



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
30 October 2017

Application Number	FUL/MAL/17/00988
Location	Land Adjacent 7 Cherry Blossom Lane, Cold Norton, Essex
Proposal	Construction of a detached 3 bedroom bungalow with associated vehicular access, hardstanding and landscaping.
Applicant	Mr Saint
Agent	Mr Young - Local Planning Services
Target Decision Date	22 nd November 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adjacent 7 Cherry Blossom Lane, Cold Norton
FUL/MAL/17/00988



 MALDON DISTRICT COUNCIL <p>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</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	19/10/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is located on the eastern side of Cherry Blossom Lane to the north of no. 7 and it is currently an open grassed field approximately 0.14 hectares in size. The site is bounded by fence and a post and rail gate. A number of structures and domestic paraphernalia were sited at the eastern end of the site at the time of the site visit.
- 3.1.2 Immediately adjacent to the south of the application site is no. 7 Cherry Blossom Lane. The site comprises a gabled roof bungalow, with bow bay windows to the front and its entrance situated to the south elevation. To the north, the site abuts the garden of a dwelling known as Poplars, which is sited further away to the north. To the east, there are established hedges and trees, which are part of a large sized dwelling, the Crown Lodge. To the west of the site is the Cold Norton Village Hall.
- 3.1.3 The dwellings along Cherry Blossom Lane are not uniform in character, which includes a variety of bungalows and two storey houses of varying size, style and design. Furthermore, dwellings are sited on varying sized plots which, towards the north, increase in size, reflecting the semi-rural character of the area. The character to the south, along Cold Norton, is residential of higher density.

Description of proposal

- 3.1.4 Planning permission is sought to erect a detached dwelling with associated off-street parking to front and amenity space to rear at the land to the north of no. 7 Cherry Blossom Lane.
- 3.1.5 The proposed bungalow would have a gabled roof and it would be of a triangular shape. The dwelling would measure 8.6m wide, 14.9m deep, with a maximum height of 5.3m.
- 3.1.6 Internally the dwelling would accommodate three bedrooms, an open plan living/dining room, a kitchen, a bathroom, a WC, and a utility room.
- 3.1.7 Two off-street parking spaces would be provided to the front of the dwelling and the amenity area would be around 845sqm.
- 3.1.8 Materials to be used to the external elevations would include white UPVC windows and doors, Marley Modern Smooth Brown roof and the external walls would be finished in cream monocouche render. The property would be bounded by a 1.8m high fence and the proposed hardstanding would be finished with permeable block paving.

Background of the application

- 3.1.9 An outline planning application (Ref. no.: 13/001172/OUT) for the erection of a detached bungalow and garage was allowed on appeal (Ref. no.: APP/X1545/A/14/2219763), where the Inspector concluded that the site is located

within a sustainable location and there would be no significant harm to the character and appearance of the countryside. The Inspector, therefore, concluded that the site would be a suitable location for housing.

- 3.1.10 The current application has been submitted following the submission of a pre-application request (Ref no.: 17/03130/PREAPP) for the erection of a bungalow, of the same siting and appearance with the current proposal.

3.2 Conclusion

- 3.2.1 The proposed development is located outside the settlement boundary for Cold Norton and thus, is in principle contrary to policies that seek to direct new residential development to established settlements. However, the development was assessed against all the dimensions of sustainability and it is considered that it constitutes sustainable development. Based on the Inspector's findings, the development would infill a parcel of unused land which limitedly contributes to the countryside. Therefore, it is considered that the principle of a residential dwelling in this location is acceptable and the proposal would not result in detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. The development would be, on balance, acceptable in terms of design and impact on the area. No objection is raised to the impact on the residential amenity of the neighbours and the future occupiers. The proposal is not considered to result in a detrimental impact on the highway network and safety. Therefore, the development subject to appropriate conditions is considered to be acceptable.

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 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

4.2 Maldon District Local Development Plan approved by the Secretary of State in July 2017:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport

- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.2 The proposal site is located just outside of the defined settlement boundary of Cold Norton. The proposal is, therefore, contrary to the objectives of Policy S8 of the LDP. Therefore, the impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.
- 5.1.3 As noted above, the site currently forms an open grassed field. Within the appeal decision of the outline planning permission previously allowed on appeal (Application Ref. no.: 13/001172/OUT, Appeal Ref. no.: APP/X1545/A/14/2219763) the Inspector stated that the site is an enclosed parcel of unused land with no notable features or trees other than around its edges. The appeal site makes very little contribution to the visual appearance of the locality. It was further stated that the countryside is not immediately apparent from the site, which is surrounded by a number of residential premises. Thus, the appeal site was not considered to be a sensitive countryside location.
- 5.1.4 The Inspector considered the site to be a vacant plot between properties. Whilst it was accepted by the Inspector that the development would result in a continuous ribbon of development, it was considered that by reason of the large size of the plot and screening from the existing vegetation the impression of sprawl would be avoided. Therefore, on the basis of the Inspector's findings, the development would not compromise the openness of the site and it would not materially harm the character of the countryside.
- 5.1.5 The development, in the immediate vicinity of the site, is predominantly of low density and height and it represents a semi-rural environment. The site within which the proposed bungalow would be located would be large enough (0.14 hectares) to maintain this semi-rural character, given that the size of the footprint of the dwelling would be comparably small with the size of the plot. It is also considered that the

