



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

Application Number	FUL/MAL/17/00747
Location	Great Downs Farm Station Road Tollesbury Essex
Proposal	Proposed replacement detached two storey dwelling.
Applicant	Mrs J Kayode
Agent	Mr Andrew Watkins - Mullins Dowse Architects Ltd
Target Decision Date	3 October 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Great Downs Farm, Station Road, Tollesbury
FUL/MAL/17/00747



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 2.10.17
	Date:	19/09/2017
	MSA Number:	100018588
<p>www.maldon.gov.uk</p>		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Planning permission is sought for the demolition of an existing one-and-a-half storey dwelling and the erection of a two storey replacement dwelling. The proposed dwelling would measure a maximum of 14.1m in width by a maximum of 10.1m in depth and height of 7.9m to the ridge and 4.9m to the lower eaves. The dwelling would have a double-pitched roof with photovoltaic panels to the eastern roof slope. A balcony to the rear, a utility room to the side and a front porch break the rectangular shape of the main dwelling. The proposal would accommodate four bedrooms, a bathroom and an en-suite on the upper floor, a study, a living room, a dining and kitchen area, a utility room and a cloak room on the ground floor. Four parking spaces are proposed to the front of the dwelling, where the existing building is located.

3.1.2 The site is located adjacent but outside of the defined settlement boundary for Tollesbury, to the east of Station Road, in a semi-rural location with open countryside surrounding from the east, north and west and residential properties to the south. The building which is proposed to be demolished is located approximately 130m east of Station Road and the proposed dwelling is proposed to be located 12m to the east of the front elevation of the existing dwelling. Access to the application site from Station Road is taken via a private unmade road. Within the same property but outside of the application site, approximately 60m to the west, there are three buildings originally erected to be used in conjunction with agricultural activities. Despite their rudimentary appearance, a part of one of the buildings has a lawful use as a residential unit. Another building is in the process of being converted into a dwelling and a planning application under reference FUL/MAL/17/00862 is being considered by the Council. To the south there are two storey houses.

3.2 Conclusion

3.2.1 The proposal is considered to be acceptable and policy compliant, subject to conditions. It is considered that the proposed development is of an appropriate design, scale and layout which would enhance the character and appearance of the area without causing an adverse effect upon the amenities of the neighbouring occupiers. The access and parking arrangements are considered to be acceptable and the provision of amenity space is more than the policy requirement. The proposal would, therefore, be in accordance with the stipulations of policies S1, S8, D1, D2, H2, H4, T1 and T2 of the approved Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

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 - Presumption in favour of sustainable development
- 17 - Core Planning Principles

- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring Good Design
- 186-187 - Decision-taking
- 196-198 - Determining applications

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- S1 - Sustainable Development
- S8 - Settlement boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- H2 - Housing Mix
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The proposed development is for a replacement dwelling. The relevant policy for this type of development is policy H4 of the LDP which states that replacement dwellings will only be acceptable if certain criteria are met.

5.1.2 In more detail, policy H4 of the LDP states that planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting;
and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

- 5.1.3 The dwelling currently on site is a chalet and is used for purposes of human habitation. The existing chalet is a typical example of post-war rural housing but this does not necessarily render the original building worthy of retention. The current position of the dwelling is central within the property but closer to the western boundary of the marked application site. Although the proposed dwelling would be positioned in a different location within the site, in close proximity to the existing dwelling, the proposal would not involve the extension of the residential curtilage in any way.
- 5.1.4 The proposed dwelling has a smaller footprint than the existing bungalow but is demonstrably larger in size and height and is of a more contemporary design, which includes elements such as larger glazed openings, a glazed balcony and photovoltaic panels. The scale and design of the proposed dwelling is appropriate to the site and its setting, when considering that other modern properties have been built in the vicinity of the site. The suitability of the proposal to the site and its impact upon the character and appearance of the area will be considered in more detail within section 5.2 of this report.
- 5.1.5 Moreover, the proposal would not involve the loss of any important landscape or heritage feature, or any feature of ecological interest. As such, it is considered that the proposed development meets the criteria of the relevant policy and on principle is acceptable. Other material planning considerations are discussed in the following sections of the report.

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 seek to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”

“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a. Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b. Height, size, scale, form, massing and proportion;

- c. Landscape setting, townscape setting and skylines;
- d. Layout, orientation, and density;
- e. Historic environment particularly in relation to designated and non-designated heritage assets;
- f. Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g. Energy and resource efficiency.

5.2.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.5 The proposed dwelling would be of a smaller footprint than the existing sprawled bungalow but will provide the same level of accommodation. The layout of the site will not be altered dramatically with the proposed dwelling to have more space to the front. The design and appearance of the two-storey dwelling house appears plain, modest and unobtrusive, combining traditional materials, such as the slates to the roof or the plinth to the bottom of the walls, with more modern materials, such as the plastic for the external windows and doors or the glazing for the balcony. The scale of the proposed building is sympathetic and appropriate to the application site as well as comparable with the scale of other dwellings in the vicinity.

5.2.6 The proposal incorporates three projections from the main volume of the building. To the rear it is proposed to be a balcony. To the side there would be a single-storey element with a dual pitched roof to be used as a utility room. To the front is proposed to be a porch, where the main focal point of the development would be when viewed from the access way. Those elements add interest to the plain design of the main building.

5.2.7 Overall, whilst the proposed building will provide a modern dwellinghouse to its occupants, the layout, scale and appearance of the proposal would be in keeping with other development in the vicinity and would not be detrimental upon the character and appearance of the site and the wider area. Therefore, the proposed development is in line with local and national policies.

