



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
5 AUGUST 2019**

<b>Application Number</b>	<b>FUL/MAL/19/00538</b>
<b>Location</b>	Wickham Grove Langford Road Wickham Bishops
<b>Proposal</b>	Application for replacement dwelling (renewal of FUL/MAL/16/00595)
<b>Applicant</b>	Mr & Mrs M Wollner
<b>Agent</b>	Mr Russell Forde - Smart Planning Ltd
<b>Target Decision Date</b>	12.08.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

Wickham Grove Langford Road Wickham Bishops



### **3. SUMMARY**

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

- 3.1.1 The application site is located to the east of Langford Road in an open and rural location. The application site accommodates a two storey dwelling and detached single storey garage. The dwelling is set back from Langford Road by 200 metres. The application site is located on a gradient, rising to the northeast and is set higher than Langford Road.
- 3.1.2 Planning permission is sought for the erection of a replacement dwelling, garage and pool house within the site which will be located in the same area as the existing dwelling in the site. The dwelling will have five bedrooms.
- 3.1.3 The proposed dwelling will be 9.1 metres high to the ridge, 37 metres wide and 17 metres deep. It is of a contemporary design, but the proportions and massing are based on classical symmetry. Finish materials are timber and stone cladding with glazing and slate tiles to the roof.
- 3.1.4 The proposed garage will be 7.5 metres high to the ridge, 13.3 metres wide and 8.6 metres deep. Finish materials are timber cladding and slate tiles.
- 3.1.5 The pool house will be 3.5 metres to the flat roof, 18.1 metres wide and 10.5 metres deep. Finish materials are timber cladding.
- 3.1.6 Access to the site is taken from the existing access to the north of the site and will not change as part of the proposal.
- 3.1.7 The existing site currently has trees at the boundary but is relatively open. It is proposed to landscape the meadow to the front of the dwelling and landscape the formal grounds around the proposed dwelling.
- 3.1.8 The proposed development represents a re-submission of a previously approved application, reference FUL/MAL/16/00595. The existing permission expires on 11<sup>th</sup> August 2019, although it is not considered that this permission could be lawfully implemented as several pre-commencement conditions attached to the permission have not been cleared. Therefore, the appropriate weight will be attributed to planning history of the site. No amendments to the previous permission have been sought.

#### **3.2 Conclusion**

- 3.2.1 The proposed re-placement dwelling has previously been approved under reference FUL/MAL/16/00595. The principle for a one to one replacement is supported and the proposal is not considered to harm the character and appearance of the area. Further, the proposed development provides adequate private amenity space and car parking provision. Therefore, it is considered that the proposal complies with policies S8, D1 and H4 of the MDLDP.

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

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

##### **4.1 National Planning Policy Framework 2019 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
- 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:**

- 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

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

- Maldon District Design Guide (MDDG)
- Car Parking Standards
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

#### **5. MAIN CONSIDERATIONS**

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

5.1.1 The application site lies outside of the defined settlement boundary. However, as the proposal is for a replacement dwelling the principal of a dwelling is already established on the site. Policy H4 of the approved Maldon District Local Development Plan 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.

5.1.2 It is noted that the residential use of the original dwelling has not been abandoned and that it is not a temporary or mobile structure, in accordance with criterion 1 and 2. The remainder of the matters will be discussed within the subsequent sections. However, subject to the assessment of all other relevant considerations, there is no overall objection to the principle of erecting a replacement dwelling at this site.

5.1.3 Further, as stated above, there is an extant permission for the same proposal, reference FUL/MAL/16/00595. Whilst it is considered that it could not be lawfully implemented, there are no significant changes to the site or surrounding area that would change the stance previously taken.

