



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
12 June 2017

Application Number	HOUSE/MAL/17/00346
Location	Leys Manor Langford Road Wickham Bishops Essex CM8 3JQ
Proposal	Retrospective - Entrance gates, brickwork and piers
Applicant	Mr Brian Jarvis
Agent	-
Target Decision Date	07.07.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

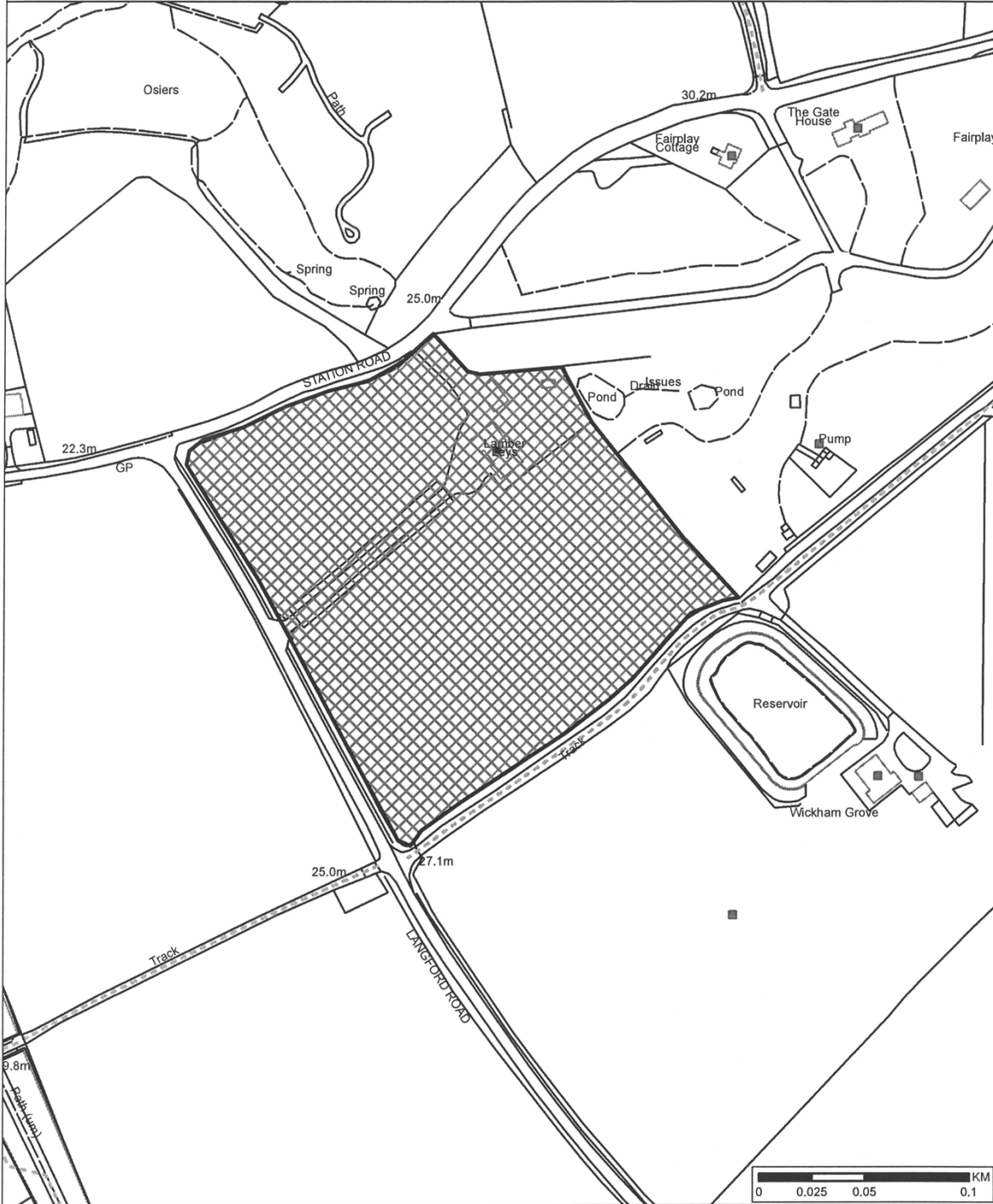
1. RECOMMENDATION


REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Leys Manor - Langford Road
Wickham Bishops HOUSE/MAL/17/00346



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	NW Committee
	Date:	01/06/2017
	www.maldon.gov.uk	MSA Number:

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the eastern side of Langford Road, approximately 1km outside of the settlement boundary of Wickham Bishops, in an area that is predominantly rural in character and a designated special landscape area. The site is occupied by a large dwelling house. A post and rail fence marks the boundary of the property.
- 3.1.2 Vehicular access is currently taken from the western boundary onto Langford Road via a private drive. The entrance to the site is defined by brick walls and piers and metallic railings and gates which are the subject of this application. Trees form an integral part of the site's perimeter, with dense hedgerows also planted on the boundary. To the east of the site is Fair Play House, and to the south and west are the grounds of Wickham Grove.

3.2 Conclusion

- 3.2.1 The erected gates, walls and pillars due to their style, design, height, bulk and pallets of materials have resulted in an urbanisation of the area and in an inappropriate form of development causing demonstrable harm to the character and appearance of the area where the predominant characteristics are the open and soft landscaped frontages. The development is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the guidance contained within the National Planning Policy Framework.

