



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	FUL/MAL/17/00165
Location	The Rowans, Tudwick Road, Tiptree (Tolleshunt D'Arcy)
Proposal	Replacement three bed bungalow
Applicant	Mr. & Mrs. R Vallis
Agent	Mr. Peter Le Grys – Stanfords
Target Decision Date	04 May 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Member Call In

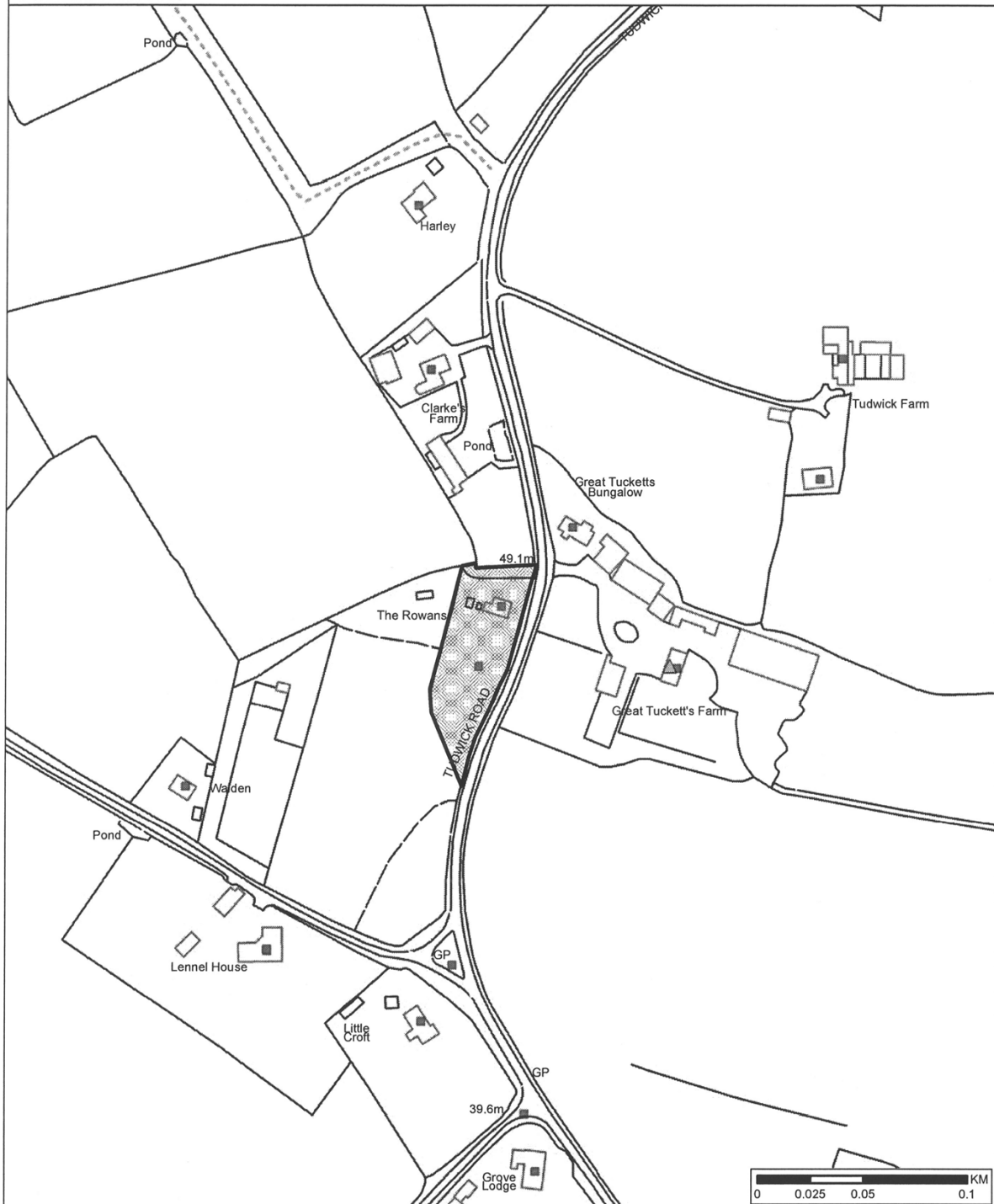
1. RECOMMENDATION


APPROVE subject to the conditions as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

The Rowans, Tudwick Road, Tiptree
FUL/MAL/17/00165



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00165
	Date:	05/05/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Tudwick Road and comprises an existing detached bungalow of modest proportions set within a spacious amenity space. There is an existing vehicle access from the highway.
- 3.1.2 Tudwick Road is located outside of any defined development boundary. It is principally a single track road with no pedestrian footpaths or street lighting. The road has a 60MPH (national) speed limit and is mainly single track. There are few sporadically located dwellings along the road, the closest being Tucketts Farm which comprises a Grade II Listed Farmhouse with associated farm outbuildings.
- 3.1.3 Permission is sought for the demolition of the existing dwelling and its replacement with a larger four bed, single storey dwelling. The proposed dwelling would be set in very close proximity to the rear of the existing property and further south. The new dwelling would be set back 12m from the highway and have overall measurements of 21m by 12m with a ridge height of 6.2m.

