



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
14 MAY 2018**

Application Number	RES/MAL/17/01474
Location	Land East Of Malone Cottage Maypole Road Wickham Bishops
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	05.04.2018
Case Officer	Yee Cheung 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	This Reserved Matters application was deferred from the last North Western Area Planning Committee on 3 April 2018 to address the issue of the proposed footpath.

1. RECOMMENDATION

APPROVE subject to the conditions 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/17/01474



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 Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee
Date:	01/05/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 This planning application was presented to Members at the North Western Area Planning Committee on Tuesday 3 April 2018 with an officer recommendation to approve the Reserved Matters application subject to conditions. At the planning committee meeting, it was recommended that the application to be deferred as there were concerns regarding the position of the footpath which could lead to security issues to the rear of Plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 if the entrance gate was not secured properly. The Applicant has been given the opportunity to address the footpath issue through the deferral of the application. The revised Site Layout Plan (Drawing No: 0998 09T) submitted has shown the footpath being reduced in length and now serves Plot 11 only.
- 3.1.2 The application site extends to about 1.5ha and is an open field which 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.
- 3.1.3 To the north, north-west and west of the site lies 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.
- 3.1.4 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.
- 3.1.5 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 5 units of affordable housing on site.
- 3.1.6 This planning application is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/15/00267. Access was considered at the outline application stage.
- 3.1.7 In terms of layout, the 14 dwellings are proposed within the site where 5 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, 9 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 9 residential properties fronting north and the 5 residential properties fronting south of the site.

3.1.8 To the rear of Plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, the original Site Layout Plan showed a private footpath proposed which was to be shared between the future occupiers of the site. This private footpath has been amended as shown on Site Layout Plan (Drawing No: 0998 09T) to now serve only residential property Plot 11. The removal of the footpath means that substantial landscaping can be introduced to the rear garden of these properties which will provide a green link which runs in south east - north west direction.

3.1.9 The proposed dwellings would be a combination of 2, 3, 4 and 5 bedroom units in the form of detached and semi-detached two storey dwellings. Out of the 14 dwellings, 9 dwellings (Plots, 1, 2, 3, 4, 5, 6, 7, 8, and 9) would be open market properties and 5 dwellings (Plots 10, 11, 12, 13 and 14) would be affordable housing.

3.1.10 There are seven dwelling types proposed:

3.1.11 Plots 1, 3 and 7 (Open Market)

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.

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

Plot No.	Private Amenity Space (Approx.)
Plot 1	1065 metres squared
Plot 3	410 metres squared
Plot 7	410 metres squared

3.1.12 Plots 2 and 8 (Open Market)

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.

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

Plot No.	Private Amenity Space (Approx.)
Plot 2	565 metres squared
Plot 8	435 metres squared

3.1.13 Plots 4 and 6 (Open Market)

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.

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

Plot No.	Private Amenity Space (Approx.)
Plot 4	425 metres squared
Plot 6	470 metres squared

3.1.14 Plots 5 and 9 (Open Market)

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 12.1 metres wide by 12.3 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.

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

Plot No.	Private Amenity Space (Approx.)
Plot 5	370 metres squared
Plot 9	450 metres squared

3.1.15 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 between 4.9 metres and 5.3 metres. The roof designs of the garage that can be found would be pitched and half-hipped.

3.1.16 Plots 10, 11 and 12 (Affordable Housing)

Plots 10, 11 and 12 forms a two-storey terrace property with a gable end feature to the front elevation of Plot 12. The building measures dwelling measures approximately 16.1 metres wide, 9.3 metres deep with a height of 8.6 metres to ridge level. At ground floor for Plots 10 and 11, there would be a living room, kitchen and a w.c. Two bedrooms and a bathroom are proposed at first floor level. At the ground floor of Plot 12, a kitchen, an open plan dining room / living room, w.c and a hallway is proposed. Three bedrooms and family bathroom is proposed at first floor level. Six

off-street parking spaces are provided and are located directly to the front of the properties.

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

Plot No.	Private Amenity Space (Approx.)
Plot 10	120 metres squared
Plot 11	65 metres squared
Plot 12	130 metres squared

3.1.17 Plots 13 and 14 (Affordable Housing)

Plots 13 and 14 are 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. Four off-street parking spaces are provided and are located directly to the front of the properties.

