



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
10 JULY 2017**

Application Number	FUL/MAL/17/00535
Location	Land Adjacent To Chasefield Cottage Kelvedon Road Wickham Bishops Essex
Proposal	Proposed 4 Bedroom Dwelling
Applicant	Mrs Lynda Kemp
Agent	Mr Chris Loon - Springfields Planning & Development Limited
Target Decision Date	12 July 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Adjacent To Chasefield Cottage, Kelvedon Road, Wickham Bishops
FUL/MAL/17/00535



Copyright



For reference purposes only.
 No further copies may be made.
 This map is reproduced from Ordnance Survey
 material with the permission of Ordnance Survey on
 behalf of the Controller of Her Majesty's Stationery
 Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: North West Committee

Date: 28/06/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms part of the mature garden associated with and to the south of Chasefield Cottage, and lies to the south of the Kelvedon Road settlement boundary as demarcated in the Replacement Local Plan (RLP). Chasefield Cottage sits fairly close to the road and its building line reflects that of the linear development to the north. To the south of the site is detached property Rainbow Cottage and opposite the site is a number of recently constructed and currently being constructed dwellings.
- 3.1.2 The southern and western boundaries of the site comprise of mature vegetation, the northern boundary of the site is not demarcated at present and there is a timber panel fence inside the western boundary of the site.
- 3.1.3 Planning permission is sought for the construction of a detached dwelling house with an integral garage. The two-storey dwelling would be 'H-shaped' measuring approximately 14.6 metres with a depth of 15.5 metres. It will be approximately 8.2 metres to ridge level. During the process of the planning application, amended plans have been received reducing the width and depth of the dwelling. The width of the dwelling now measures approximately 13.5 metres wide, 15.5 metres deep and with a ridge height of 7.9 metres.
- 3.1.4 The ground floor of the dwelling would comprise of a snug room, kitchen, dining room, study, W.C and a garage. Four bedrooms (two with en-suite) and a family bathroom are proposed at first floor level. In addition, an internal balcony is proposed to serve the Master bedroom.
- 3.1.5 It is proposed that the external materials to be used in the construction of the dwelling house would be facing brickwork and grey weatherboarding. Natural slates would be used for the roof.
- 3.1.6 Outline planning application was granted on 1 November 2016 (OUT/MAL/16/00990) for the construction of a new house of 233 sq m in area and detached garage.

3.2 Conclusion

- 3.2.1 Given the surrounding development, the principle of the construction of a dwelling within the site is considered to be compatible with the area. Consequently, the development is not considered to be contrary to Policy S2 of the adopted local plan which requires that the countryside will be protected for its landscape value outside settlement boundaries, or the design aims of Policy BE1 of the adopted local plan. Nor the development would be contrary to Policy CC6 which permits development only where it would not cause harm to the landscape character of the locality.

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, 14, 17, 49, 50, 56, 57, 60, 63

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development outside Development Boundaries
- H1 – Location of New Housing
- BE1 - Design of New Development and Landscaping
- CC6 - Landscape Protection
- CC7 – Special Landscape Areas
- T1 - Sustainable Transport and Location of New Development
- T2 – Transport Infrastructure in New Development
- 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:

The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.

Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28 April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring / Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.

There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focused consultation and no new matters previously not examined or matters already examined will be considered by the Inspector.

At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.

- 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

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Planning permission is sought for the construction for a two-storey detached dwelling house with an integral garage. The proposal lies outside of the settlement boundary of Wickham Bishops as defined by the adopted Local Plan and the Local Development Plan. The development proposal is therefore considered contrary to Development Plan Policies in principle.
- 5.1.2 The above would lead onto the Council's current position on the Five-Year Housing Land Supply. In August 2016, the Council published the latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2015/2016 August 2016. The Council's position is that decision makers should give weight to relevant policies in emerging plans, in this instance of the Maldon District Local Development Plan (2014-2029), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the Framework. The more advanced the stage of preparation, the greater the weight can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given in accordance with Paragraph 216 of The National Planning Policy Framework.
- 5.1.3 The Council considers that the current status of the Maldon District Local Development Plan (2014-2029) is at its advanced stage and therefore considerable weight can be given to policies S1, S2, S3, S4, S5, S6, S7, S8, H1, H2, H3, I1 and I2 contained within this emerging plan.
- 5.1.4 Further, since the submission of this application, the Secretary of State informed the Council on 6 March 2016 that he has carefully considered the Planning Inspector's analysis and conclusions and disagreed with his interim findings set out in his letter of 8 May 2015.
- 5.1.5 In light of this letter from the Secretary of State, the Council considers that this is a material consideration. It should therefore be given significant weight when determining all planning applications, particularly with regard to the Council's current position on the Five Year Housing Land Supply, the latest evidence to be used for the Full Objectively Assessed Need for Housing, and the weight to be afforded to the status of the Local Development Plan. In this instance, it is considered that the proposed development fails to accord with policies S1, S2, S8, H1, H2 and I1 of the Maldon District Local Development Plan (2014-2029).

