



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

Application Number	RES/MAL/17/00719
Location	Land East Of Malone Cottage Maypole Road Wickham Bishops Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/15/00267 allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works)
Applicant	Mr Steve Wheelhouse - Moody Homes Ltd
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	17 October 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

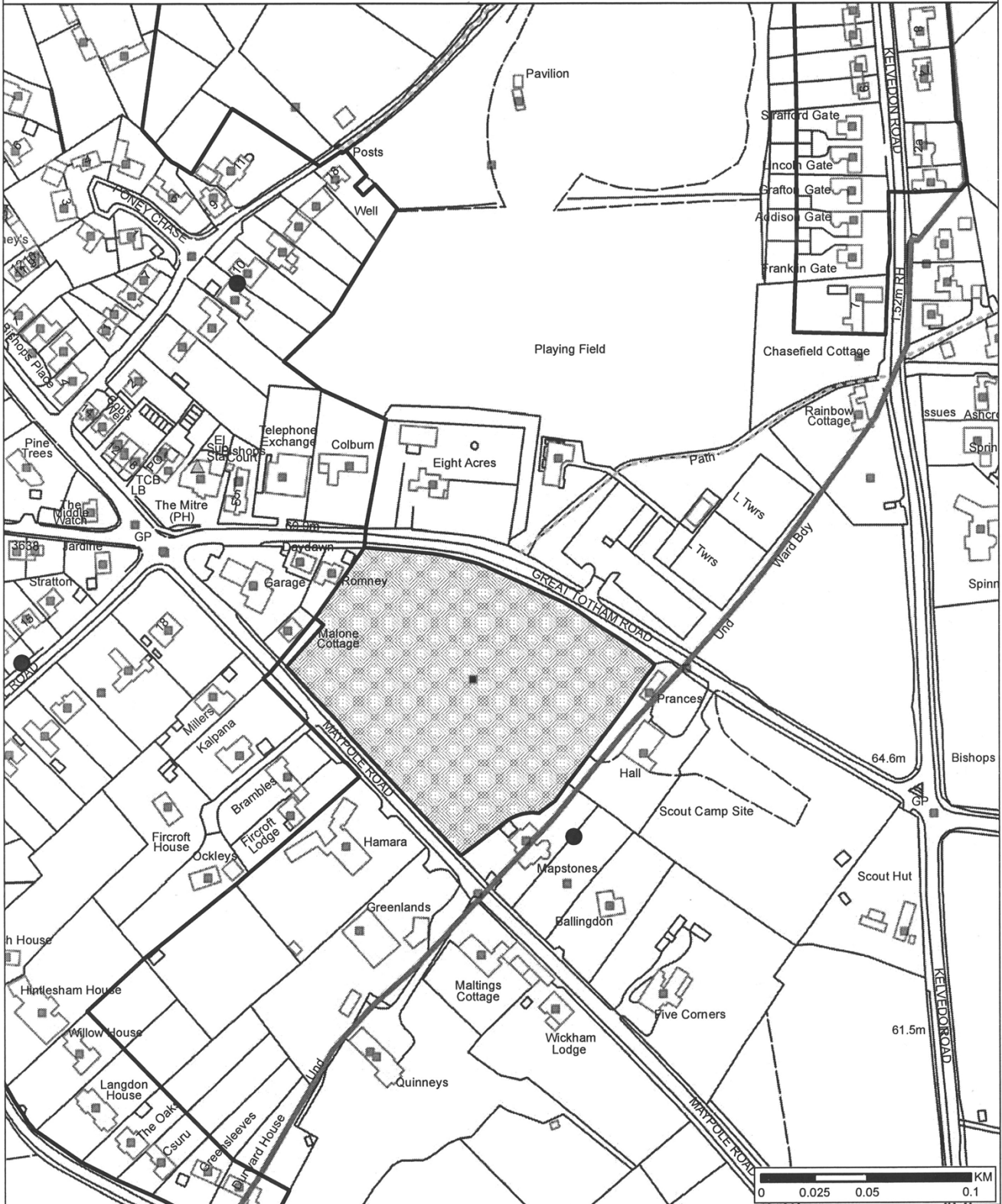
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land East of Malone Cottage, Maypole Road, Wickham Bishops
RES/MAL/17/00719



