



**REPORT of  
CHIEF EXECUTIVE**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**12 June 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00389</b>
<b>Location</b>	Land Adjacent Park House, Wickham Hall Lane, Wickham Bishops
<b>Proposal</b>	Erect detached timber framed chalet bungalow and detached garage, lay out drive, parking and manoeuvring areas and form vehicular access onto Station Road.
<b>Applicant</b>	Mrs. L Adcock
<b>Agent</b>	Mr. S Rowe – The Planning and Design Bureau Ltd
<b>Target Decision Date</b>	01 June 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

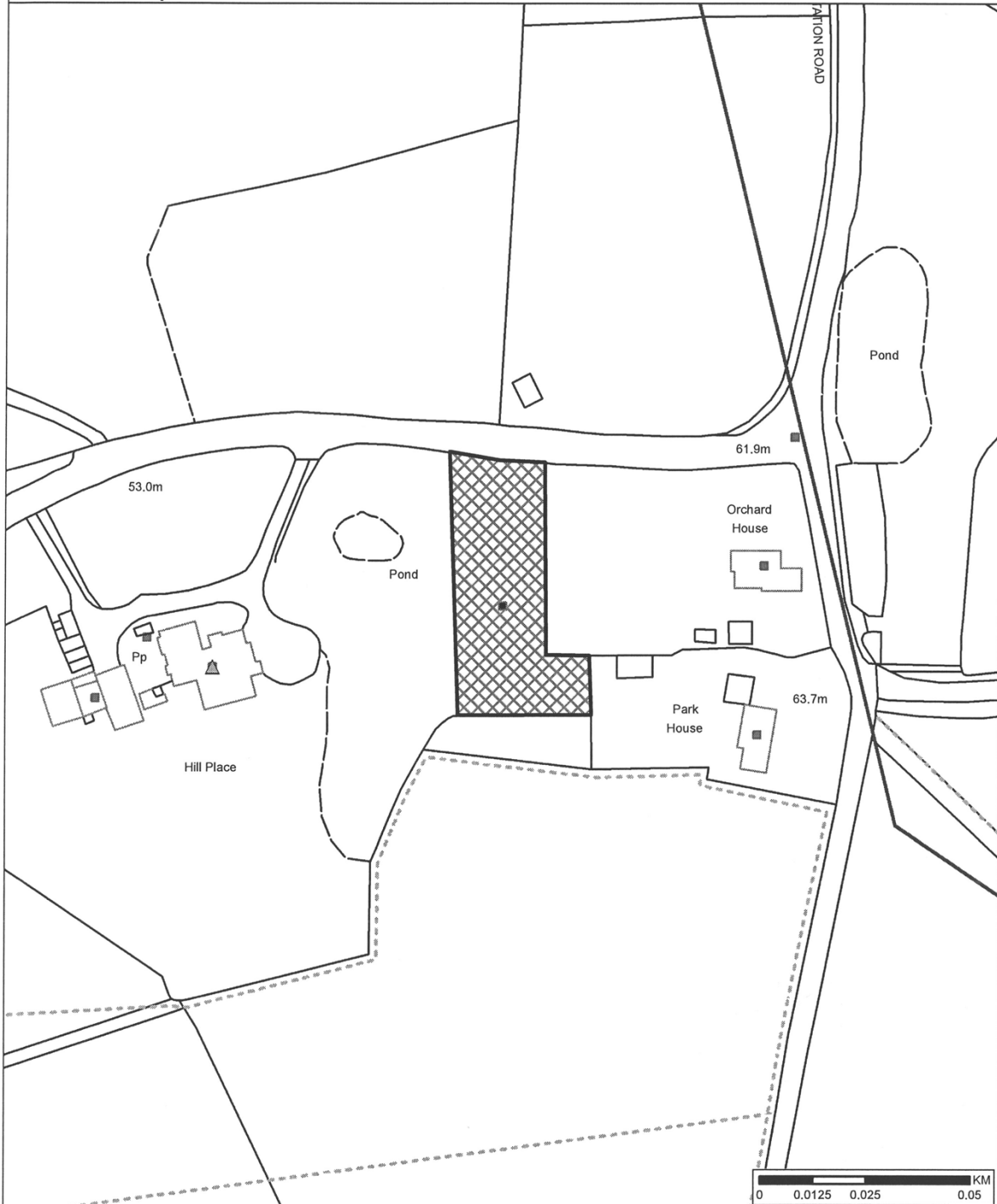
**1. RECOMMENDATION**


**REFUSE** subject to the conditions as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Land Adjacent Park House - Wickham Hall Lane**  
**Wickham Bishops FUL/MAL/17/00389**