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

Plot No.	Private Amenity Space
Plot 13	110 metres squared
Plot 14	150 metres squared

3.1.18 This Reserved Matters application is a resubmission following a recent refusal by Reserved Matters application RES/MAL/17/00719. The reason for refusal is set out below:-

‘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.’

3.1.19 The current Reserved Matters application seeks to address the above reason for refusal.

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.

- 3.2.1 It is considered the overall development is a logical extension of the existing linear development along Maypole Road and Great Totham Road. On balance, it is considered that the scheme is an improvement to the previous submission RES/MAL/17/00719 and has addressed the cramped form of development, the degree of spaciousness between properties, site coverage, and the segregation of the five affordable units that are located to the north eastern corner of the site. In this instance, the proposal would accord with Policies S1, S8, D1, H4 and T2 of the Local Development Plan (LDP), the Maldon District Design Guide (MDDG), and the National Planning Policy Framework (NPPF).

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 on 21 July 2017

- 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
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Outline planning permission (reference OUT/MAL/15/00267) was granted on appeal on 8 March 2016 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

- 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 September 2017. 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.

5.3 Housing Mix

- 5.3.1 The proposal would provide nine x four or bedroom dwellings (open market), one x three bedroom dwelling (affordable) and four x two bedroom dwellings (affordable). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50 of the NPPF where it 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*". In this instance, the proposed dwellings would therefore assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. The provision of four x two bedroom dwellings (affordable) would contribute to the identified affordable housing need and would be a material consideration in favour of the proposal. While it is noted that the remainder of the dwellings comprise of three or more bedrooms and would result in the abundance of large market housing (nine) would be contrary to the requirements of Policy H2, it is important to note that no planning conditions or any informative were imposed on the outline planning application OUT/MAL/15/00267 (appeal decision: APP/X1545/W/15/3133309), or included within the S106 legal agreement, it effectively means that Council has no control on the housing mix and therefore the Applicant can determine the housing mix without the need for any approval from the Council. It is clear in planning law that the Council cannot refuse a Reserved Matters approval due to unacceptable housing mix unless a condition has been imposed to require such a matter to be agreed at the Reserved Matters stage. It is therefore considered the Council has to accept the housing mix provided in this Reserved Matters submission.

5.4 Affordable Housing

- 5.4.1 In terms of affordable housing provision, Policy H1 of the LDP states that all housing developments of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.
- 5.4.2 In this current Reserved Matters application, the following affordable housing mix is proposed:-

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

- 5.4.3 As part of the outline planning application, a Unilateral Undertaking was submitted (dated and signed) by the Applicant regarding the provision of 5 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 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 H1 of the LDP and the signed legal agreement which was a material consideration when the Planning Inspectorate determined the appeal.

5.5 Design and Impact on the Character of the Area

- 5.5.1 Policy D1 of the LDP is applicable to the consideration of design. This policy coupled with the 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.
- 5.5.2 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”* and 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”*.
- 5.5.3 In addition to the above, it is also pertinent to note that in December 2017, the Local Planning Authority (LPA) adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also

the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.

- 5.5.4 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.
- 5.5.5 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.
- 5.5.6 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.
- 5.5.7 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.
- 5.5.8 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.
- 5.5.9 In the previous refusal for the Reserved Matters application (RES/MAL/17/00719), the principal concerns were regarding the layout of the dwellings which resulted in the cramped form of development, the degree of spaciousness between properties, site coverage, lack of connectivity across the site, and the segregation of the five affordable units that are located to the north eastern corner of the site. The Urban Design Officer has been consulted and has raised similar concerns as previous regarding the development proposal.