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:

- 7-8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 196-197 Determining applications
- 216 Weight of emerging plans

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development outside Development Boundaries
- CC6 Landscape Protection
- CC7 Special Landscape Areas (SLA)
- BE1 Design of New Development and Landscaping
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments

- T8 Vehicle Parking Standards

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- T1 Sustainable Transport
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Esses Design Guide
- Car Parking Standards
- EB009a - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments
- The Town and Country Planning (General Permitted Development) Order (England) 2015 as amended

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of providing facilities in association with an existing use of a site is considered acceptable. Other material planning considerations are discussed in the following sections of this 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 sought 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. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 In order to comply with policy BE1 of the RLP, the development must be compatible with, or improve the surrounding location through its scale, design and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that

development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

- 5.2.4 The application site is located outside of the defined development boundary for Wickham Bishops and within a rural locality where strategic policies S2 of the RLP and S8 of the submission LDP apply. Both policies are unequivocal in their purpose by stating that outside defined settlement boundaries the coast and countryside will be protected for their own sake, and particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. New development should not take place outside the defined development boundaries – as specified in the Development Plan – unless the development in question is for other purposes specified elsewhere in the Plan. This principle is considered broadly consistent with the NPPF.
- 5.2.5 The property is located within the countryside. According to the Landscape Character Assessment is part of a designated special landscape - A9 Blackwater River Valley – which is characterised by a shallow valley, with the valley sides sloping gently up from the valley floor, predominantly arable farmland on the valley slopes and an overall strong sense of place and tranquility away from the nearby towns and motorways. Saved policies CC6 and CC7 of the RLP seek to ensure that the District's landscape will be protected, conserved and enhanced and development proposals will not be permitted unless their location, siting, design, materials and landscaping achieve the above objective.
- 5.2.6 The application site lies in a rural locality where the majority of the properties have open or verdant frontages and access points. The erected enclosure around the vehicle access of the site comprises six brick piers, brick walls between the piers, a pair of metallic railing gates and railings on top of the brick walls closer to the gates. The enclosure abuts the boundary of the site which has been treated with hedgerows and post and rail timber fences.
- 5.2.7 Although the majority of the boundary of the site appears verdant, the style and design of the erected access enclosure treatment is considered to be urban in nature, appearing in contrast and detracting from the character and appearance of the area. On balance, it is considered that the development is causing detrimental harm upon the character and appearance of the sensitive rural locality to such a degree as to warrant the refusal of the application.
- 5.2.8 Consideration has been given to the fall-back position for the development. Under the clearance of conditions application with reference 15/05045/DET details of the boundary treatment were submitted to the Council. These details were showing two pillars and a pair of gates approximately at the same location were the gates are currently sited. This was considered acceptable as it was identical to the existing boundary treatment for Wickham Grove, the neighbouring property. The development as it has been carried out is more obtrusive to the streetscene in the locality and, as such, more harmful than the approved scheme.
- 5.2.9 Furthermore, the provisions of the permitted development were considered. The development due to its height and distance from the adjacent highway cannot be considered permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5.2.10 Overall, it is considered that the erected gates, walls and pillars due to their style, design, height, bulk and palletes of materials have resulted in an urbanisation of the area and in an inappropriate development causing demonstrable harm to the character and appearance of the area where the predominant characteristics are the open and soft landscaped frontages. The development is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the guidance contained within the National Planning Policy Framework. On balance, it is considered that there is enough harm caused by the development in order to warrant the refusal of the application.

5.3 Impact on Residential Amenity

5.3.1 Due to the nature of the development, there is no impact upon the amenity of neighbouring occupiers.

5.4 Access, Parking and Highway Safety

5.4.1 Saved policy BE1 of the RLP seeks to ensure that any development proposals are compatible with their surroundings in terms of traffic impact and access arrangements.

5.4.2 The parking arrangements have not been altered as a result of this proposal. Bearing in mind that the access was approved previously and the visibility splay provided by the development is sufficient, on this basis, the development is acceptable in terms of access, parking and highway safety.

6. ANY RELEVANT SITE HISTORY

- **14/00181/FUL** - Demolition of existing dwelling house and ancillary buildings. Erection of replacement dwelling, garage/store and additional driveway with a change of use of land to residential. (scheme 1) - REFUSED [14.05.2014]
- **14/00183/FUL** - Demolition of existing dwelling house and ancillary buildings. Erection of replacement dwelling, garage/store and additional driveway with a change of use of land to residential. (scheme 2) - REFUSED [14.05.2014]
- **14/00490/FUL** - Demolition of existing dwellinghouse and ancillary buildings. Erection of replacement dwelling, garage/store and new access. Change of use of land to residential. - APPROVED [09.09.2014]
- **15/05045/DET** - Compliance with conditions notification FUL/MAL/14/00490 (Demolition of existing dwellinghouse and ancillary buildings. Erection of replacement dwelling, garage/store and new access. Change of use of land to residential) Condition 3 - Samples. Condition 4 - Foul drainage and surface water drainage scheme. Condition 5 - Demolition or clearance works, a comprehensive bat survey of the site. Condition 6 - Access in accordance with drawing 659/2 Rev A dated May 2014. Condition 8 - Boundary treatment. Condition 9 - Trees. Condition 10 - Fencing and ground protection to protect the trees. Condition 11 - Hedges. Condition 12 -

Hard & soft landscaping. Condition 13 - External Illumination. -
 CONDITIONS CLEARED [24.09.2015]

- **16/00166/OPDEV** - Enforcement case - PENDING

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops	No response has been received by the date of this report	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No response has been received by the date of this report	

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No representations have been received by the date of this report

8. REASON FOR REFUSAL

- 1 The gates, walls and pillars due to their style, design, height, extent and palette of materials have resulted in an urbanisation of the area and in an inappropriate development causing demonstrable harm to the character and appearance of the area where the predominant characteristic are the open and soft landscaped frontages. The development is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the guidance contained within the National Planning Policy Framework.