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	Organisation: Maldon District Council
	Department: Planning Services
	Comments: NW Committee
	Date: 01/06/2017
www.maldon.gov.uk	MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the southern side of Station Road, Wickham Bishops, with the host property for the site fronting onto Wickham Hall Lane. The site currently comprises part of the wider garden of the host property with central greensward and tree lined boundaries. There is currently no access to Station Road.
- 3.1.2 The site lies outside of the settlement boundary of Wickham Bishops in a semi-rural area characterized by dispersed plots with large dwellings and spacious gardens.
- 3.1.3 Planning permission is sought to erect a two storey detached dwelling with off-road parking facility and private amenity space. A new access from Station Road would be created.
- 3.1.4 The dwelling would have overall measurements of 14m wide by 7.4m deep and an overall ridge height of 7.4m. The design of the property would be a chalet style property with gable end dormers and cat slide style projections to the front and rear elevations. In terms of materials the property would comprise a brick plinth, weatherboard elevations and clay tile roof.

#### **3.2 Conclusion**

- 3.2.1 Having regard to the location of the proposed dwelling, it is considered that the development would result in a detrimental visual impact upon the character and appearance of this rural area and is contrary to the tripartite approach of sustainability as defined by the National Planning Policy Framework. As such the proposed dwelling is contrary to the stipulations of policies S2, H1, BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, emerging policies S1, S8, H4 and D1 of the Local Development Plan and the guidance and provision as 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:**

- 14, 49 and 59

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 Development outside Settlement Boundaries
- H1 Location of New Housing
- CC6 Landscape Protection
- CC7 Special Landscape Areas
- 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
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

#### **4.4 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 Council is required to determine planning applications in accordance with its adopted Development Plan 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 The proposal is for a new dwelling outside of the settlement boundary of Wickham Bishops as defined by the adopted Local Plan and the Pre-submission Draft Local Plan and is therefore considered contrary to policy in principle.
- 5.1.3 Policy S2 of the current Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District.
- 5.1.4 Policies CC6 and CC7 seek to protect the geodiversity and biodiversity of the rural landscape in the District and are considered to be compliant with NPPF which seeks to protect the ‘intrinsic character and beauty of the countryside’.
- 5.1.5 However, the Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of an additional dwelling in this location would urbanize it to the detriment of the character of the area. This is discussed further in a subsequent section of this report.

5.1.6 Therefore, the principle of a new dwelling outside of a defined settlement boundary is contrary to the Council's spatial approach of locating new dwellings within the development boundaries of existing built up areas whereby access to essential support facilities and community services would be within walking or cycling distance.

## **5.2 Housing Need**

5.2.1 The Council is now able to demonstrate a five year housing land supply. This has been supported by a recent appeal decision **APP/X1545/W/15/3139154** dated 7 December 2016, which resulted from a six day Public Inquiry where Council Officers were heavily cross-examined. By doing so, this gave the Planning Inspector the opportunity to carefully examine the Council's Housing Land Supply at some considerable depth (Paragraphs 23 and 42).

5.2.2 That appeal decision was further supported by an appeal decision **APP/X1545/W/16/3153141** dated 19 January 2017 where the Planning Inspector confirms the Council's current ability to demonstrate a FYHLS.

5.2.3 The Council has recently received an appeal decision (Appeal Ref: **APP/X1545/W/16/3154913**) dated 11 April 2017, which was also subject to a hearing, whereby the Planning Inspector was also satisfied that the Council is currently able to demonstrate a five-year housing land supply. Consequently, having regard to Paragraph 49 of the Framework, the policies in the Maldon District Replacement Local Plan (MDRLP) cannot be considered to be out- of-date.