- 5.1.6 Policies S1 and S8 of the Maldon District Local Development Plan seeks to channel new residential development into the most appropriate site, within the district and to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Initially, any development proposals should be directed within the defined village settlement boundaries to ensure no demonstrable harm occurs unless material consideration indicates otherwise.
- 5.1.7 The above policies should also be read in conjunction with Policy S2 of the adopted Maldon District Replacement Local Plan (2005) where it states development outside development boundaries defined in the local plan, the coast and countryside, will be protected for their own sake, particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. The application site lies outside the development boundary where this rural planning Policy S2 restraint applies.
- 5.1.8 There have been a number of recent planning decisions in the area, and appeal decisions, which are material considerations in the determination of this planning application namely appeal reference: APP/X1545/W/15/3136955 (planning reference: OUT/MAL/15/00461) which relates to part of the garden of Rainbow Cottage which is to the south of the application site. In this instance the Planning Inspector concluded that whilst a dwelling within the site would be outside the settlement boundary, and would be fairly prominent, it would have little impact on the prevailing character of the area. Furthermore, on the opposite side of Kelvedon Road five dwellings (Site adjacent to Ashcroft and Land south of 2 Kelvedon Road) have been granted permission subsequently built in recent times (planning references: OUT/MAL/13/00710, FUL/MAL/14/01128, FUL/MAL/15/00526, FUL/MAL/15/00600). These planning decisions, including appeals, weigh heavily in favour of the proposed development and therefore, whilst the application is contrary to policy in principle, it is considered acceptable in this instance.
- 5.1.9 In addition to the above, there is an extant outline planning permission which was granted on this site for the construction of a detached dwelling house and a detached garage to front of the building in 2016 (OUT/MAL/16/00990). This is also material consideration when determining this current planning application.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The application site forms part of the mature garden of Chasefield Cottage, and lies to the south of the Kelvedon Road settlement boundary as demarcated in the adopted local plan. Chasefield Cottage sits fairly close to the road and its building line reflects that of the linear development to the north.
- 5.2.2 Kelvedon Road comprises a mix of dwellings of a variety of design, appearance, scale, bulk and height. On the opposite side of the road, and extending to the south beyond the application site, there is recent housing development which has been recently been completed. To the south of the application site is detached dwelling Rainbow Cottage and the area has a suburban character, beyond Rainbow Cottage is the most recent development which was allowed on appeal and was mentioned in Paragraph 5.1.8 in the report above.

- 5.2.3 Roadside hedging and tree planting afford glimpsed views of properties, but generally views are restricted. Although there are pockets of countryside and agricultural land in the vicinity, the overall impression is of a pleasant but semi-urbanised area with low density residential development, and where garden and public amenity land provide a large proportion of the open space.
- 5.2.4 The application site has a frontage of 17 metres which is commensurate with the plot widths in the area, the dwellings being constructed opposite the application site have frontages measuring between 15 and 23 metres. It is therefore considered that a dwelling on this site would have little impact on the prevailing character of the area.
- 5.2.5 The dwelling house proposed is two-storey in height and of a contemporary design with large glazing panels to the rear elevation. Features such as gable ends and external materials proposed and are incorporated in the new build are design features that are evident along Kelvedon Road and the immediate locality and as such, the dwelling is considered comparable and in keeping with the street scene. The position of the dwelling, whilst set some 15 metres back from the highway, would almost reflect the linear form of development in the locality.
- 5.2.6 Concerns have been raised with regard to the cramped appearance and the height of the dwelling. In terms of width, the proposal has been reduced, during the application process, from 14.6 metres to 13.5 metres. As such it is not considered that whilst the development would be dominant within the site, the width of the development would not diminish the openness particularly when the dwelling is set back approximately 15 metres from the highway when viewed from the street scene.
- 5.2.7 In terms of the height of the dwelling, this has been reduced from 8.2 metres to 7.9 metres. It is noted that the new dwelling on land at Rainbow Cottage is 7.9 metres to ridge level (FUL/MAL/16/00892). On the opposite side of Kelvedon Road where four new dwellings have recently been constructed, the ridge height of the roof ranges from 7.9 metres minimum to 8.8 metres maximum. As such, it is not considered that the height of the development would be out of keeping with the vicinity to warrant refusal.
- 5.2.8 It is noted that concerns were also raised with regard to the floorspace of the development. In the outline planning application, it was proposed that the floorspace of the house would be 233 square metres. The current application, including the integral garage, would be 254 square metres which would be a slight increase from the previous outline approval. However, on balance it is not considered to warrant a reason for refusal.
- 5.2.9 Having considered the above, the proposal would be compatible with the area in accordance with policy BE1 of the adopted local plan, policy D1 of the Local Development Plan and the NPPF which seeks good design.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the adopted local plan states that new development will be permitted if they are compatible with their surroundings, and/or improve the surrounding location in terms of the effect on the safety and or amenity of neighbouring properties or the

occupiers therein. Policy D1 of the Local Development Plan also seeks to ensure that new development protects the amenity of surrounding areas.

