



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
4 MARCH 2019**

Application Number	FUL/MAL/18/01333
Location	Land North West Of Fernbrook Hall Mope Lane Wickham Bishops
Proposal	Demolition of existing stables and construction of new 6 bedroom house with basement parking, cinema room and bar.
Applicant	Mr M Jeffers
Agent	Mr Neil McQuire - Domino Sky Building Design Limited
Target Decision Date	14.03.2019
Case Officer	Hannah Bowles
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member call in by: Councillor H Bass Reason: Public Interest

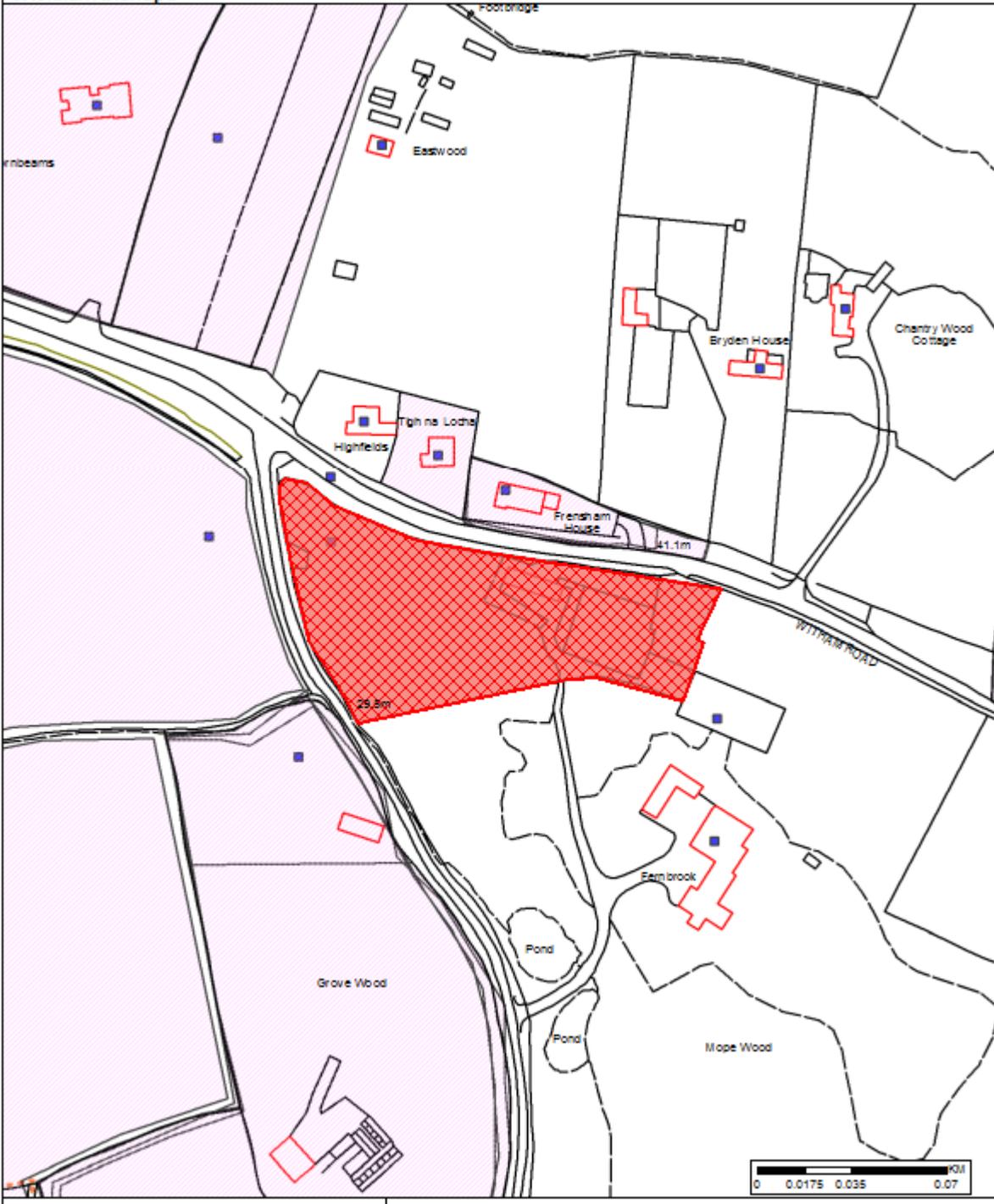
1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 7 of this report.

2. SITE MAP

Please see overleaf.