- 5.5.10 The earlier submission showed a communal footpath which would have allowed the future occupiers of the site to gain access through the site onto Great Totham Road to the north and beyond. As concerns were raised regarding the security to the rear of Plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, the Reserved Matters application was deferred from the North Western Area Planning Committee (3 April 2018) for this to be addressed. The revised Site Layout Plan (Drawing No: 0998 09T) shows this communal footpath being reduced in length and now runs between Plots 9 and 10 and to the rear of Plots 10 and 11. This footpath will serve Plot 11 only and will allow the future occupiers of this Plot to take waste / refuse outside the house to the bin collection point and not through the house in accordance with the MDDG. As the footpath has been reduced in length, Essex Police (Designing out Crime) is satisfied as the proposal would now offer adequate security to the rear of the properties.
- 5.5.11 In terms of scale and appearance of the development, the nine detached units (open market properties) are either 4 bedroom or 5 bedroom dwellings with detached garages. The units have not changed in scale, bulk, height, design and appearance. The fundamental change is the amalgamation of the Plots 10, 11 and 12 (affordable units) which has resulted in the formation of a terrace property, but with the design and appearance of a detached dwelling, has allowed more room within the plot, giving the opportunity for the open market dwellings and garages to be repositioned and staggered. This gives the impression of spaciousness when viewed in the street scene which overcomes the issue in relation to the cramped form of development and the spaciousness between each property. Plots 13 and 14 (affordable units) would also have the design, appearance and floor area of a detached dwelling which would result seamless and integrated approach to the private and affordable housing when viewed along Great Totham Road.
- 5.5.12 Policy H2 of the LDP states that wherever possible affordable housing should be located in a way that ensures the homes are integrated with the rest of the development. While it is noted that all five affordable houses are located to the north eastern corner of the site and not policy compliant, it is considered the design and appearance of affordable housing have been designed that is indistinguishable from those built for the open market as already mentioned above.
- 5.5.13 The dwellings proposed range between 7.5 metres and 9.6 metres in height to ridge level. As the dwellings are set back from the highway by about 11 metres and in some cases 28 metres along Maypole Road and Great Totham Road, it is not considered that the height of the dwellings would not appear dominant or out of character when viewed in the street scene or the wider context. Having considered the repositioning of the dwellings and garages and the spaciousness between the plots, it is considered that the development, on balance, has addressed some element in the reason for refusal. The development would therefore accord with policies S1, D1 and H4 of the LDP, the MDDG, and Government advice contain in the NPPF.

5.6 Impact on Residential Amenity

- 5.6.1 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.

- 5.6.2 In the previous application RES/MAL/17/00719, concerns were 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.
- 5.6.3 With regard to the additional traffic top the site, 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.
- 5.6.4 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. Based on the resubmission, it is noted that the Applicant has liaised with Archery GB / Scout Camp and a provisional agreement has been drawn up between the two parties that Moody Homes Ltd would be providing safety netting on the shared boundary. While the design, appearance and height of the safety netting is not shown or being considered in this Reserved Matters application, it is important to note that such netting would require planning permission particularly if it exceeds 2 meter in height.
- 5.6.5 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 habitat room, a condition can be imposed for it to obscure glazed should the application be approved.
- 5.6.6 Concern was previously raised regarding the close proximity of the detached garage at Plot 6 to the existing occupiers at Romney. In this Reserved Matters application (Drawing No: 0998 / 09R), it shows the garage to be positioned between 3 and 5 metres away from the shared boundary with Romney. Further, a 1.8 meter high fence would be erected between Plot 6 and Romney and the roof design has become a pitched roof which means that the impact on the existing occupiers at Romney, particularly with regard to loss of light, would be reduced as the garage roof slopes away from the shared boundary.
- 5.6.7 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.

5.7 Access, Parking and Highway Safety

- 5.7.1 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.