5.2.4 It is important to note that the Council's Local Development Plan has been subjected to a LDP Examination-in-Public which lasted for nine days (10 January 2017 and 19 January 2017). The Council is currently waiting for the decision from the Planning Inspector. As referenced in preceding paragraphs, the Council are now in receipt of recent planning appeal decisions, where Planning Inspectors have stated that the Council's LDP is at an advanced stage of preparation and thereby significant weight is to be afforded to the policies contained within and that the Council can demonstrate a five year housing land supply.

5.2.5 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

5.2.6 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.

5.2.7 The Council is therefore encouraged in the emerging policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would result in 1, two bed dwelling. The proposal is considered to make very limited contribution to the housing supply/ addressing the housing stock imbalance in the district, but this is considered to be outweighed by the harm from development in this location.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.
- 5.3.2 Policy BE1 also states that development will only be permitted if it is compatible with its surroundings and/or improves the surrounding location in terms of (a)(ii) Site Coverage, (iv) Scale Bulk and Height, (vi) Visual Impact, and (c) that outside defined development boundaries they make a positive contribution to the landscape and open countryside.
- 5.3.3 Due to the location of the site outside of the settlement boundary it is considered to be in a rural area. The site also falls within a designated Special Landscape Area, and policies CC6 and CC7 are relevant. These state that the aim of the Council is to protect, conserve and enhance the natural beauty, tranquility, amenity and traditional quality of the District's landscape and identifies that the local authority could permit development providing the following criteria are met.
- a) No harm is caused to the landscape character in the locality, and
  - b) The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and
  - c) The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.
- 5.3.4 The proposal would comprise development of the site for the construction of a detached dwelling on land to the west of an existing large detached property. Whilst it is acknowledged that there are similar properties within the vicinity of the site, these form a loose knit settlement with a distinctive character and built form within the street scene and rural area. The application site would intensify this built form into an open site which currently provides an important visual gap and open area which prevents ribbon development and cohesion of the built form. The overall character of the area is agricultural land interspersed by sporadic development and large extended gardens.
- 5.3.5 The settlement of Wickham Bishops is located to the north east of the site and terminates to the east of St Bartholomew's Church. There is a clear distinction between the western end of the village with a denser settlement pattern of smaller properties to the open sporadic dwellings in this location.
- 5.3.6 Therefore any development beyond the clear confines of the settlement of Wickham Bishops would introduce a harder edge to the highway as a result of built form and inevitable urban sprawl and domestic paraphernalia to the detriment of the character and appearance of the area and the general settlement pattern which is a key element of the village's character and appearance.
- 5.3.7 Furthermore, the site would be visible from the public highway to the north of the site. Whilst the volume of traffic to these properties may be limited, formal boundary

treatments in this location for security and privacy would lead to the further urbanization of the plot to the detriment of the character and appearance of the area.

- 5.3.8 In addition to this, the NPPF states at paragraphs 48 and 53 that local planning authorities should not include or consider residential gardens as windfall sites where this would cause harm to the local area.
- 5.3.9 As such it is considered that the proposal would fail to comply with policies BE1, CC6 and CC7 of the local plan which state that all development must enhance the character and local context and emerging policy D1 of the LDP and the provision and guidance as contained within the NPPF.

#### **5.4 Effect on amenity of neighbouring occupiers**

- 5.4.1 Policy BE1 (a) (vii) requires consideration of the effect of development on neighbouring amenity and safety. Due to the degree of separation from the adjacent properties to the west and east and the host property to the east of the location of the proposed dwelling, it is considered that there would be limited loss of amenity to occupiers of those properties. There are no further dwellings within the vicinity of the site which would be impacted upon.
- 5.4.2 The scheme is therefore considered to accord with the criteria of adopted LP policies BE1 and emerging policies D1 and H4 of the submitted LDP. The guidance and provision as contained within the NPPF and the guidance as contained within the Essex Design Guide which is an adopted Supplementary Planning Document.

