**REPORT of INTERIM HEAD OF PLANNING SERVICES**

to

**NORTH WESTERN AREA PLANNING COMMITTEE**

3 APRIL 2017

<table>
<thead>
<tr>
<th>Application Number</th>
<th>FUL/MAL/16/01495</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Land Opposite 18 Handleys Lane Wickham Bishops Essex</td>
</tr>
<tr>
<td>Proposal</td>
<td>Redevelopment of the site to provide 5 residential units including (5x5 bed units) with associated soft landscaping and shared access from Handleys Lane</td>
</tr>
<tr>
<td>Applicant</td>
<td>Marden Homes Ltd</td>
</tr>
<tr>
<td>Agent</td>
<td>Miss Georgia Barrett - RPS CgMs</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>3 March 2017</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Yee Cheung, TEL: 01621 876220</td>
</tr>
<tr>
<td>Parish</td>
<td>WICKHAM BISHOPS</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Member Call In Departure from the Local Plan</td>
</tr>
</tbody>
</table>

1. **RECOMMENDATION**

   **APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. **SITE MAP**

   Please see overleaf.
3. **SUMMARY**

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The planning application seeks to construct five houses with associated off-street parking and associated garages on land to the north west of Handley’s Lane just outside the defined settlement boundary of Wickham Bishops as shown on the Maldon District Replacement Local Plan Proposals Map Inset 27 and in the Local Development Plan Proposals Map (Map Number 1 of 4). The application site is an open field and is enclosed by existing trees, hedgerows, closed boarded fence, trellis and post and rail fencing. The site area is approximately 0.98 hectare and is occupied by two stable buildings.

3.1.2 Handley’s Lane is a narrow residential street leading north-eastwards from the main road, The Street, at the north-eastern edge of the main built up area of Wickham Bishops. Handley’s Lane becomes a track and immediately to the north east side of the access point, the track becomes a bridleway and footpath leading to Kelvedon Road and Beacon Hill. Much of the existing residential dwellings in Handley’s Lane appears to be of origin, including a small estate known as Poney Chase to the north west off Handley’s Lane, and several houses along the south-eastern side of the road.

3.1.3 The application seeks to construct five dwellings within the site. The proposed dwellings would be positioned in a cul-de-sac arrangement within the plot. Each dwelling would have off-street parking and substantial garden area.

3.1.4 For ease of reference, the floor area of each dwelling is recorded below:-

<table>
<thead>
<tr>
<th>Plot</th>
<th>Approximate Floor Area m$^2$ of each dwelling</th>
<th>Approximate Floor Area m$^2$ of each garage</th>
<th>Approximate garden area m$^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>369 square metres</td>
<td>93 square metres</td>
<td>1,000 square metres</td>
</tr>
<tr>
<td>2</td>
<td>320 square metres</td>
<td>54 square metres</td>
<td>980 square metres</td>
</tr>
<tr>
<td>3</td>
<td>339 square metres</td>
<td>54 square metres</td>
<td>720 square metres</td>
</tr>
<tr>
<td>4</td>
<td>349 square metres</td>
<td>60.1 square metres</td>
<td>600 square metres</td>
</tr>
<tr>
<td>5</td>
<td>372 square metres</td>
<td>54 square metres</td>
<td>2,000 square metres</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Floor Area: 1749 square metres</strong></td>
<td><strong>Garage Floor Area: 315.1 square metres</strong></td>
<td><strong>Total garden area: 4,300 square metres</strong></td>
</tr>
</tbody>
</table>

3.1.5 It is proposed that the external materials to be use in the construction of the dwellings would be soft red facing brickwork, timber boarding and render. Clay plain tiles (burnt brown / red colour) would be used for the roof. All joinery would be in softwood. No material details have been submitted for the garages.

3.1.6 The vehicular and pedestrian access point to the site would be via Handley’s Lane, just before the track becomes a bridleway and footpath which leads to Kelvedon Road and Beacon Hill to the north east.
3.2 **Conclusion**

3.2.1 Taking into account the above, this site would be assessed in accordance to a presumption in favour of sustainable development having regard to the other policies in the framework, the adopted local plan and the Local Development Plan.

3.2.2 The proposed dwellings would be located outside of a defined settlement boundary of Wickham Bishops, but immediately next to existing residential properties to the south west of Handley’s Lane and Poney Chase, Beech Green to the north west and Tiptree Road to the north. The development would be in close proximity to the village which provides for some community facilities and public transport options. The scale, height, design and appearance of the new dwellings would commensurate with dwellings in Wickham Bishops. The cul-de-sac arrangement within the site would also be in keeping with the prevailing pattern of development at Poney Chase, Beech Green and The Warrens when viewed at a wider context. In addition, the proposed dwellings would provide for sufficient amenity space and car parking provision for the future occupiers of the site in accordance with adopted Development Plan Policies. On balance, the development proposal is considered to be acceptable subject to conditions.