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 2.10.17
	Date:	19/09/2017
	MSA Number:	100018588
<p>www.maldon.gov.uk</p>		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site extends to about 1.5ha and is an open field which lies within the village of Wickham Bishop to the north of Maldon. The site lies between the roads of Maypole Road and Great Totham Road and is enclosed by a strong line of existing hedges and trees on both road frontages. The site is open pasture and is laid to grass and unkempt.
- 3.1.2 To the north, north-west and west of the site lie residential properties, whereas to the south of the site lies a training / activity centre and camp site used by the Maldon and East Essex District Scouts.
- 3.1.3 Outline planning permission (reference: OUT/MAL/15/00267) was allowed on appeal in 2016 (Appeal Ref.: APP/X1545/W/15/3133309 dated 8 March 2016) to construct 14 houses with a single access point onto both road frontages. The proposal was in outline format with only the detailed matter of the access to the site to be considered at the time. All other detailed matters such as the appearance, landscaping, layout and scale were reserved and are now being considered in this Reserved Matters application.
- 3.1.4 The outline planning application was accompanied by a formal Planning Obligation (Unilateral Undertaking), made under Section 106 of the Act, dated 13 November 2015, and signed by the Applicant. The Obligation covenants the landowners, in general terms, in the event of planning permission being granted, to ensure the provision of five units of affordable housing on site.
- 3.1.5 This planning application is a reserved matters application for the approval of access, appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/15/00267.
- 3.1.6 In terms of layout, the 14 dwellings are proposed within the site where five dwellings are in a linear road fronting arrangement accessed by an access point off Maypole Road to the south. To the north of the site, nine dwellings are also in a linear road fronting arrangement accessed by an access point off Great Totham Road. Each access point would lead to an internal access road which would run along the frontage of the dwellings. The internal access roads would be set back from both Maypole Road and Great Totham Road with an area of greensward as well as a new hedgerow and tree planting along the internal access road to the north in front of Plots 10, 11, 12, 13 and 14, between Plot 9 and 10 and across the south east to north west direction to form the rear boundaries and private amenity areas between the proposed nine residential properties fronting north and the five residential properties fronting south of the site.
- 3.1.7 The proposed dwellings would be a combination of two, three, four and five bedroom units in the form of detached and semi-detached two storey dwellings. Out of the 14 dwellings, nine dwellings (Plots, 1, 2, 3, 4, 5, 6, 7, 8, and 9) would be open market properties and five dwellings (Plots 10, 11, 12, 13 and 14) would be affordable housing.

3.1.8 There are seven dwelling types proposed:

3.1.9 Plots 1, 3 and 7 (Open Market)

3.1.9.1 The type of dwelling on Plots 1, 3 and 7 will be a detached 'L-shaped' and of two-storeys in height. Plots 1 and 3 will be located to the south of the site and Plot 7 located to the north of the site. The dwelling would measure approximately 13 metres wide, 14.4 metres when measured at its deepest point and 9.6 metres to ridge level. At ground floor, there would be a sitting room, hallway, dining room, open plan kitchen and breakfast room, utility room and a family room. Five bedrooms (two with en-suite), a family bathroom and a balcony area are proposed at first floor level. Each dwelling would have detached double garage.

3.1.9.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 1	1282 metres squared
Plot 3	420 metres squared
Plot 7	330 metres squared

3.1.10 Plots 2 and 8 (Open Market)

3.1.10.1 Plots 2 and 8 are detached two storey dwellings which would measure approximately 13.3 metres wide by 12.9 metres deep and a ridge height of 8.7 metres. The dwellings would have two gable end projections to the front elevation and a twin gable end element to the rear. Internally each dwelling would contain a sitting room, dining room, study, open plan kitchen / family room and breakfast area, and a utility room at ground floor with four bedrooms all with an en-suite. Each dwelling would have detached double garage.