provision of a single storey dwelling in this location would assist in reducing the overall impact of the development on the area.

- 5.1.6 The existence of high dense vegetation to the north and east of the site would reduce the visibility of the site from the countryside. The development would be therefore visible mainly when approaching the site from the southern part of Cherry Blossom Lane and it would be read as part of the built up area within the settlement boundary, rather than the area which sits outside of it.
- 5.1.7 In terms of the sustainability of the proposed development, it is noted that an important element when considering the appropriateness of a residential development is the ability of the future occupiers to access the essential services and facilities through sustainable modes of transport.
- 5.1.8 Although the village of Cold Norton is designated as one of the small villages, it has a number of services and facilities to provide the daily requirements of the future residents, including a primary school, public house and convenience stores. There are also frequent bus services to Chelmsford, Maldon, Southminster and other villages within the District. It is, therefore, considered that the residents of the future occupiers of the proposed dwelling would not be reliant on private vehicles to meet regular day to day needs. Although outside of the defined settlement boundary, the location of the application site, in this particular instance and for the reasons stated above, is considered to be sustainable and it would meet the requirements of the Development Plan policies.
- 5.1.9 In terms of the economic role, the construction of the proposed dwelling would contribute towards the local economy. Albeit minimal, the provision of an additional dwelling would contribute towards the social dimension. However, it is noted that the Council can demonstrate a five year housing supply. The environmental dimension of sustainability, amongst others, relates with the protection and enhancement of the natural and built environment. As noted above, the development would not have a detrimental impact on the natural environment or the countryside. The impact on the built environment and the character of the area, in design terms, is further assessed below, in the relevant section.
- 5.1.10 On the basis of the above, subject to the provision of an acceptable design and giving significant weight to the findings of the Inspector on the now expired 2013 appeal decision, the development is considered to constitute sustainable development in all other aspects.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states 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”.

- 5.2.3 Paragraph 64 also states 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”.
- 5.2.4 This principle of good quality design is reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
 - b) *Height, size, scale, form, massing and proportion;*
 - c) *Landscape setting, townscape setting and skylines;*
 - d) *Layout, orientation, and density;*
 - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
 - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
 - g) *Energy and resource efficiency.*
- 5.2.5 As noted above, Cherry Blossom comprises dwellings and buildings of varying designs, styles and scales. The proposed bungalow would be appropriate in terms of scale and height in relation to the dwellings immediately adjacent to the site and it would be consistent with the scale and positioning of the development in this section of Cherry Blossom Lane.
- 5.2.6 In terms of its external elevations, the dwelling would not match with the design of the neighbouring development; however, given the variety of the built form in the surrounding area, it is not considered that, in this particular instance, reference should be drawn to the detailed design of the adjacent properties.
- 5.2.7 Although it is accepted that the proposed dwelling would not be an exceptional design and the introduction of additional architectural features would have improved the appearance of the proposed dwelling, on balance, taking into account the existing development in the surrounding area, in this particular instance, it is not considered reasonable to recommend refusal of the application on design grounds.
- 5.2.8 Similar to the designs and styles of dwellings, external finishing materials also vary in the surrounding area, including different types and colours of bricks and rendering finished. Therefore, no objection is raised to the proposed finishing materials. However, given the limited level of fenestration to the elevation facing the Cherry Blossom Lane, the introduction of contrasting materials to add some interest to the external elevations is considered necessary. For that reason, the submission of further details of the external finishing materials is recommended to be agreed by condition.
- 5.2.9 No details of refuse storage have been provided; however, it is noted that the property has a large sized garden, which can accommodate refuse bins without adversely impacting upon the appearance of the dwelling.

5.2.10 In light of the above, it is considered that the development would be, on balance, acceptable in terms of its design and impact on the character of the wider area.

5.3 Impact on Residential Amenity

5.3.1 Policies D1 and H4 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.3.2 A minimum of 20 and 23 metres separation distance would be maintained between the proposed dwelling and the south and east boundaries of the application site. This is considered to be a reasonable separation distance to prevent from overshadowing, overlooking and creating an undue sense of enclosure.

