



**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**19 JUNE 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00324</b>
<b>Location</b>	Espero Tinnocks Lane St Lawrence Essex
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/16/01237 (Demolition of existing bungalow and erection of new three-bedroom dwelling)
<b>Applicant</b>	Mr & Mrs John & Margaret Skeritt
<b>Agent</b>	Ms Lisa Shell - Lisa Shell Architects Ltd
<b>Target Decision Date</b>	07/06/2017
<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>ST LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

**Espero, Tinnocks Lane, St Lawrence**  
**FUL/MAL/17/00324**



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: South East Committee

Date: 06/06/2017

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 Planning permission is sought for the variation of condition 2 of approved application FUL/MAL/16/01237 (Demolition of existing bungalow and erection of new three-bedroom dwelling) and amend the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed and alter the proposed external materials.
- 3.1.2 The application site is located to the north of Tinnocks Lane, a private track within the settlement boundary of St Lawrence, in close proximity to the Blackwater Estuary. Tinnocks Lane and St Lawrence Drive feature a mixture of dwellings ranging in architectural styles and designs including contemporary style dwellings “Tepekee”, “Alpha House” and “Pinewood Ridge” as well as award winning contemporary dwelling “Salt House” which is located to the east of the application site.
- 3.1.3 The application site is located within Flood Zones 2 and 3 as defined by the Environment Agency.

#### **3.2 Conclusion**

- 3.2.1 The principle of the development was established by the earlier permission and the proposed amendments are acceptable in terms of policy. The main consideration is the visual impact of the design changes upon the site, the character and appearance of the listed building and the impact upon adjoining residential occupiers. It is not considered that the proposed variation of condition 3 to allow the alterations detailed within the report will have an adverse impact on the character and appearance of the listed building or the neighbouring occupiers, for the reasons outlined within this report.

### **4. MAIN RELEVANT POLICIES**

#### **4.1 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S1 - Development boundaries and new development
- BE1 - Design of New Development and Landscaping
- CC22 - Replacement dwellings
- T8 - Vehicle Parking Standards

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

- S1 - Sustainable Development
- D1 - Design Quality and Built Environment
- H2 - Housing Mix
- D5 - Flood Risk and Coastal Management
- H4 - Effective Use of Land
- T1 - Sustainable Transport

- T2 - Accessibility

#### 4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)

### 5. **MAIN CONSIDERATIONS**

#### 5.1 **Principle of Development**

- 5.1.1 The principle of the development has been established under a previously approved scheme reference FUL/MAL/16/01237. However, it is necessary to revisit this during the consideration of this application. The current application, defers from the previous application as it proposes to amend the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed and alter the proposed external materials.

#### 5.2 **Design and Impact on the Character of the Area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 The physical appearance of the proposed dwelling with the various additions would be altered by way of provision to amend the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed to the following:
- (i) South Elevation: The glazing to the main entrance has been increased in size. A window has been added to the angular face to the left of the main entrance at lower floor and the upper floor.
  - (ii) West Elevation: The adjoining horizontal windows to be separated, one to be relocated closer to the rear side of the proposed dwelling.
  - (iii) North Elevation: At lower floor the glazing elements facing the sunken terrace to be increased in size, one additional window located under the balcony. At upper floor, the two windows to be reduced in size.
  - (iv) East Elevation: At upper floor the large window element facing the Salt House, to be replaced by a smaller window and moved slightly to the north.
- 5.2.3 Alter the proposed external materials to a cladding material for the upper part of the building and the roof from cement board to grey, pre-weathered zinc panels with standing seam. Alter the proposed window frames from Aluminium PPC to Architectural Bronze. The external balustrades to the balcony, to be altered from PPC railings to Architectural Bronze railings.
- 5.2.4 In comparing the proposal with the previously approved application it is not considered that the proposed alteration of the right angle of the overhang of the upper floor to the south elevation, relocation of the western elevation to the east by 0.2m,

amend the number and size of windows proposed and alter the proposed external materials would have a detrimental impact on the design or appearance of the proposed dwelling.

- 5.2.5 It is considered that the proposed raising of the roof by 500mm would not have a detrimental impact on the character and appearance of the listed building. As per the comments of the conservation officer it will have relatively little overall impact to the barns external appearance.

### 5.3 **Flood Risk**

- 5.3.1 The NPPF provides the most up to date policy position when assessing flood risk and supersedes any out dated RLP policies on flood risk. Policy D5 of the submitted Local Development Plan (LDP) provides local flood risk considerations and seeks to direct development to the lower risk zones.