Land North West of Fernbrook Hall Mope Lane
Wickham Bishops



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is a parcel of land measuring approximately 0.7Ha; it currently forms the north western corner of the grounds for the residential dwelling known as Fernbrook Hall and accommodates a stable block and ménage. The site is located on the eastern side of Mope Lane and southern side of Witham Road and is outside of the settlement boundary for Wickham Bishops.
- 3.1.2 Mope Lane is a narrow country lane which is rural in nature; studded intermittently with houses of various sizes set within generous plots.
- 3.1.3 The majority of the application site falls within a Local Wildlife Site and Ancient Woodland (Mope Wood).
- 3.1.4 Planning permission is sought for the demolition of the existing stables and erection of a dwelling which would measure a maximum of 20.7m in width, 13.7m in depth (not including the rear balcony), 10.6m in height from basement level and 7.4m in height from ground level. It would be finished with brick walls, a tiled roof and timber windows. The access point from Mope Lane is existing.
- 3.1.5 The proposed dwelling would provide a triple garage, utility/laundry room, cinema room, bar and WC at basement level. A kitchen/dining area, pantry, WC, study, games room, orangery, family room and lounge/diner are proposed at first floor level and six bedrooms, one with a balcony and three en-suites are proposed at second floor level.

3.2 Conclusion

- 3.2.1 The proposed development is remote from community support facilities and would facilitate unsustainable transport patterns. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion and encroachment into the rural countryside. The proposed dwelling would harm the character and appearance of the area contrary to policies S8, T1 and D1 of the Maldon District Local Development Plan (MDLDP) and planning principles and guidance contained in 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 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes

- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

4.2 **Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environment and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

4.3 **Relevant Planning Guidance / Documents:**

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

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development and Sustainability**

5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.1.2 Planning permission is sought for a new dwelling outside of the development boundary for Wickham Bishops.

5.1.3 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.4 In relation to the above, the site is located in the countryside where policies of restraint apply. Policy S8 seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy states 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 the development is for one of the development types listed within that policy. The proposed residential dwelling would not fall within any of the categories listed within policy S8. Therefore the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.

- 5.1.5 The abovementioned policies are in compliance with the NPPF which, in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.
- 5.1.6 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the LDP which emphasises the need for sustainable development.
- 5.1.7 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be extremely limited given the scale of the proposal of one dwelling. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. Due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.1.8 In social terms; Wickham Bishops is described as a larger village, within the MDLDP; larger villages are described as ‘Defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport.
- 5.1.9 The application site lies away from the heart of Wickham Bishops, at the northern end of Mope Lane, which runs out from the western extremity of the settlement. The site is distant from the facilities of the settlement, which are largely concentrated at its eastern end. In terms of accessibility, the site is not well served by public transport connections and Mope Lane and Witham Road are unlit and have no footways and narrow verges. The site is remote from all shops, services and facilities and employment and education opportunities and as such would be largely dependent on motorised transport. Therefore, it is considered that the proposed development would be contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP.
- 5.1.10 The environmental strand of sustainability will be assessed below (section 5.2).

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:
- 5.2.3 *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- 5.2.4 *“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.*
- 5.2.5 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.
- 5.2.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.7 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.
- 5.2.8 The application site is located on the southern side of Mope Lane outside of the defined development boundary for Wickham Bishops. Mope Lane and the stretch of Witham Road adjacent to the application site is characterised by low density development with soft landscaping with residential dwellings located sporadically. Policy S8 of the LDP advises that the countryside will be protected for its own sake, particularly for its values, including landscape. The application site is located within

the rural countryside although there are dwellings within the vicinity of the site; they are surrounded by open countryside.

- 5.2.9 Although there are a limited number of dwellings within the immediate surrounding area they are all a mixture of different architectural styles and both two storey dwellings and bungalows are present.
- 5.2.10 The proposal would result in the demolition of the existing single storey stable building and erection of a two storey dwelling with basement accommodation and parking. The replacement of this single storey stable with a dwelling would significantly change the character and appearance of the site and its relationship with the existing dwelling. At present the stable building appears as a subservient building to the primary residence 'Fernbrook Hall'. Therefore the proposed introduction of a residential dwelling would have a significant and harmful impact upon the rural character and appearance of the area. It is noted that the proposed dwelling is set back in excess of 100m from Mope Lane and the Woodland provides some natural screening. However, given the stable building is visible from Mope Lane; the proposed dwelling at its significant scale would also be visible and would have a greater impact on the streetscene than the existing stables.
- 5.2.11 The proposed dwelling would be located around 9m from the boundary with Witham Road, it is noted that there is existing vegetation and trees which provide natural screening, given this and the scale of the stables and ménage; from Witham Road it is not apparent that there is any built form on the site. It is noted that the ground level of the site varies sloping upwards in an eastern direction. Therefore, it is considered that given the height of 7.4m from ground level, views of the dwelling would be visible from Witham Road; impacting upon the rural character and appearance of this stretch of Witham Road.
- 5.2.12 In terms of the design and appearance of dwelling alone, it is considered to appear acceptable in relation to other built form evident along Mope Lane and Witham Road. The proposed dwelling would pick up architectural references such as dormers and front gables. In terms of scale, bulk and height; whilst it is a large scale dwelling, it is not considered to appear as an overbearing or dominant form of development when viewed from the streetscene especially considering the development within the surrounding area.
- 5.2.13 It is considered that the principle of the siting of a dwelling on a site, in a rural location, that is currently occupied by single storey stable and ménage which appear subservient to Fernbrook Hall would result in an urbanisation of the site, creating a form of development which would detract from the rural character, appearance and natural beauty of the locality. This would fail to provide visual enhancement to the wider rural locality and would intensify the urban appearance of this rural locality. It therefore follows that the proposed development would fail the environmental strand of sustainability.