- 5.7.2 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.
- 5.7.3 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 and therefore need not be repeated in this application.
- 5.7.4 The proposal has evolved significantly since the submission of the outline planning permission OUT/MAL/15/00267 which was allowed by the Planning Inspectorate in 2016. In the outline planning permission, a pedestrian / cycle link was shown which provided a link (north - south direction across the site) connecting Maypole Road to Great Totham Road. It is important to note that the original plans considered by the Planning Inspectorate at the time were for illustrative purposes only.
- 5.7.5 Following the above, a revised Site Layout Plan (Drawing No: 0998 09T dated 4 April 2018) was submitted for the Council for consideration. This footpath has now been reduced in length and only serves Plot 11. Essex Police (Designing out Crime) has been consulted in this respect and advised that the proposal offers adequate security to the rear. The gated entry to the footpath for access will need to be fitted with a spring return mechanism to ensure that the gate remains closed. The detail of this gate can be submitted to and approved by the Council should the application be approved.
- 5.7.6 A letter of representation was received concerning the lack of connectivity across the site (north to south direction). While a pedestrian / cycle link was shown in the outline planning permission OUT/MAL/15/00267, it is important to note that the plans considered by the Planning Inspectorate were for illustrative purposes. At present, there is no connectivity across the site or any footway access on the road frontage of Maypole Road for pedestrians to walk along. Therefore it is considered that the use of a new link across the site, if proposed, from Maypole Road and Great Totham Road by the local community could be dangerous and would be of limited benefit to the local community as pedestrians would have to cross Maypole Road, outside Hamara, then onto the site to reach Great Totham Road. As such, the Council considers that the absent of a footpath would be safer to the local community.
- 5.7.7 A meeting was held between the Parish Council and the case officer on 18 April 2018 to discuss the benefits of a footpath across the site (north / south) and providing connectivity to Footpath 13 which connects to the primary school, tennis club, playing field and the doctor's surgery which are located to the northern part of the village. It was also discussed that pedestrians crossing at Maypole Road would be safer than crossing at the multiple junctions at Fiveways Corner. Further, it was briefly discussed that if a footpath was provided across the site, there could be a possibility

that Wickham Bishops Parish Council would be able to adopt it. The case officer advised at the meeting that the Council cannot consider this and can only consider the plans presented in front of them when determining the application.

- 5.7.8 In terms of access and egress for emergency vehicles, the Fire and Rescue Services has advised that the proposal conforms to the Requirement B5 of Approved Document B of the Building Regulations (response dated 3 April 2018) and no objection has been raised in relation to the proposal.

5.8 Private Amenity Space and Landscaping

- 5.8.1 The development proposes two, three, four and five bedroom dwellings. EDG provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The EDG states that 3 or more bedroomed houses should have a private amenity space of at least 100m² and that houses of 1 or 2 bedrooms should have at least 50m². This policy requirement is also reflected in Section C07 'Residential Outdoor Amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. All of the residential dwellings proposed as part of the development would exceed the standard set within the EDG and MDDG.
- 5.8.3 In terms of landscaping, in the previous Reserved Matter submission, the Tree Officer 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.
- 5.8.4 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).
- 5.8.5 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.

- 5.8.6 In this current Reserved Matters application, the Tree Officer has raised concerns in relation to the trees located on the boundary of Plot 14 and that the trees located on the eastern boundary are protected by a Tree Preservation Order. As these issues were not highlighted previously or featured in the a reason for refusal, it is considered that by introducing a new reason for refusal would be unreasonable considering that such issues can be dealt with by carefully worded planning conditions.
- 5.8.7 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 LDP. It is considered that the additional soft landscaping to be introduced onto the site would provide adequate screening to the proposed dwellings and car parking area. On balance, the proposal would accord with policy D1 of the LDP.

5.9 Other Material Considerations

- 5.9.1 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 LDP on natural environment and biodiversity is also applicable.
- 5.9.2 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.

5.10 Planning Balance

- 5.10.1 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.
- 5.10.2 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 LDP which emphasises the need for sustainable development.
- 5.10.3 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.
- 5.10.4 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. The design, appearance, layout

and the position of the affordable housing is considered to be in keeping with the open market dwellings when viewed along Great Totham Road which accords with the NPPF in relation inclusive and mixed community.

5.10.5 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 which would assist in softening the streetscape along Maypole Road and Great Totham Road. This is considered acceptable in accordance with Policy D1 of the LDP.

5.10.6 On balance, it is considered that the development proposal meets the three dimensions to sustainable development when viewed as a whole and is therefore recommended for an approval subject to conditions.

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
- **RES/MAL/17/00719** - 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). Refused: 16.10.2017

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	Noted that the proposal has addressed concerns raised by neighbouring property; the Scouts archery activities. However, the housing mix does not accord with the Wickham Bishops Housing Need Survey; no condition to protect the green link; increased separation of the affordable units from open market houses; no footway	Noted in Sections 3.1, 5.4, 5.6 and 5.7 of the report. Wickham Bishops Parish Council has been re-consulted on 6 April 2018 in relation to the amended Site Layout Plan.