3.1.10.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 2	540 metres squared
Plot 8	435 metres squared

3.1.11 Plots 4 and 6 (Open Market)

3.1.11.1 Plots 4 and 6 are detached two storey dwellings which would measure 13.1 metres wide by a maximum of 14.7 metres deep with a ridge height of 8.3 metres. The dwellings would have a gable end feature centrally located to the front elevation with one dormer window on one side. Two dormer windows are also proposed to the front elevation with further two to the rear. There is a two-storey gable end which projects rearwards forming the breakfast area at ground floor and the master bedroom with an en-suite at first floor. In addition to the breakfast area at ground floor, there will also be a kitchen, lounge, study, dining room, w.c. and a large hall. At first floor, four bedrooms, a bathroom and an additional en-suite to Bedroom 2 are proposed. Each dwelling would have detached double garage.

3.1.11.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 4	400 metres squared
Plot 6	450 metres squared

3.1.12 Plots 5 and 9 (Open Market)

3.1.12.1 Plots 5 and 9 are detached two-storey dwellings. Each dwelling would have a gable end feature to the front and rear elevation. Two dormers are also proposed to the front and rear elevation of each dwelling. The dwellings would measure approximately 14.8 metres wide (including the width of the utility room) by 12.5 metres deep with a ridge height of 7.5 metres. Internally each dwelling would contain a dining room, lounge, study, kitchen, family room, w.c and a utility room. Five bedrooms are proposed at first floor level (two with en-suite) and a family bathroom. Each dwelling would have detached double garage.

3.1.12.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 5	590 metres squared
Plot 9	640 metres squared

3.1.12.3 Plots 1, 2, 3, 4, 5, 6, 7, 8 and 9 would all have a double detached garage. Each garage would measure approximately 6.3 metres wide, 7.4 metres deep with a ridge height of 5.3 metres.

3.1.13 Plot 10 (Affordable Housing)

3.1.13.1 Plot 10 is a detached, two-storey dwelling with a gable end feature to the front elevation. The dwelling measures approximately 7.1 metres wide, 9.1 metres deep with a height of 8.5 metres to ridge level. At ground floor, there would be an open plan dining room / living room, kitchen, hallway and a w.c. Three bedrooms and a family bathroom are proposed at first floor level. Three off-street parking spaces in a tandem arrangement are proposed to the east side of the house.

3.1.14 The dwelling would benefit from the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 10	170 metres squared

3.1.15 Plots 11 and 12 (Affordable Housing)

3.1.15.1 Plots 11 and 12 is a pair of two-storey semi-detached properties with a gabled end forward projection. Each dwelling measures approximately 6.2 metres wide, 8.7 metres deep with a ridge height of 8.1 metres. Internally, each dwelling would comprise of a living room, kitchen, hallway and a w.c at ground floor level. Two bedrooms and a bathroom are proposed at first floor level. Off-street parking spaces are provided approximately to the front of the property.

3.1.15.2 The dwelling would benefit from the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 11	107 metres squared
Plot 12	110 metres squared

3.1.16 Plots 13 and 14 (Affordable Housing)

3.1.16.1 Plots 13 and 14 is a pair of two-storey semi-detached properties. Each dwelling measures approximately 4.5 metres wide, 7.8 metres deep with a ridge height of 8.1 metres. Each dwelling would comprise of a living room, kitchen, hallway and a w.c at ground floor level. Two bedrooms and a bathroom are proposed at first floor level. Off-street parking spaces are provided to the front of the property.

3.1.16.2 The dwelling would benefit from the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 11	107 metres squared
Plot 12	110 metres squared

3.1.17 Plots 10, 11, 12, 13 and 14 all have off-street parking spaces located approximately 14 metres away to the front the properties.

3.2 Conclusion

3.2.1 The principle of the application site accommodating 14 residential dwellings has already been established at appeal through the granting of outline planning permission OUT/MAL/15/00267. This application is therefore to consider the appearance, landscaping, layout and scale of the development.

3.2.2 Whilst it is considered the overall development is a logical extension of the existing linear development along Maypole Road and Great Totham Road, it is considered the layout, appearance and scale of the development is not well thought out.