## **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 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 Planning permission is sought for the erection of a replacement dwelling, garage and pool house within the site which will be located within the residential curtilage of the existing dwelling on the site.
- 5.2.9 The proposed dwelling will be 9.1 metres high to the ridge, 37 metres wide and 17 metres deep. It is of a contemporary design but the proportions and massing are based on classical symmetry. The proposed finish materials are timber and stone cladding with glazing and slate tiles to the roof. The design of the dwelling is considered to be of architectural merit. The scheme appears cohesive and symmetrical. The dwelling is set back from the highway by 200 metres and is not considered to have an impact on the appearance of the streetscene. The area surrounding the site is characterised by large detached properties set in substantial grounds, the proposed dwelling is not considered to appear out of keeping in this context.
- 5.2.10 The proposed garage will be 7.5 metres high to the ridge, 13.3 metres wide and 8.6 metres deep. Finish materials are timber cladding and slate tiles. The proposed garage is considered to be of a typical design for outbuildings but it is noted that it is of a substantial scale. However, when viewed within the context of the site, and against the proposed dwelling, it would appear subservient to the main dwelling.
- 5.2.11 The pool house will be 3.5 metres to the flat roof, 18.1 metres wide and 10.5 metres deep. Finish materials are timber cladding. The proposed pool house is of a contemporary design and is also considered to be of a substantial scale. However, when viewed within the context of the site, and against the proposed dwelling, it would appear subservient to the main dwelling.
- 5.2.12 The proposed outbuildings are located to the rear of the site and will be screened from view by the proposed dwelling. The overall level of development can be accommodated comfortably within the application site and it will not appear cramped.
- 5.2.13 The application site is located within the Blackwater River Valley Landscape Character Area, as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is a shallow with a flat valley floor with gently sloping valley sides. There are few plantations and areas of woodland and the landscape becomes more open, dominated by large open arable fields which benefit from the well-drained fine loamy and sandy soils overlying chalk. The views are open and occasionally panoramic in the lower reaches of the river valley where they are unconstrained by hedgerow trees. Views are afforded to the application site from the

within the valley, given its elevated position and likewise views are afforded from the application site across the valley.

- 5.2.14 The application site is extensive and set back from the highway. It is proposed to erect a new dwelling within the site and undertake associated landscape works. The proposed landscape works would formalise the appearance of the existing site to some extent, but this would not necessarily have a negative impact on the broader landscape. The proposed dwelling is greater in size and scale than the existing dwelling; however, the proposed finish materials, being more natural in appearance and darker in hue, are considered to reduce the visual impact of the dwelling on the landscape.
- 5.2.15 Furthermore, the proposed development is identical to that approved under reference FUL/MAL/16/00595. Therefore, the principle of a dwelling on the site, of the proposed scale, associated outbuildings and level of landscaping has previously been found acceptable. Whilst the MDLDP has been formally approved since the determination of that application, there have been no significant changes to the site or surrounding area that would alter the stance previously taken.
- 5.2.16 The proposal is not considered to have a harmful effect on the character and appearance of the area. The proposal is therefore in compliance with Policies S1, S8 and D1 of the LDP as well as guidance contained within the NPPF.

### **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 dwellinghouse is sited within an extensive plot and there are large fields separating the application site from the neighbouring properties. The proposed development is therefore not considered to give rise to any demonstrable harm or loss of amenity by way of overlooking or loss of privacy, complying with policy D1 of the Maldon District LDP.

### **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 are 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 Access is to be retained in the current arrangements, there is no objection to this and the Highways Authority has been consulted and raised no objection to the proposal.
- 5.4.4 Parking is provided to the east of the dwelling. The existing dwelling has five bedrooms and the proposed dwelling has five bedrooms. The Council's adopted parking standards require a dwelling of this size to provide a minimum of three car parking spaces within the site. The proposed development provides space to park at least three vehicles and therefore there is no objection in relation to parking provision.

## **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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.5.2 The existing garden on the site is in excess of the standard contained within the Maldon Design Guide, and although the proposed development will result in a loss of some of the garden the garden will still be larger than the standard and therefore, there is no objection to the proposal in relation to amenity space.
- 5.5.3 The proposed development also includes significant landscaping. These plans will formalise the appearance of the site but this is not considered to be detrimental to its overall character and appearance and it is considered reasonable to impose conditions regarding the soft and hard landscaping proposals, boundary treatment and tree protection to ensure that the development assimilates with the broader landscape.