3.2 Conclusion

- 3.2.1 The proposed replacement dwelling by reason of its scale, design and set back from the highway, is not considered to result in significant increase in harm to the landscape character of the area, amenity of adjacent neighbouring occupiers and is considered to comply with the criterion of adopted policies BE1 and CC22.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14, 49 and 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development outside Development Boundaries
- H1 Location of New Housing
- BE1 Design of New Development and Landscaping
- CC22 Replacement Dwellings
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside

- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle policy that applies to the proposal is CC22 of the adopted Maldon District Replacement Local Plan. This policy accepts the principle of a replacement dwelling on a one-for-one basis in rural areas, but indicated that a development proposal will only be permitted if three criterion are satisfied.

5.1.2 The submitted LDP has been produced with cognisance of the NPPF's emphasis on sustainable development and emerging Policy S8 seeks to direct development to within settlement boundaries to protect the intrinsic beauty of the countryside. As the site is already developed for residential use, the site is considered sustainable in this instance. Furthermore emerging policy H4 supports the principle of replacement dwellings.

5.2 Relevant Planning History

5.2.1 The wide site has been subject to a previous application (referenced in a subsequent section of this report). That application proposed a "replacement" dwelling some 50m from the existing dwelling and beyond the existing residential curtilage of the existing dwelling. That application was refused by the Council and subsequently dismissed through the appeal process.

5.3 Replacement Dwellings

5.3.1 Policy CC22 sets out three criteria to be when seeking replacement dwelling outside of the settlement boundary, namely:-

- a) The new dwelling with its associated outbuildings, walls/fences and landscaping positively enhances the amenities and character of the landscape in which it is situated.
- b) The size of the replacement property does not require the extension of the existing residential curtilage.
- c) Where the dwelling is vacant and in poor condition, evidence is provided to show that the building has been in permanent occupation.

- 5.3.2 The submitted block plan shows that the replacement dwelling would be in very close proximity to the footprint of the existing dwelling. The current dwelling is modest in size and the site comprises a triangular shape plot projecting south towards the highway. The existing dwelling sits discreetly behind a substantial roadside hedge. As such the current development is reasonably inconspicuous in the wider landscape.
- 5.3.3 The area is characterised by sporadically located dwellings interspersed by agricultural land and whilst the proposal would result in a much larger dwelling, its set back from the highway and simple design would be seen in context with other dwellings within the vicinity of the site. Subject to a condition to restrict additional outbuildings within the wider garden area and retention of the boundary hedgerow, the proposal is considered to comply with the criterion of policy CC22(a). Furthermore, the replacement dwelling would not require the extension of the existing residential curtilage and would comply with the criterion of policy CC22(b)
- 5.3.4 The appeal Inspector for the previous scheme, noted that the dwelling subject of that appeal was some 50m to the south of the current property and that that proposal would erode landscape character with domestic paraphernalia and result in a significant extension to the residential curtilage into an area which has greater affinity with the countryside.
- 5.3.5 Whilst the current property is unkempt, its use has not been abandoned, and from an inspection made during an Officer site visit, residential occupation could be resumed and as such, policy CC22 (c) is not considered to be applicable.
- 5.3.6 Furthermore emerging policy H4 supports the principle of replacement dwellings providing;
- (a) The use has not been abandoned;
 - (b) The original building is not a temporary structure and;
 - (c) The proposed replacement dwelling is on an appropriate scale to the plot and its setting.
- 5.3.7 Whilst it is noted that the proposed dwelling would be in very close proximity to the existing dwelling, and may therefore preclude the construction of the proposed dwelling, it is considered appropriate and necessary in this instance to append a condition to any grant of permission to ensure that the existing property is demolished in a timely manner in order that a separate planning unit is not retained.

5.4 Design and Impact on the Character of the Area

- 5.4.1 Policy BE1 (a) of the adopted local plan relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale / bulk / height, materials and visual impact (among other factors). BE1 states that development should harmonize with the general character of the area in which they are set.
- 5.4.2 Due to the sensitive location of the application site in a rural area, Policy CC6 of the adopted Local Plan is also relevant. This states that the aim of the Council is to protect, conserve and enhance the natural beauty, tranquility, amenity and traditional

quality of the District's Landscape, and identifies that the local authority could permit development providing the following three criteria are met:

- a) No harm is caused to the landscape character in the locality, and
- b) The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and
- c) The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.