3.2.3 The layout arrangement compromises the integration of affordable housing seamlessly into the community. Further, the proposed ten bay parking area is an urban feature and not reflective of the Arcadian character of Wickham Bishops. The excessive scale, lack of space between the residential dwellings and ancillary structures, lack of soft landscaping in front gardens, and lack of permeable routes through the site has created an overdeveloped and poorly integrated feel that is inimical to the established Arcadian character of Wickham Bishops contrary to policies S1, S8, D1, H4 of the Local Development Plan, and Government advice contained within the National Planning Policy Framework regarding to ‘Delivering a wide choice of high quality homes’ and ‘Good Design’.

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, 58, 60, 61, 64, 69

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- S1 – Sustainable Development
- S2 – Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D5 – Flood Risk and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- Essex Design Guide
- National Planning Practice Guidance
- National Planning Policy Framework
- Maldon District Council Vehicle Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Outline planning permission (reference OUT/MAL/15/00267) was granted on appeal on 29 July 2014 and allows for a development of 14 dwellings. This therefore establishes that the principle of the development of the site for housing has been considered acceptable. This application is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to approved outline planning application OUT/MAL/15/00267.

5.2 Housing Land Supply, Need, Mix and Affordable Housing

- 5.2.1 The Council can demonstrate in excess of a five year supply of housing and this is set out in the Council's Five Year Housing Land Supply Statement and the Council's Advisory Note, both dated August 2016. This is a material planning consideration. However this application is to consider the reserved matters of appearance, landscaping, layout and scale in relation to approved planning application

OUT/MAL/15/00267 and therefore the principle of the development has already been established.

5.2.2 Policy H2 of the Local Development Plan (LDP) on housing mix requires all development ‘to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population’. The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community” and “identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”.

5.2.3 In this current Reserved Matters application, the following affordable housing mix is proposed:

Affordable Units	No. of Bedrooms
Plot 10	3 – Detached
Plot 11	2 – Semi-detached
Plot 12	2 – Semi-detached
Plot 13	2 – Semi-detached
Plot 14	2 – Semi-detached

5.2.4 As part of the outline planning application, a Unilateral Undertaking was submitted (dated and signed) by the Applicant regarding the provision of five affordable housing on this application site. This has been acknowledged and accepted by the Planning Inspectorate in Paragraphs 4 and 32 of the appeal decision APP/X1545/W/15/3133309. Whilst it is noted that the affordable housing provided may not adhere to the Wickham Bishops Housing Needs Survey which has been independently assessed in 2017 for the draft policies of the Wickham Bishops Neighbourhood Plan, it would be considered unreasonable for the Council to amend the affordable housing provisions or refuse the application on this basis as the proposal accords with the requirements set out in Policy H2 of the LDP.

5.3 Design and Impact on the Character of the Area

5.3.1 Policy D1 of the Local Development Plan (LDP) is applicable to the consideration of design. This policy coupled with the National Planning Policy Framework (NPPF) aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.