5.3 Impact on Residential Amenity

5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural

environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.3.2 The proposed dwelling is located at least 48m away from No.6 Genesta Close, the closest neighbouring dwelling. Moreover, on the southern elevation of the proposed dwelling there are no openings above the ground floor level. Therefore, issues regarding overlooking, overshadowing or overdominance of neighbouring properties are unlikely to arise. With regard to the residential unit to the west within the same property, the distance between the buildings would be even greater. Thus, overshadowing or overpowering of the neighbouring residential unit is not a concern. Moreover, any overlooking between the buildings would not be worse than the existing situation nor would it be detrimental upon the amenity of the current or future occupiers.
- 5.3.3 Given that the proposed dwelling would be of a smaller footprint than the existing and due to the ground inclination towards the north-west of the application site it is not considered that the development would increase the risk of flooding on site or on neighbouring residential properties. As stated within the application form, it is proposed to utilise the existing drainage for foul sewage and surface water. However, the existing arrangements include a septic tank. Government guidance discourages the use of this type of drainage due to environmental risks. Although the possibility of pollution to affect the amenity of neighbouring occupiers is small, it would be in line with local and national policy to require the submission of details for more appropriate drainage scheme.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The existing access arrangements would not be altered as a result of this proposal. The proposed dwelling would provide four bedrooms, the same level of accommodation as the existing dwelling. The application site benefits from a long driveway with turning area and additional designated parking spaces and turning areas are proposed. These arrangements are considered sufficient to accommodate the parking provision requirements for the development in accordance with policies T1, T2 and D1 of the approved LDP and national policies.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.

- 5.5.2 The existing garden on the application site is in excess of the standard contained within the Essex Design Guide. The proposed development, although located within the existing private amenity space, would result in a private amenity space on site which would still be significantly greater than the required standard.
- 5.5.3 The landscaping arrangements include the removal of seven existing trees which are not considered worthy of retention. Within the application site the majority of the trees are protected and it is proposed to plant eight new trees along with new hedgerows. A patio area is proposed to the rear of the proposed dwelling along with paths from the driveway to the front and side doors. Flower beds are proposed either side of the main entrance porch. Those arrangements are considered acceptable.

5.6 Other Material Considerations

- 5.6.1 The Council's Environmental Health team has been consulted for this application. They have proposed conditions to request details for the surface and foul water drainage scheme to serve the proposed dwelling. Within the application form it is stated that the foul drainage would be achieved through a septic tank. As already stated this is considered to be unacceptable and contrary to policy D2 of the LDP and government guidance. For the surface water drainage whilst it has been stated that the existing drainage will be used, a Sustainable Urban Drainage Scheme (SUDS) would be preferable and in line with national guidance. Therefore, appropriately worded conditions to request these details would be in line with national guidance provided within the PPG.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/98/00507** – Proposed demolition and re-siting of dwelling. APPROVED 11.08.1998.
- **OUT/MAL/03/00846** - Demolition of existing dwelling house and replacement. APPROVED 18.09.2003.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object – Negative visual impact on landscape from the seaward side.	The northern boundary of the application site is approximately 440m away from the public footpath running along the river. Any impact on the public vistas would be minimal and not detrimental upon the character and appearance of the area.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Tree Officer	No objection subject to clarifications on the arboricultural report.	Comments noted.
Environmental Health	No objection subject to conditions requesting details of foul and surface water drainage.	Please see sections 5.3 and 5.6 of the report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Highway Authority	No objection.	Comment noted.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Allen, David and Maureen - 5 Shamrock Close Tollesbury Essex CM9 8SZ

Objection Comment	Officer Response
The building is probably listed and therefore protected.	The building is not listed or protected in any way. Planning permission for its demolition has been granted previously on two occasions in the last twenty years.

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: SITE LOCATION PLAN, 6032/SURVEY 2, 6032/3B, 6032/2A, Arboricultural Impact Assessment dated 24 August 2017 and referenced 352, PROPOSED FINISHES document received by the Council on 23 June 2017.
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 Within three months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resulting material removed from the site.

REASON: For the avoidance of doubt as to the extent of this permission. The development has only been approved on the basis that the dwelling house hereby approved is a replacement for that which exists in accordance with policy H4 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 4 The external surfaces of the dwellinghouse hereby permitted shall be constructed of the materials specified on the PROPOSED FINISHES document received by the Council on 23 June 2017.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 5 Notwithstanding the hard and soft landscape scheme shown on drawing number 6032/3B, full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

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 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, 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.

Hard landscape works:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development

Plan and national policy and guidance contained in the National Planning Policy Framework.

- 6 A hedgerow scheme including the size and nursery stock of the proposed specimens shall be submitted to and approved in writing by the Local Planning Authority. The hedgerow shall be planted within the first available planting season (October to March inclusive) following the commencement of the development, in accordance with the approved details and retained in perpetuity.

If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies another plant of the same species and size shall be planted in the first available planting season, unless the Local Planning Authority gives written consent to any variation.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 7 The trees and hedges identified for retention on the approved Arboricultural Impact Assessment dated 24 August 2017 and referenced 352 which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the Local Planning Authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 8 The development hereby permitted shall not be first occupied / provided with connection to utility services until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

REASON: To ensure there is the necessary car parking provision on site in line with policies D1, T1 and T2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 9 Development shall not commence on site until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development hereby approved.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.
- 10 No development shall commence until details of the foul drainage scheme to serve the development have been 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 D2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

INFORMATIVES

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
2. Waste Management - The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
3. Land Contamination - Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
4. Construction - 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. Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

5. Alteration to an Ordinary Watercourse - Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.
6. Asbestos - If the existing structure was built before 2000, prior to demolition it is recommended that an appropriate Asbestos Type survey of the buildings shall be undertaken. Where asbestos is found the HSE must be notified and a scheme shall be implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors. It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.