (as amended - or any Order revoking or re-enacting that Order) no development falling within Part 1 Classes A, B, C and E of Schedule 2 to the said Order shall be carried out within the curtilage of the/any dwellinghouse, unless planning permission is first granted by the Borough Council.

Reason: The development is considered appropriate within the Green Belt due to the conglomeration of buildings to increase openness within the site and further development may undermine this acceptability contrary to PPG2: Green Belt and saved policies ENV1 and ENV2 of the Replacement Elmbridge Borough Local Plan 2000.

7 ADDITIONAL TREE INFORMATION AND PRE-COMMENCEMENT INSPECTION
No development shall take place until further arboricultural details have been submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. The information previously submitted to support the application has not been considered adequate.

This scheme shall include details of:
- a) the existing trees and hedges to be retained in the form of a Tree Survey and Arboricultural Implications Assessment, in line with BS5837:2005, and shall include details of all current and proposed hard surfaces, walls, fences, access features, and ground levels.
- b) the measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a tree protection plan and arboricultural method statement in line with BS5837:2005, (See Arboricultural Method Statement Informative.)
- c) prior to the commencement of works on site and after the installation of the tree protection in accordance with (b) above the applicant shall arrange a pre-commencement meeting between the Borough Council and the applicant's arboricultural consultant to allow inspection and verification of the protection measures.

8 TREE PROTECTION
In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council.
c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Borough Council.

d) any arboricultural information and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council.

e) this permission shall lapse if any retained tree is felled, pruned or relocated prior to the commencement of development unless otherwise agreed in writing by the Borough Council.

9 REQUIREMENT FOR FURTHER BAT SURVEYS, BAT MITIGATION AND BAT LICENCE
NO DEVELOPMENT OR WORKS OF DEMOLITION IN CONNECTION WITH THE SCHEME HEREBY APPROVED SHALL BE UNDERTAKEN UNTIL DETAILS OF FURTHER BAT SURVEYS AND NECESSARY MITIGATION AS REQUIRED BY THE REPORT PREPARED BY THE ECOLOGY CONSULTANCY DATED 22 NOVEMBER 2010 HAVE BEEN SUBMITTED FOR THE PRIOR WRITTEN APPROVAL OF THE BOROUGH COUNCIL. THESE SURVEYS AND ANY NECESSARY BAT MITIGATION MEASURES IDENTIFIED SHALL BE CARRIED IN STRICT ACCORDANCE WITH THE APPROVED DETAILS. THE APPLICANT IS ADVISED TO APPLY FOR THE REQUISITE DEVELOPMENT LICENCE FROM NATURAL ENGLAND

Reason: To accord with the requirements of PPS9 and Circular 06/2005, Biodiversity and Geological Conservation

Informatives

1 REASONS FOR PERMISSION
This application for a detached two storey house with detached garage and ancillary staff accommodation in separate two storey house following demolition of existing house and ancillary buildings of satisfactory siting and scale that, after careful assessment is considered to be appropriate development within the Green Belt and would not have a significant adverse impact either on the street scene, neighbouring properties or protected species. It has been considered against saved policies GRB5, HSG16, ENV1, ENV2, MOV4 and MOV6 of the Elmbridge Borough Local Plan 2000 and national planning policy and guidance contained in PPS1: Delivering Sustainable Development, PPG2: Green Belts, PPS3: Housing, PPS9, Biodiversity and Geological Conservation and other material considerations including third party representations. It has been concluded that the development would not result in any significant harm that would justify refusal in the public interest.