5.4.3 Opposite the site are two separate and very different residential dwellings; a single storey bungalow known as Great Tucketts Bungalow, set close to the highway and the farmyard setting and grade II listed building of Great Tucketts Farm set back a considerable distance from the highway with farm outbuildings between it and the highway.

5.4.4 In terms of size and design, the proposed replacement property would be comparable in size to Great Tucketts Bungalow and is not considered to cause harm to the landscape character in the locality. Furthermore, the simple design of the property with brick elevations and plain tile roof is considered to assist the assimilation of this larger property into the agricultural area in which it is located. Should permission be granted, it is considered appropriate that a condition is appended for the submission of material and that an appropriate landscaping scheme is submitted for approval.

5.4.5 Overall, the proposed development is considered acceptable in terms of design, scale, bulk and materials as it would not be detrimental to the character and appearance of the locality or the existing dwelling, in accordance with the stipulations of saved policies S2, BE1 and BE6 of the RLP, policies S1, S8, D1 and H4 of the submission LDP and the provision and guidance as contained within the NPPF.

5.5 Impact on Heritage Assets

5.5.1 The nearest listed building to the application site is Great Tucketts Farmhouse, situated some distance to the east. It is a timber-framed farmhouse thought to date from the seventeenth century and is listed grade II.

5.5.2 The distance and relationship between Great Tucketts Farmhouse and the application site is such that the proposal is unlikely to have a detrimental impact upon the setting of the listed building.

5.5.3 Furthermore, the Council's Conservation officer raises no objection to the development in relation to its impact upon the nearest Listed Building.

5.6 Effect on amenity of neighbouring occupiers

5.6.1 There are no immediate neighbours to the site. Considering the distance from nearby properties and the height of the dwelling it is considered that no impact is likely to result to amenity of nearby occupiers by way of overlooking, overshadowing or loss of privacy.

5.7 Access, Parking and Highway Safety

- 5.7.1 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising three or four bedrooms require a maximum of three parking spaces. The plans show that the dwelling would provide off-street parking for several vehicles and is therefore considered to accord with adopted parking standards criterion.
- 5.7.2 Essex County Council Highway Authority has been consulted on the application in terms of highway safety there is no objection to the scheme. No conditions have been recommended. Notwithstanding this, it is considered that conditions for the driveway to be constructed at right angles to the highway at a minimum width and that no unbound material is used in the surface treatment of the entrance are appended to any grant of permission.
- 5.7.3 The proposal is therefore considered to accord with the criteria of adopted LP policy T2 and emerging policy T1 of the submitted LDP.

5.8 Private Amenity Space and Landscaping

- 5.8.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m² of private garden space. Such a provision would be met in this instance.
- 5.8.2 As stated in a previous section of this report, conditions for the submission of boundary treatments and landscaping are considered appropriate to assist the assimilation of the proposal into the rural area are considered appropriate should permission be granted.

5.9 Other Considerations

- 5.9.1 The Council's Environmental Health Service has recommended conditions for the submission of details of surface water drainage and foul drainage. Such conditions are considered appropriate and necessary and can be appended to any grant of permission.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/15/00283** – Outline permission for a replacement dwelling.
Refused: 20 May 2015 Appeal Dismissed: 18 January 2016

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights	No response	

7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection.	The comments of the Highway Authority are noted and have been addressed in the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection, subject to conditions relating surface drainage and foul water details to be submitted	The comments of the Environmental Health Service are noted and have been addressed in the report
Conservation Officer	No Objection	The comments of the Conservation Officer are noted and have been addressed in the report

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 None received at the time of writing this report

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with drawings referenced 1378 03 and 1378 04, specifically referenced on this decision notice.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
3. No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

4. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and shall be retained at all times thereafter. The scheme shall ensure that for a minimum, run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event). The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
5. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
6. Prior to the first occupation of the development hereby permitted, the vehicular access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall be not less than 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
REASON: In the interests of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and emerging policy T2 of the submitted Local Development Plan.
7. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
REASON: To avoid the displacement of loose material on to the highway in the interests of highway safety and in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and emerging policy T2 of the submitted Local Development Plan.
8. 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: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety and in accordance with policy T2 of the adopted Maldon District Replacement Local Plan.
9. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the area in accordance with policies BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

- 10 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6, CC7 and CC11 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Submitted Local Development and the provision and guidance of the National Planning Policy Framework.