Name of Parish / Town Council	Comment	Officer Response
	<p>from Maypole Road an Great Totham Road; the parking area for the affordable homes would impact on the sensitive rural location</p> <p>Additional comment has been received dated 28 April 2018 stating that the Parish Council is grateful to Moody Homes for their kind offer.</p>	<p>No information has been received by the Council from Moody Homes regarding their kind offer.</p>

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	<p>No objection subject to conditions.</p> <p>ECC Highways has advised in an email correspondence dated 4 April 2018 that the Highway Authority would not adopt any independent footway through sites that are not scheduled for adoption into the network. Based on the Site Layout Plan submitted, the footpath would not be adopted as it only joins onto private land that is not connected to the highway. The Highway Authority would not be able to access the land for maintenance or inspection purposes.</p>	<p>Noted in Section 5.7 of the report</p>
Essex Police (Designing out Crime / Secure by Design)	<p>Following the submission of the revised Site Layout Plan, the proposal would now offer adequate security to the rear of the properties (response dated 11 April 2018)</p>	<p>Noted in Section 5.7 of the report</p>
Essex Fire and Rescue	<p>The proposal conforms to</p>	<p>Noted in Section 5.7.8 of</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Service	the Requirement B5 of Approved Document B of the Building Regulations (response dated 3 April 2018)	the report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Urban Design Officer	Object: This application has not demonstrated that the 14 dwellings with access approved will be sustainable in terms of movement and access and the connections between people and places and inclusive design.	Noted in Section 5.5 of the report
Coast and Countryside Officer	A minimum of a Preliminary Ecological Appraisal should have been submitted	Noted in Section 5.9 of the report
Tree Officer	Need additional information to show how trees would be protected during the course of the development	Noted in Section 5.8 of the report
Environmental Health Services	No further observations on the reserved matters application	Noted comment

7.4 Representations received from Interested Parties

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:

- Sophie Burns, Hamara, Maypole Road, Wickham Bishops, Essex

Objection Comment	Officer Response
The cut through has been removed The plans does not show where the access point on site in relation to existing residential properties	Noted in Section 5.7 of the report

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall accord with that shown on drawings No's 0998/ 01F, 02, 03A, 04, 05D, 07, 08A, 09T, 10C, 11, 13 and 14 which specifically referenced on this decision notice and which forms part this permission.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Maldon District Local Development Plan.
- 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: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 All footways should be provided at no less than 2.0m in width.
REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.
- 5 No development shall take place, including any ground works or works of demolition until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilities
- REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan.
- 6 Prior to the first occupation of Plot 1 hereby permitted, the first floor window in the south eastern flank elevation serving the en-suite shall be glazed with opaque glass shall be retained as such thereafter.
REASON: To protect the amenity of the neighbouring residential property in accordance with policy D1 of the Maldon District Local Development Plan
- 7 Prior to the first occupation of Plot 14 hereby permitted, the first floor window in the south eastern flank elevation serving the landing shall be glazed with opaque glass shall be retained as such thereafter.
REASON: To protect the recreational area located to the south eastern boundary of the site in accordance with policy D1 of the Maldon District Local Development Plan
- 8 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 ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 9 Prior to any works carried out to the hedge or the removal of the hedge alongside the highway boundary (Maypole Road and Great Totham Road), a method statement setting out measures for the removal, storage and replanting of the hedge shall be submitted to and approved in writing by the Local Planning Authority. Its details shall include the planting of at least 3 hedgerow trees which shall be container grown standard English oaks. This planting scheme shall include the time of planting, the quantity and size of plants, method of planting, mulching, staking etc. and aftercare. The development shall be carried out in accordance with the approved details. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, or in the case of any part of the hedgerow, that part of it, or any part planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedgerow plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

REASON: To protect the visual amenity of the area in accordance with Policies D1 and N2 of the Maldon District Local Development Plan.

- 10 Details of the gate entrance hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved and retained as such thereafter.

REASON: To ensure that adequate security is being provided within the site in accordance with Policy D1 of the Maldon District Local Development Plan

INFORMATIVE

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.
- 2 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.
- 3 The Applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - i. No waste materials should be burnt on the site, instead being removed by
 - ii. licensed waste contractors;
 - iii. No dust emissions should leave the boundary of the site;
 - iv. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - v. 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.
- 4 Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.
- 5 Please note that the provision of a safety netting or a bund on the south eastern boundary of the site shared with the Archery GB / Scout Camp would require planning permission.