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. This is supported by section C07 of the MDDG (2017).

- 5.3.2 The application site has one adjacent neighbouring residential property; Fernbrook Hall. The proposed dwelling would be located a minimum of 50m from the existing dwelling and it is therefore considered that the proposal would not result in a loss of light, overlooking or domination to the detriment of the occupiers of 'Fernbrook Hall'.
- 5.3.3 There is an Ancient Woodland around the majority of the site which provides natural screening. It is noted that the proposed location of the dwelling; which is in place of an existing ménage is not protected nor is that part of the boundary; however the existing dwellings opposite the proposed dwelling are located on the opposite side of Witham Road with a minimum separation distance of 30m (dwelling to dwelling) it is therefore considered that the proposal would not result in a loss of light, overlooking or domination to the detriment of the neighbouring dwellings.

5.4 **Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, 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.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The recommended standard for a six bedroom dwelling is a minimum of three car parking spaces. There is a proposed triple garage that would provide three car parking spaces in line with the Councils recommendation. Furthermore, Fernbrook Hall would retain sufficient car parking provision.
- 5.4.4 The access point to the dwelling is existing and it is considered that the proposed development would not represent a danger to highway safety.

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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed dwelling would have a private rear amenity space in excess of 100sq.m which would accord with the standard set out within the EDG.
- 5.5.3 The existing dwelling Fernbrook Hall would also retain sufficient private amenity Space to meet the requirements of its occupants.

5.6 Other Material Considerations

Ancient Woodland

- 5.6.1 The application has been supported by a Tree Schedule and Draft Tree Constraints Schedule. The Council's tree consultant has been consulted but no consultation has been received to date; the consultation response will be provided via the members' update or verbally at the Committee meeting.

Ecology

- 5.6.2 The application has been supported by a Preliminary Ecological Appraisal and the Council's Coast and Countryside Officer has been consulted but no consultation has been received to date; the consultation response will be provided via the members' update or verbally at the Committee meeting.

European Designated Sites

- 5.6.3 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.6.4 The development of a dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes – The planning application relates to two dwellings.

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

It is understood that a Countywide SPD is currently in preparation and has not been through public consultation. As such, the Council cannot request a proportionate financial contribution to be secured in line with the Essex Coast RAMS requirements in connection with development proposals at this stage. The application and the HRA must therefore be determined on the basis that no mitigation of the development is available. In this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of a dwelling on the protected habitats and in the context that it is not possible to establish what a proportionate contribution may be, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of a dwelling in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

5.7 Security

- 5.7.1 In an e-mail received on 11/02/2019 the agent has stated that the current house at Fernbrook Hall has suffered from a number of robberies leaving the current resident nervous around the remote property. As such it would be the intention to develop the proposed development to a minimum of Secured by Design Silver Award. The addition of this property would also provide additional security to the property at Fernbrook Hall which currently has no additional natural surveillance from surrounding properties. This is noted however, the benefits in terms of security, do not outweigh the identified harm.

6. CONSULTATIONS AND REPRESENTATIONS RECEIVED

6.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops	Councillors noted that the proposal was in a location considered to be unsustainable, being well outside of the development boundary with no convenient vehicle-free method of accessing local services. The plans were reported to result in sub-division of an established plot and the proposal for a large, six-bedroomed dwelling was not in accordance with the 2017 independently-assessed local housing need. For these reasons, the application was concluded to be against the policies contained in the Draft Neighbourhood Plan and the Maldon District Local Development Plan.	Noted.

6.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	This scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you	Please see 5.6.4

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.	
County Highways	No objection subject to conditions.	Noted.

6.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

7. REASONS FOR REFUSAL

- 1 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the National Planning Policy Framework.

- 2 The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.