5.3.2 The NPPF states in paragraph 56 that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.

5.3.3 In addition, the NPPF states in paragraph 64 “*that 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*”.

- 5.3.4 In the appeal decision (reference: APP/X1545/W/15/3133309), the Planning Inspectorate acknowledged that Wickham Bishops is a village that is recognised for its Arcadian layout with the landscape forming the dominant appearance with the dwellings interspersed within landscape and the Council suggests that Arcadian developments are typically low density developments.
- 5.3.5 At the time of the appeal, the Planning Inspectorate had considered the character of the land from within the application site itself and from the adjoining lanes. It was noted that *‘by standing in the centre of the field, built development in the form of houses and other buildings are prominent around most of the boundaries of the site. To the north are buildings associated with the sports ground and detached houses; to the north-west there is a commercial garage and housing; to the west there are a range of forms of houses along Maypole Road; and to the south there are a few detached houses and the large buildings associated with the northern part of the Scout complex.’* This depiction of the site and surrounding has not changed since the appeal decision.
- 5.3.6 The application site is mostly an open field without trees but enclosed by a hedge, the overall character of surrounding land is one of built development albeit one with a verdant form stemming from surrounding woodland and trees. The Planning Inspectorate noted that the two road frontages to Great Totham Road and Maypole Road fell well with the confines of the village indicated by the 30mph limit and notwithstanding the parish boundary with Great Totham near the south-eastern boundary of the site.
- 5.3.7 In the outline planning application submission, the illustrative layout plans showed the density of housing proposed in this outline application amounts to less than 10 dwellings per hectare which is a low density of development thus demonstrates that the overall scale of development proposed can be accommodated on site with plot sizes and a general form that is consistent with the wider pattern of the surrounding part of the village. The illustrative layout at the time also showed that there was ample scope for additional landscaping around the site, between the houses and along the road frontages to complement the recognised Arcadian character of the village and it also indicatively showed a pedestrian / cycle link through the site.
- 5.3.8 Based on the illustrative layout plan submitted at the time, it was considered the development of this site, the scale of development proposed in this outline application would be likely to result in a form of development which would be consistent with the character and appearance of the area and would not harm it in accordance with policy D1 of the LDP for which the Council’s accepts. However, in this current Reserved Matters application, the Applicant has failed to follow the indicative layout submitted with the outline application where the Planning Inspectorate had considered the proposed scheme to be acceptable within the appeal decision.
- 5.3.9 The Urban Design Officer has been consulted and has raised concerns regarding the Reserved Matters application. It is important to note at the time of the outline application, the illustrative layout demonstrated a back to back layout with five detached dwellings and five detached garages facing Maypole Road and one detached dwelling and eight semi-detached dwellings with garages facing Great Totham Road. In this current application, the layout is a back to back arrangement with nine dwellings (six detached and four semi-detached) four detached garages and a parking

court for ten cars facing Great Totham Road accessed via a private drive and five dwellings and five detached garages facing Maypole Road served by a private drive. The dwellings and garages have a staggered frontage layout and garages are set back from the principle elevation with a private driveway. The five affordable units have no garages and have a communal parking area located approximately 14 metres away from these dwellings. Coupled with the scale of the market housing dwellings compared to the five affordable dwellings, the lack of rural pedestrian / cycle link with landscaped verges running north-south and the provision of little proportionate space between buildings, the proposal creates an overdeveloped feel at the cost of segregating the 5 affordable units. The degree of spaciousness is lost in this current scheme and it is considered that the proposed development would fail to fit in with the local Arcadian character of the area.

- 5.3.10 It is noted that the affordable units (Plots 10, 11, 12, 13 and 14) and the communal car parking area have been heavily landscaped which again shows segregation which is contrary to the aims of the NPPF to create mixed and balanced communities in a seamless manner.
- 5.3.11 In terms of scale and appearance of the development, the nine detached units (open market properties) are either four bedroom or five bedroom dwellings with detached garages. The units have a large mass and little proportionate space between structures. The most noticeable shift in the design intent is the relationship between the market and affordable housing. The outline application OUT/MAL/15/00267 illustrative layout showed a seamless and integrated approach to the private and social housing with eight semi-detached units facing Great Totham Road i.e. the market and affordable housing was indistinguishable. In this application, the detached garage on Plot 9 for example, appears to have similar ground floor footprint as the affordable units 10, 11, 12, 13 and 14. The relationship between the open market housing and the affordable housing appears disproportionate, over scaled and out of context particularly when viewed in the public domain along Great Totham Road. Further, by sub-dividing the site by a landscaping buffer would result in the development being significantly cramped and that the overall development appears as piecemeal development than a comprehensive development scheme.
- 5.3.12 It is noted that the height of the proposed dwellings range between 7.5 metres and 9.6 metres to ridge level. As the dwellings are set back from the highway by about 11 metres and in some cases 33 metres along Maypole Road and Great Totham Road, it is not considered that the height of the dwellings would be dominant or out of character when viewed in the street scene or the wider context.
- 5.3.13 While there are no concerns regarding the height of the development, it is considered that the proposal when viewed as a whole would cause a detrimental impact upon the character and appearance of the area due to its inappropriate layout, scale and design, contrary to policies S1, D1 and H4 of the Local Development Plan and Government advice contain in the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland /

infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.