#### **5.5 Access, Parking and Highway Safety**

- 5.5.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising two to three bedrooms require a maximum of 2 spaces. Such provision could adequately be accommodated within the site and within the proposed garages for each dwelling.
- 5.5.2 Essex County Council Highway Authority has been formally consulted on the application in terms of highway safety. The consultation response has not raised an objection to the proposed new access onto Station Road.
- 5.5.3 However, notwithstanding this response, it would require a 2.4m parallel band splay across the entire site frontage to Station Road along the entire site frontage.
- 5.5.4 This clear to ground margin from the edge of the highway would require the removal of the existing mature hedgerow and trees in this location for the whole of the site frontage. Whilst, a grass band and new soft boundary treatment could be achieved, this would further erode the soft landscaped edge to these rural lanes and would urbanize the area to the detriment of the landscape character. It is acknowledged that Orchard House to the east of the site has a clear to ground visibility splay along its boundary with Wickham Hall Lane. However, to duplicate this on additional sites would erode the verdant character of the rural lanes and contribute to the urbanization of the area.

5.5.5 The scheme is therefore considered to accord with the criteria of adopted LP policies T2 and T2 and emerging policy T2 of the submitted LDP in terms of highway access and parking provision but the benefit of achieving this would be contrary to the character and appearance of the area and therefore contrary to policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.

## **5.6 Private Amenity Space and Landscaping**

5.6.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m<sup>2</sup> of private garden space. Such a provision would be met in this instance.

5.6.2 Conditions for the submission of boundary treatments and landscaping are considered appropriate to assist the assimilation of the proposal into the rural area are considered appropriate should permission be granted.

## **5.7 Other Considerations**

5.7.1 The Council's Environmental Health Service has recommended conditions for the submission of details of surface water drainage and foul drainage. Such conditions are considered appropriate and necessary and can be appended to any grant of permission.

5.7.2 The Council's Tree Officer has been consulted with regard to the impact upon the many mature trees within the site. Whilst the Tree Officer has made comments with regard to a "no dig" construction for the driveway, and any foundations for the dwelling to be of a design which would result in the least impact upon the trees, it is also noted that the Officer considers that an Arboricultural Report with an Impact Assessment and Method Statement should be submitted to demonstrate that notwithstanding the intent to retain the trees in the site, that this is achievable. Therefore in the absence of such documentation, the Council is unable to fully consider this element of the proposal.

5.7.3 It is noted that several Letters of Representation have been submitted in support of the scheme. The overall scale and design of the proposed dwelling is not objected to, and there are comments with regard to the relocation of the current owner of Park House, the donor property. However, whilst these sentiments are noted, it is not within the legislative capability of the planning system to restrict ownership to the applicant in this instance and the proposed development must be viewed as an open market dwelling which result in built form for the lifetime of the development and not that of the applicant.

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

None.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Object	The comments of the Parish Council are noted

### 7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection.	The comments of the Highway Authority are noted

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection, subject to conditions relating surface drainage and foul water details to be submitted	The comments of the Environmental Health Service are noted and have been addressed in the report

### 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 summarized as set out in the table below:

- Mr. & Mrs. Sterling Woodfield Cottage 40 Chapel Road Great Totham
- B & P Davies 20 Beacon Hill Maldon Essex
- Mrs. M Parker The Old Dairy Station Road Wickham Bishops
- Mrs. Yvonne Odell Bishops Church Road Wickham Bishops Witham
- Mrs. Denise Yelland 1 Church Close Wickham Bishops Essex
- Lilian Laccohee 17 Seagers Great Totham Maldon
- Judy Wilson Grove House 2 Chantry Grove Wickham Bishops

Objection Comment	Officer Response
The dwelling would enable the current owner of Park House to live here. The design and scale are acceptable. Limited impact upon adjacent occupiers Limited impact upon the street scene Would enable smaller households and older occupants to downsize.	The comments have been noted and addressed within the report

## **8. REASONS FOR REFUSAL**

1. The provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquility, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality. Furthermore, in the absence of an Arboricultural Impact Assessment, the Local Planning Authority is unable to fully consider the impact of the development upon existing trees within and adjacent to the site, contrary to policies S2, BE1, H1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, emerging policy S1, S8, H4, D1, D2 and N2 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.
  
2. The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the ‘presumption in favour of sustainable development’ contained in the National Planning Policy Framework and to policy S2 of the adopted Maldon District Replacement Local Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.