- 5.3.2 The proposed dwelling house would be positioned approximately 2.4 metres away from the shared boundary with Chasefield Cottage to the north and about 2.4 metres away from Rainbow Cottage to the south of Rainbow Cottage. In addition, the principal elevation of the proposed property would be set back approximately 8 metres from the principal elevation of Chasefield Cottage and 6.6 metres from the principal elevation of Rainbow Cottage. Therefore, due to the setback nature of the property and the distances between neighbouring properties it is not considered that the proposed development would have a dominating impact on the residential amenity of the neighbouring occupiers.
- 5.3.3 As previously mentioned under the design section; it is noted that whilst the property has a large height of 7.9 metres to the ridge, the height of the property is equal to that of the adjacent properties and lower than those opposite the site. As a result, it is considered that the proposal is in keeping with neighbouring properties and would not have an overbearing impact on neighbouring occupiers. In addition, the proposed dwelling would be set back approximately 15 metres from the highway. Therefore, due to the height of the proposal, and the location of the proposed dwelling within the site, it is considered that the proposed development would not result in an overbearing and unneighbourly form of development or an overly dominant structure within the street scene.
- 5.3.4 Furthermore, there are two roof lights proposed on the flank elevation, both serving an en-suite. As such, it is not considered that the development proposal would have an adverse impact on the residential amenity of the existing occupiers at Chasefield Cottage and Rainbow Cottage.
- 5.3.5 An internal balcony is proposed at first floor level to serve the Master bedroom. Whilst there is no objection in principle with regard to a balcony, concern is raised with regard to potential overlooking to the existing occupiers at Rainbow Cottage. It is therefore considered that a condition would be required for the Applicant to submit details of the balcony i.e. height of the railing, screening, to ensure that the amenity at Rainbow Cottage is not affected by this development proposal.

5.4 Access, Parking and Highway Safety

- 5.4.1 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four or more bedroom dwellings, three, off-street parking spaces would be required. The proposal comprise of an integral garage and ample off-street parking within the front curtilage of the property. In this respect, the proposal would comply with the policy T8 of the adopted local plan, policy T2 of the Local Development Plan, and the VPS guidance.
- 5.4.2 In terms of the new vehicular and pedestrian access point to serve the development proposal, the Highway Authority has raised no objection to the proposal subject to conditions and informative to be imposed should the application be approved.

5.5 Private Amenity Space and Landscaping

- 5.5.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for dwellings with four bedrooms or more, at least 100 square metres of amenity space should be provided. Policy BE1 of the adopted local plan and Policy D1 of the Local Development Plan indicate the need for amenity space in new development and this must be useable.
- 5.5.2 Based on the Proposed Site Plan submitted (Drawing No: 017.09-PL-102 Revision A dated 28.04.2017), it appears that the garden size exceeds the minimum standard. In this respect, the proposal would meet policy requirement contained within policy BE1 of the adopted local plan, policy D1 of the Local Development Plan and The Essex Design Guide.
- 5.5.3 In term of landscaping, the Proposed Site Plan submitted (Drawing No: 017.09-PL-102 Revision A dated 28.04.2017) shows some trees and hedges to be removed and some trees to be retained. This is not clear on the plan and as such, it is considered reasonable for a planning condition to be imposed for additional information to be submitted to the Council for consideration should the application be approved.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/16/00990** - Proposed new house of 233 sq m in area and detached garage. Approved: 1 November 2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Refuse for the following reasons: <ul style="list-style-type: none">• The development would be 2 metres taller than the neighbouring houses• 20% increase is not considered acceptable• Cramped appearance• Dominant and bulky design	Noted in the report.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highway Authority	No objection subject to conditions.	Noted in the report.

7.3 Internal Consultees (*summarised*)

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

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 No letters of representation received at the time of writing this report. Any comments received will be reported on the Members' Update.

8. **PROPOSED CONDITIONS**

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 by .Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written 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 ensure the appropriate use of external material to safeguard the character and appearance of the rural area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 4 No development 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 boundary treatment 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: To secure appropriate boundary treatment of the site and to protect the character and appearance of the area in accordance with policy BE1 of the

Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 5 No development 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: To secure appropriate landscaping of the site and to protect the character and appearance of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 6 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

REASON: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and with policy T2 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 7 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 017.09.PL-102 Revision A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with policy T2 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 8 Prior to the commencement of the development a surface water drainage scheme to serve the development shall be 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 is available at the site in accordance with policy CON5 of the Maldon District Replacement Local

Plan, policy D5 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be 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 foul water drainage is available at the site in accordance with policy CON5 of the Maldon District Replacement Local Plan, policy D5 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 10 Prior to the commencement of development, details and height of the screen of the balcony shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the details approved and retained as such thereafter.

REASON: To protect the amenity of the neighbouring residential property Rainbow Cottage in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

INFORMATIVES

Highways:

The Highway Authority would be content with the submitted Construction Method Statement (CMS) being subject to a Compliance Condition.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

Environmental Health Services:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) 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.

Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

Waste Management Team:

The applicant is advised to 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.