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

- **HOUSE/MAL/15/00313** – Alteration and extension of existing detached house and garage, new access. Approved
- **FUL/MAL/14/00040** - Replacement dwelling and new access. Approved
- **FUL/MAL/11/00414** - Extend time limit for implementation of approval for FUL/MAL/08/00713 (Replacement dwelling and new vehicular access). Approved
- **FUL/MAL/08/00713** - Replacement dwelling and new vehicular access. Approved
- **FUL/MAL/16/00595** - Replacement dwelling. Approved



## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops	No letters of representation had been received. It was reported that the application was a re-submission of an expired, approved application which the Parish Council had supported, and the resulting footprint would be smaller than an earlier, also approved, design. The Parish Council recommended APPROVAL.	Noted.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection.	Noted.

### 7.3 Internal Consultees

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

## 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 the approved drawings: 16.3347/L401, 0423/000 Rev A, 0423/024 Rev A, 0423/007 Rev A, 0423/006 Rev A, 0423/005 Rev A, 0423/004 Rev A, 0423/046, 0423/042 Rev A, 0423/043 Rev B, 0423/045, 0423/038 Rev A, 0423/039 Rev A, 0423/040 Rev A, 0423/041 Rev A, 0423/034 Rev B, 0423/022 Rev B, 0423/021 Rev B, 0423/020 Rev B, 0423/021 Rev B, 0423/0012 Rev C, 16.3347/M006, 16.3347/M007, 16.3347/M008, 0423/030

Rev A, 0423/029 Rev A, 0423/028 Rev B, 0423/027 Rev A, 0423/025 Rev A, 0423/026 Rev A, 0423/044, 16.3347/L401.

REASON: In order to ensure that the development is carried out in accordance with the approved details.

- 3 No development above ground level shall take place until 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: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 4 No works above ground level shall occur until detailed plans of any alterations to the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the scheme as approved.

REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 5 No works above ground level 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, 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: In order to protect the character and appearance of the area and the amenities of adjoining residents in accordance with policy D1 of the Local Development Plan and the National Planning Policy Framework.

- 6 No development above ground level 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 order to protect the character and appearance of the area and the amenities of adjoining residents in accordance with policy D1 of the Local Development Plan and the National Planning Policy Framework

- 7 No development above ground level shall commence until details of the surface water 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 appropriate surface water drainage at the site and the prevention of surface water run off onto the highway in the interest of highway safety, in accordance with policies of the Local Development Plan, and Government Guidance contained in the National Planning Policy Framework and Planning Practice Guide.
- 8 No development above ground level 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 an appropriate drainage scheme is submitted in accordance with of the Local Development Plan and the National Planning Policy Framework.
- 9 Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter. The development shall be carried out in accordance with the details/samples as agreed.  
REASON: To ensure appropriate parking is provided in accordance with policy T2 of the Local Development Plan.
- 10 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.  
REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with policy T2 of the Local Development Plan and guidance contained within the NPPF.
- 11 The outbuildings hereby permitted shall only be used for those purposes incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annexe accommodation.  
REASON: To ensure the acceptable use of the building hereby approved, in accordance with policy D1 of the Local Development Plan.
- 12 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.  
REASON: In the interest of visual amenity of the locality in accordance with policy D1 of the Local Development Plan.

## **INFORMATIVES**

- 1 The public's rights and ease of passage over footpath number 22 in Wickham Bishops shall be maintained free and unobstructed at all times.
- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - No dust emissions should leave the boundary of the site;
  - Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

- 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.
  - If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.
  - Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
  - Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
  - Where there is a requirement for dewatering the site the relevant consent must be sought from the Environment Agency
  - Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.
- 3 In accordance with Annex 2 of Planning Policy Statement 23 where contamination is known or likely the applicant should submit a phase 1 risk assessment including a desk top study, site walkover and preliminary risk assessment. This will allow the applicant and local planning authority to assess whether the site can be made suitable for use and if further intrusive investigation is necessary. Further investigation and remediation works can be conditions as part of a permission.
- 4 The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessment and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. It will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website.  
It is also recommended that the council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.
- 5 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.