- 5.4.2 Concern has been raised by local residents in terms of additional traffic to the site, conflict arising over the relationship between the new housing on the application site and the adjacent scouting complex particularly when used for shooting activities and archery, overlooking from Plot 14 onto the Scout complex, and that Plot 6 would have an adverse impact on the existing occupiers at Romney.
- 5.4.3 With regard to the additional traffic, the Planning Inspectorate had considered this aspect in Paragraph 33 of the appeal decision and the Highway Authority has not raised any objection to the proposal subject to conditions.
- 5.4.4 In terms of the shooting activities and archery at the Scout complex, the Planning Inspectorate has considered this and commented that the onus is on the operators of the Scout complex to ensure that sports of shooting and archery do not encroach onto other land outside of their site, also it was considered reasonable for the housing scheme to ensure some additional solid fencing to be erected along the south eastern boundary of the site. The details and implementation of any boundary treatment can be dealt with by an appropriately worded condition. With regard to overlooking from Plot 14 onto the Scout complex, the first floor window in question serves the landing and provides light to the stairwell. As this window does not serve a habitable room, a condition can be imposed for it to obscure glazed should the application be approved.
- 5.4.5 Concern has been raised regarding the close proximity of the detached garage at Plot 6 to the existing occupiers at Romney. To address this, the Applicant submitted a revised drawing (0998 / 09E) showing the garage to be positioned 0.5 metres further away from the shared boundary with Romney, to erect a 1.8 metre high fence and to amend the roof design by turning it 90 degrees. The impact on the existing occupiers at Romney, particularly with regard to loss of light, has been reduced as the garage roof now slopes away from the shared boundary.
- 5.4.6 In the light of the above assessment it is considered that subject to appropriate conditions the development would accord with policy D1 of the LDP with regard to impact upon neighbouring residential occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 The Council's adopted Vehicle Parking Standards ('VPS') state that for two / three bedroom houses a maximum of two car parking spaces. For four bedroom or more dwellings, a maximum of three car parking spaces should be provided.
- 5.5.2 Access and egress to the site was considered at the outline stage and is therefore not a Reserved Matter for consideration with this application. The submitted plans show that access to and from site would be taken from Maypole Road and Great Totham Road.
- 5.5.3 Essex County Council Highways have been consulted on the application and have advised that the proposal is acceptable subject to conditions relating to the bellmouth junction with Great Totham Road, visibility splays, dropped kerbs for vehicles and pedestrians along Maypole Road, surfacing materials, car parking, details of storage

of bicycles for each dwelling, the piping of ditches / water courses, a Construction Method Statement (CMS) and a Residential Travel Information Pack, all to be submitted to and approved by the Council. These conditions are also imposed by the Planning Inspectorate as they were considered reasonable and necessary to ensure that there is proper access to the site with adequate sight lines in the interests of highway safety.

- 5.5.4 Based on the plans submitted, the development will meet the Council's own adopted standards in accordance with policies D1, H4 and T2 of the Local Development Plan.