5.3.3 Whilst the distance maintained to the northern boundary would be around 1.3m, the site abuts the south garden of the property to the north named Poplars. The dwelling sits an additional 30 metres away from the shared boundary and thus, there would be no adverse impact caused to the residential amenity of the neighbours to the north.

5.3.4 The proposed development, by reason of its location and relationship with the neighbouring dwellings, would not have a greater impact on the amenity of the any other nearby neighbour and it not considered that it would result in unacceptable levels of noise and disturbance from the additional activity caused by the additional dwelling on the road. The impact of the development on the residential amenity is therefore considered acceptable.

5.4 Access, Parking and Highway Safety

5.4.1 The development would be accessed from Cherry Blossom Lane, an unadopted road. Although the site has an existing access and gate, the plans submitted show that the development would involve the formation of a new access centred to the front boundary of the site. The access appears to be wide enough to allow an access which would not result in the obstruction of the shared road.

5.4.2 In accordance with the Maldon District Vehicle Parking Standards, two off-street parking spaces are required to be provided for a three bedroom dwelling.

5.4.3 The proposal would provide ample space to be used for off-street parking. Two side-by-side off-street parking spaces have been shown to the plans submitted, in accordance with the guidance requirements.

5.4.4 Two cycle parking spaces should be provided in order for the development to accord with the requirements of the Maldon District Vehicle Parking Standards. Although no details have been submitted in that respect, it is considered reasonable for these details to be dealt with by condition.

5.5 Private Amenity Space and Landscaping

- 5.5.1 An approximate 854sqm of amenity space would be provided to the future occupiers of the dwelling, which by far exceeds the minimum outdoor amenity space requirements.
- 5.5.2 The proposed dwelling would be large enough to provide a good level of accommodation. All habitable rooms would be provided with an appropriate level of outlook, ventilation and lighting. No objection is therefore raised, regarding the living conditions of the future occupiers.
- 5.5.3 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with by condition.
- 5.5.4 The existing neighbouring boundaries to the north and east of the application site would be retained.

6. ANY RELEVANT SITE HISTORY

History of application site:

- 13/01172/OUT - Single storey bungalow and garage. Application allowed on appeal.
- 17/03130/PREAPP - Construction of 3 bedroom detached dwelling.

Relevant history of neighbouring sites:

Land Between Koombora And Mansfield, Victoria Road

- 13/00695/FUL - Erection of 2 No. three bedroom dwellings and change of land use to C3. Planning permission refused by reason of the impact on the character of the area, lack of survey information to assess any potential impact on protected species and lack of information to assess the potential impact of the proposal on existing trees and hedges.

Land North Of 29 Green Trees Avenue:

- 15/01086/OUT - Outline planning application with all matters reserved for the construction of 7 dwellings with associated off-street parking. Application allowed on appeal.
- 17/00137/OUT - Outline planning application with all matters reserved for the construction of 3 single storey dwellings with associated off-street parking. Planning permission refused due to the impact of the proposal on the character and appearance of the area.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Norton Parish Council	No comments received at the time of writing of the report.	

Name of Parish / Town Council	Comment	Officer Response

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No comments received at the time of writing of the report.	Condition added (08).

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments received at the time of writing of the report.	

It is noted Highways Agency was consulted by mistake for the abovementioned application and raised no objection to the proposal.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No neighbour representation letters have been received at the time of writing of the report.

8. PROPOSED 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).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings LPS357 1.1, LPS357 1.2, LPS357 1.3, LPS357 1.4, LPS357 1.5, LPS357 1.6 AND Location Plan.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 No development shall take place until details of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan.

- 4 No development shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 5 No works or 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 ensure the external appearance of the development is appropriate to the locality in accordance with the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.
- 6 The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.
REASON: To protect the character of the area and the natural environment in accordance with the National Planning Policy Framework and policies D1 and N2 of the approved Maldon District Local Development Plan.
- 7 The development hereby permitted shall not be occupied until details of the vehicle parking, including any parking spaces for the mobility impaired, have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and the vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.

- 8 Prior to the commencement of the development hereby permitted details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority and shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

REASON: To ensure that cycle parking is provided in accordance with the National Planning Policy Framework, policy T1 of the approved Maldon District Local Development Plan and the Maldon District Vehicle Parking Standards.

- 9 Prior to the commencement of the development details of the surface water and 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 prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Local Development Plan.

INFORMATIVES

- 1 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.

2 **Waste Management**

The applicant should 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.

You are also advised that refuse store should be stored to the rear of the property rather than the front.