- 5.3.2 Tinnocks Lane, St Lawrence is located in Flood Zones 2 and 3. Dwellings fall within the “more vulnerable” flood risk vulnerability classification (Table 2 of the NPPF Technical Guidance and paragraph 66 of the National Planning Policy Guidance (NPPG)). The application is for the replacement of a residential dwelling, which is considered to be a ‘more vulnerable’ land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. Paragraph 33 of the NPPG states “For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed”. In this instance the proposal relates to a replacement dwelling within a defined settlement boundary which, in principle, is in accordance with the Council’s adopted Development Plan (the Maldon District Replacement Local Plan 2005 – Saved Policies), on this basis the Sequential Test has been satisfied. Given the above, the Exception Test is also not required.

- 5.3.3 The next issue to consider is whether the development would meet the guidance set out within the Environment Agency’s (EA) standing advice to ensure there is no increased flood risk off-site to third parties as a result of the development. In terms of surface water management the application forms state that surface water will be discharged to the mains sewer as per existing. The submitted Flood Risk Assessment (FRA) states that a Sustainable Drainage System (SuDS) will be incorporated into the development to manage the surface water runoff from the site; including storage, treatment and rainwater harvesting systems. It is considered acceptable, due to the development being a one-for-one replacement, that a condition could be applied to any positive decision in order to approve surface water drainage details prior to commencement.

- 5.3.4 In relation to access and evacuation the submitted FRA contains a Flood Evacuation Plan which details the evacuation route should a flood warning be issued. However, in the case of an unexpected flood even safe refuge would need to be taken at first floor level, above 5.67m AOD. This would comply with the standing advice from the EA.

- 5.3.5 The proposed revision to the approved scheme under reference FUL/MAL/16/01237 is not considered to pose any further risk or alter the existing position on the proposed development. Therefore, subject to appropriate conditions, the replacement dwelling and the subsequent amendments are considered appropriate in ensuring the proposed development is safe for its lifetime in respect of risk for flooding.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The proposed amendments to the approved scheme, involve the amendment to the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed and alter the proposed external materials.
- 5.4.2 The proposed amendments to the right angle of the overhang of the upper floor, the movement of the western elevation east by 0.2m proposed and changes to the proposed external materials, are not considered to give rise to issues relating to overlooking, loss of light or domination to the detriment of the neighbouring occupiers.
- 5.4.3 The changes to the fenestration are not considered to result in overlooking to the detriment of the neighbouring occupiers. Although some windows would be increased in size and additional windows added, due to their siting, they are not considered to result in overlooking or a loss of privacy.

#### **5.5 Access, Parking and Highway Safety**

- 5.5.1 There were no concerns raised with regards to access, parking and highway safety within the original application. The proposed amendments would not alter the access, parking and highway safety. Therefore, no concerns are raised.

#### **5.6 Private Amenity Space and Landscaping**

- 5.6.1 There were no concerns raised with regards to the private amenity space and landscaping within the original application. The proposed amendments would not alter the private amenity space or landscaping. Therefore, no concerns are raised.

### **6. RELEVANT SITE HISTORY**

- **FUL/MAL/16/01237** - Demolition of existing bungalow and erection of new three-bedroom dwelling. Approved.

### **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

#### **7.1 Representations received from Parish Council**

<b>Name of Parish Council</b>	<b>Comment</b>	<b>Officer Response</b>
St Lawrence Parish Council (SLPC)	Objection - SLPC recommend that the elevation showing the impact of this very large	Noted

Name of Parish Council	Comment	Officer Response
	building has on the street scene as it would appear to dwarf the surrounding properties.	

## 7.2 Representation received internally

Name	Comment	Officer Response
Conservation Officer	No Objection	Noted

## 8. **PROPOSED CONDITIONS**

### Conditions:

1. The development hereby permitted shall be begun before the expiration of the original permission on 17 January 2020.  
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 the approved drawings as detailed on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved and in accordance with policy BE1 of the Maldon District Replacement Local Plan.
3. No development shall take place until 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: 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.
4. Prior to the commencement of the development hereby permitted existing ground levels and finished floor levels of the new dwelling shall be submitted to an approved in writing by the Local Planning Authority. There shall be no alteration to these approved finished floor levels.  
REASON: In order to protect local visual amenity and the amenity of the occupiers of adjacent dwellings in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
5. 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 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 policy BE1 of the adopted Maldon District Replacement Local Plan.

6. 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: In the interests of the amenity of the area and in accordance with policy BE1 of the Maldon District Replacement Local Plan.

7. No development shall commence until details of the measures to be taken for the disposal surface water shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

REASON: To ensure appropriate surface water drainage at the site and in accordance with policies CON5 of the adopted Maldon District Replacement Local Plan and in accordance with the Government Guidance contained in the National Planning Policy Framework and Planning Practice Guide.

8. Finished floor levels of the development hereby approved shall be a minimum of 5.67mAOD.

REASON: To ensure that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, the reduction of flood risk overall in accordance with CON1 of the adopted Maldon District Replacement Local Plan and in accordance with the Government Guidance contained in the Technical Guidance to The National Planning Policy Framework.

## **INFORMATIVES**

1. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours;
  - a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b. No dust emissions should leave the boundary of the site;
  - c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.