5.6 Private Amenity Space and Landscaping

- 5.6.1 The development proposes two, three, four and five bedroom dwellings. The Essex Design Guide (EDG) provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The EDG states that three or more bedroomed houses should have a private amenity space of at least 100m² and that houses of one or two bedrooms should have at least 50m². All of the residential dwellings proposed as part of the development would exceed the standard set within the EDG.
- 5.6.2 In terms of landscaping, this is also a Reserved Matter for consideration as part of this application. A landscaping scheme was submitted which formed a part of the Site Layout Plan (Drawing No: 0998 / 09C) which was assessed by the Tree Officer.
- 5.6.3 The Tree Officer has advised that there are no significant trees on site, however it has been noted that trees off-site at Prances and in the garden of Romney should be protected from any detrimental effects of development, including post-development pressure to prune as this is likely to happen if new properties are built close to neighbouring trees. Following a site inspection, the Tree Officer could not see any trees at Mapstones that would be worthy of specific protection through a Tree Preservation Order, however the boundary hedge should be protected from the effects of the development.
- 5.6.4 The hedge along Great Totham road contains a diverse mixture of species and is raised upon an old hedge-bank. The hedgerow itself has not been managed well in recent years and as such, the Elm in the hedgerow is suffering from Dutch Elm disease. It is still suckering from the base and there are many other interesting plants at the base of the hedge, including Ferns. The Tree Officer has advised that this boundary should be retained, protected from any development activity and enhanced by appropriate management and planting. The submitted plans suggest that large sections of hedgerow will be lost to the creation of visibility splays in both directions along Maypole Road and Great Totham Road. The Tree Officer considers that the developer should explore possibilities for retaining as much as possible of the original hedgerow plants and the ground they are growing in, along with the plants and seed bank that will be in the soil, by the transplantation of existing trees and hedgerows. This has been carried out elsewhere in the District where it has proven to be successful (RWE Npower, Bradwell in 2010 - Planning reference: FUL/MAL/10/01080 and Appeal reference: APP/X1545/A/11/2151681/NWF).
- 5.6.5 Such method would allow existing mature hedgerow plants to not only provide character in appearance, but carry with them ecological characteristics, essential to the

surrounding wildlife. Whilst this part of Wickham Bishops is becoming urbanised, the village is still surrounded by important woodland and grassland sites. The retention of a hedgerow network will help the movement of flora and fauna between these sites, helping biodiversity for the future.

- 5.6.6 Overall subject to certain changes which can be achieved via a planning condition the proposed landscaping is considered to be appropriate for the application site and the wider setting in accordance with policy D1 of the Local Development Plan. While soft landscaping can help to alleviate and provide some screening to the proposed dwellings and car parking areas, it is not considered that the additional planting would overcome the amount of built form of development as discussed in Section 5.3 of the report.

5.7 Ecology

- 5.7.1 Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible’. Policy N2 of the Local Development Plan on natural environment and biodiversity is also applicable.
- 5.7.2 The Coast and Countryside Officer has assessed the Reserved Matters application and whilst concerns has been raised regarding the lack of an ecology report, the Planning Inspectorate did not discuss this in the appeal decision or had imposed conditions for the subsequent submission of such report. In this instance, it would be unreasonable for the Council to introduce or impose a new condition requiring the submission of an ecology report.

5.8 Conclusion and Planning Balance

- 5.8.1 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development.
- 5.8.2 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the Local Development Plan which emphasises the need for sustainable development.
- 5.8.3 Whilst the outline application granted planning permission on site considering and the of the development and access for sustainability reasons, this reserved matters application considers the more detailed aspect of the development needs to be assessed as to whether the ‘presumption in favour of sustainable development’ applies.
- 5.8.4 Economically the proposal would provide employment for the construction phase of the development and would provide dwellings with new residents that will financially contribute to the local economy through existing local services and businesses.

- 5.8.5 Socially the proposal would provide 14 new dwellings with open market (9 units) and affordable housing (5 units) for the District. The proposal would also provide dwellings with adequate sized private rear gardens. However, the layout and the position of the affordable housing with heavy soft landscaping treatment on the boundary would result in segregation between the open market and affordable housing which fails to deliver inclusive and mixed community, contrary to the aims of the NPPF.
- 5.8.6 With regard to the environmental aspect of this proposal, it is proposed to retain and trim back existing landscaping to the site boundaries and to introduce additional soft landscaping into the site. Further, the scale and appearance of the development, particularly to affordable housing appears poorly designed and disproportionate when compared to the open market housing which would led to further social exclusion.
- 5.8.7 Having taken into account the above, it is considered that the NPPF’s ‘presumption in favour of sustainable development’ cannot be fully applied to this development due to the social and environmental element.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/00582** - Outline Planning Application For Residential Development Comprising 37 Dwellings, With The Matters Of Access And Layout Submitted For Determination. Refused: 2 October 2014.
- **OUT/MAL/15/00267** - Outline Planning Application With Some Matters Reserved For The Residential Development Of 14 Dwellings, Garages And Associated Works. Refused: 4 August 2015. Allowed on Appeal: 8 March 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	Object for the following reasons:- <ul style="list-style-type: none"> • Plot 6 would impact on the existing occupiers at ‘Romney’ • Window at Plot 14 would overlook the neighbouring property • Housing mix is contrary to draft policies of the Wickham Bishops Neighbourhood Plan • Trimming and hedge removal is excessive and fails to protect the rural character of the area • Infill planting is insufficient 	Noted in the main report

