



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
06 MARCH 2017**

MEMBERS' UPDATE

AGENDA ITEM NO. 8

Application Number	RES/MAL/16/01475
Location	The Summer House Back Lane Wickham Bishops Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout & scale on approved planning application OUT/MAL/13/00118 allowed on appeal ref APP/X1545/A/13/2201061 (Demolition of two storey detached double garage with workshop and demolition of storage shed. Removal of hard surfaced tennis court including means of enclosure and erection of single dwelling house)
Applicant	Mr David Brown
Agent	N/A
Target Decision Date	02 March 2017
Case Officer	Yee Cheung
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

3 Summary

It has been brought the officer's attention that there are typographical errors in Paragraph 3.1.4 of the report. It should read:-

- 8.8 metres in height = South Elevation
- 7.8 metres in height = North Elevation

7 Consultations and Representations Received

7.1 Representations received from Parish / Town Councils

Revised Response from Wickham Bishops Parish Council dated 24 February 2017:-

- The overall footprint exceeded that approved at appeal, with the resulting layout providing no garaging.
- Appeal : Condition 7 seeks to limit any increase in development of the site

beyond the plans approved at appeal and prevents the future addition of a garage. It is therefore concluded that the layout breached the approved footprint and would be impractical for a dwelling of this size.

- The revised plans would result in a dwelling which would appear visually intrusive in the rural landscape
- Expressed concern at the lack of protection for the protected group of trees to the eastern boundary (G1 – TPO 3/14).
- The proposal is contrary to the Appeal decision conditions and to Submission Local Development Plan Policy D1 – *Design Quality and Built Environment*.

7.3 **Internal Consultees**

Tree Officer - Further to my previous comment, I can confirm that a TPO 3/14 was served to provisionally protect the trees along the east boundary of The Summerhouse, which is the boundary with the entrance road to Crabbs Farm as a result of concerns being raised about the safety of trees on the site. The serving of a provisional TPO enables the council to establish whether the trees in question are at risk. In this case, the trees were not considered to be at risk, therefore the TPO was not confirmed. The trees have not been subject to wilful damage or unsuitable works since and therefore the original expediency for the serving of TPO 3/14 no longer applies.

Condition 8 of the outline planning permission for the development requires tree protection information to be submitted and approved prior to commencement. This has yet to be submitted and approved.

7.4 **Letters of Representation Received**

Since the publication of the agenda additional letters of representation has been received by the Council from Mr David Pearl dated 27 January 2017, 29 January 2017, 19 February 2017 and 28 February 2017

In the letter dated 27 January 2017 the following concerns were raised:-

- A comparison has been made between the approved Site Layout Plan (13/00118/OUT) and the current Site Layout Plan (16/01475/RES) to show a substantial increase in footprint.

Officer response: Please note that the Site Layout Plan (16/01475/RES) attached with the letter of objection dated 27 January 2017 is incorrect as this has changed following an amendment to the proposed scheme. The double garage, office, utility room and rooms within the roof space have been omitted from the current scheme.

In the letter dated 29 January 2017 the following concerns were raised:-

- Validity of the Reserved Matters planning application
- Landscaping of the site – Trees shown to be removed on the eastern and western boundary of site. The trees on the eastern boundary are protected by TPO
- Scale of the dwellinghouse (The scale of the development has been amended)

- Appearance – If the trees on the western boundary are removed, the development with white-painted render would intrude on the landscape
- Access – The plan for the access has changed when compared to the outline planning application and insufficient on-site space for contractor's vehicles to park during construction
- Protected Trees on site (Please see note by the Tree Officer)

In the letter dated 19 February 2017 the following concern were raised:-

- Validity of the Reserved Matters planning application
- The removal of 5 trees (1 to the east and 4 to the west)
- Damage to TPO trees during construction
- The scale of the development has increased substantially
- The nature slope of the ground is used to justify a taller house
- There are no properties immediately to the east of the site
- No garage or utility room proposed on site. This is an incoherent and unrealistic development for a four-bed house

In the letter dated 28 February 2017 the following concern were raised:-

- Removal of trees on the western boundary of the site – The Applicant stated in their Design and Access Statement and Appeal Statement of Case for the outline planning application '*that the dwelling can be accommodated within the site without the need for the removal of any existing trees or other vegetation*'. The current Reserve Matters application ignores this and is misleading.

In addition to the above, Mr Pearl has appointed a law firm to act on his behalf. A letter dated 2 March 2017 prepared by Bircham Dyson Bell was received concerning the following:-

- The validity of the Reserved Matters planning application – Layout cannot be granted as it is different to the Layout approved in the outline planning application
- Reference made to the Error Notes (A copy which was circulated to all the Members on 1 March 2017)
- Incorrect Site Plan submitted
- The Council to refuse the application

8 **Proposed Conditions**

It has been brought the officer's attention that there are typographical errors in the report.

Condition 2 should read to reflect the amended plans:-

'The development hereby permitted shall be carried out in complete accordance with the approved drawings Location Plan: 12.2005/M002; Site Layout / Block Plan Drawing No: 16.09.03 Revision B dated 27.02.2017; Proposed Floor and Roof Layout Plan Drawing No: 16.09.01 Revision A dated 03.02.2017; Proposed Elevations Drawing No: 16.09.02 Revision A 03.02.2017; and Street Scene Drawing No: 16.09.04 Revision A 04.02.2017'

To **delete** Condition 6 where the condition makes reference to a garage on site.

'The garage hereby permitted shall only be used for purposes incidental to the use of the main dwelling house at the site'.