Name of Parish / Town Council	Comment	Officer Response
	<ul style="list-style-type: none"> • Proposed fencing on the eastern boundary is too low to safeguard the scouts and to protect the inhabitants of the new dwellings from the scouts' archery and shooting activities • Affordable housing appears to segregate those residents from the open-market dwelling inhabitants • Lack of connectivity as a footway has been removed • No footway along Maypole Road for the school children to walk to school 	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions and informative.	
Environment Agency	No reply at the time of writing this report.	Any comments received will be reported on the Members' Update.
ECC Sustainable Urban Development (SUDs Team	No comment to make on this application.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Urban Design	Object - Excessive scale, lack of space between buildings and structures and lack of soft landscaping in front gardens and lack of permeable routes through the site has created an overdeveloped feel to the	Noted

Name of Internal Consultee	Comment	Officer Response
	site that is inimical to the established Arcadian character of Wickham Bishops.	
Countryside and Coast Officer	In relation to layout and open space, whilst the proposed development gives generous private gardens to the individual dwellings, there is little or no enhancement in the public realm in either landscape or ecology terms.	Noted
Environmental Health Services	No observations on the reserved matters.	Noted
Tree Officer	No objection to the application but boundary hedge and trees clearly should be protected from the effects of the development.	Noted
Housing Department	This site has the Policy requirement of 40% Affordable Housing Provision which equates to 5.6 units. 0.6 would equate to a commuted sum payment of £70,800. The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the S106 Agreement.	The Affordable housing provision has been included in the Unilateral Undertaking at the outline stage. There is no mechanism to amend this at the Reserved Matters Stage and the provision was policy compliant
Emergency Planner	The site sits within a very low risk flood area - No comment to make in relation to emergency planning.	Noted

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 summarised as set out in the table below:

- Mr Derek Joyce 12 Boars Tye Road Silver End Witham
- Mrs Sara Goodwin 15 Brook Close Great Totham Maldon

- Mr Michael Brangham Romney Great Totham Road Wickham Bishops
- Mrs Madeleine Flowers 12 Hunt Close Feering Colchester

Objection Comment	Officer Response
The developer should ensure the boundary fencing is sufficient to protect the activities at Prances which have been in use for many years.	Noted.
Increase in unwanted visitors to the campsite	Noted.
Campfire could cause offence to the future occupiers of the site	Noted.
A housing development next to the Scout site would take away the outdoor life	Noted.
The archery/rifle range also faces directly into the proposed development	Noted.
Traffic in the road is already an issue with the location of the tennis club, football ground, cricket ground, the school is nearby.	Noted.
The garage on Plot 6 will impact on the flank window at Romney	Noted.

7.4.2 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mr N Court, Mapstones, Maypole Road, Wickham Bishops, Essex

Comment	Officer Response
Please leave a tree in place which provide Mapstones with privacy to the first floor master bedroom. Concerned that the view and privacy will be compromised by this development.	Noted.

8. PROPOSED REASONS FOR REFUSAL

- 1 Wickham Bishops is a settlement that is Arcadian in character with the landscape dominating the appearance of the village with existing development interspersed amongst the landscape. The proposed development as a result of its poor layout, lack of permeability, site coverage, urban form, its unsympathetic design and appearance, the scale and bulk of the development, would lead to the creation of a cramped form of development resulting in an unacceptable impact on the character of the site and surrounding area. The proposed development would be out of character with the distinctive Arcadian context of the surrounding area at this transitional position at this edge of a village location and nearby rural countryside landscape. As such the proposal is contrary to policies S1, S8, D1 and H4 of the Maldon District Local

Development Plan and Government advice contained within the National Planning Policy Framework.