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, 56, 57, 60, 109

4.2 **Maldon District Replacement Local Plan 2005 – Saved Policies:**
- S2 – Development Outside Settlement Boundaries
- BE1 – Design of New Development and Landscaping
- CON5 – Pollution Prevention
- CC6 – Landscape Protection
- H1 – Location of New Housing
- H6 – Density of Housing
- H9 – Affordable Housing
- T1 – Sustainable Transport and Location of New Development
- T2 – New Infrastructure in New Development
- T8 – Vehicle Parking Standards
- PU1 – Provision of Education Facilities

4.3 **Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**
- S1 – Sustainable Development
- S7 – Prosperous Rural Communities
- S8 – Settlement Boundaries and the Countryside
- D1 – Design Quality and Built Environment
4.4 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 The development proposal seeks to construct five dwellings with associated off-street parking and turning areas within the site. A vehicular and pedestrian access point would be created off Handley’s Lane.

5.1.2 The proposal lies outside of the settlement boundary as defined by the adopted Local Plan and the Local Development Plan, the development proposal is therefore considered contrary to Development Plan Policies in principle.

5.1.3 The above would lead onto the Council’s current position on the Five-Year Housing Land Supply. In August 2016, the Council published the latest Policy Advice Note regarding the Council’s current status on the Five-Year Housing Land Supply 2015 / 16 August 2016. The Council’s position is that decision makers should give weight to relevant policies in emerging plans, in this instance of the Maldon District Local Development Plan (2014 - 2029), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the Framework. The more advanced the stage of preparation, the greater the weight can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given in accordance with Paragraph 216 of The National Planning Policy Framework.

5.1.4 The Council considers that the current status of the Maldon District Local Development Plan (2014 - 2029) is at its advanced stage and therefore considerably weight can be given to policies S1, S2, S3, S4, S5, S6, S7, S8, H1, H2, H3, I1 and I2 contained within this emerging plan.

5.1.5 Further, since the submission of this application, the Secretary of State informed the Council on 6 March 2016 that he has carefully considered the Planning Inspector’s
analysis and conclusions and disagreed with his interim findings set out in his letter of 8 May 2015.

5.1.6 In light of this letter from the Secretary of State, the Council considers that this is material consideration it should therefore be given significant weight when determining all planning applications, particularly with regard to the Council’s current position on the Five Year Housing Land Supply, the latest evidence to be used for the Full Objectively Assessed Need for Housing, and the weight to be afforded to the status of the Local Development Plan. In this instance, it is considered that the proposed development fails to accord with policies S1, S2, S8, H1, H2 and I1 of the Maldon District Local Development Plan (2014-2029).

5.1.7 Policies S1 and S8 of the Maldon District Local Development Plan seeks to channel new residential development into the most appropriate site, within the district and to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Initially, any development proposals should be directed within the defined village settlement boundaries to ensure no demonstrable harm occurs unless material consideration indicates otherwise.

5.1.8 The above policies should also be read in conjunction with Policy S2 of the adopted Maldon District Replacement Local Plan (2005) where it states development outside development boundaries defined in the local plan, the coast and countryside, will be protected for their own sake, particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. The application site lies outside the development boundary where this rural planning Policy S2 restraint applies.

5.1.9 The application site lies to the north of Handley’s Lane and is adjacent to the settlement boundary of Wickham Bishops as shown on the Maldon District Replacement Local Plan Proposals Map Inset 27 and in the Local Development Plan Proposals Map (Map Number 1 of 4).

5.1.10 In recent appeal decisions, Planning Inspectors have noted Wickham Bishops and Great Totham to have a good supply of services and facilities with playing fields, a school, shops, garages a post office and other facilities within reasonable walking distances. As the future occupiers of the site could potentially walk to services and facilities as outlined above, in this respect the site location is considered to be broadly sustainable and in compliance when determined against the NPPF.

5.2 Affordable Housing

5.2.1 Paragraph 50 of the NPPF provides support for boosting the supply of all types of housing, including affordable housing. Saved policy H9 of the adopted local plan, and policy H1 of the Local Development Plan (LDP) provide thresholds for the provision for both on and off site affordable housing.

5.2.2 Policy H1 of the LDP is based upon an evidence base which requires Affordable Housing provision on – “All housing developments that provide a gross of five or more homes, or comprise an area of 0.5 hectares or larger 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”.

5.2.3 The Local Development Plan (LDP) requires 40% affordable social housing provision. Paragraph 216 of the National Planning Policy Framework (NPPF) states that decision takers may give weight to emerging plans according to the stage of preparation of the emerging plan, the more advanced the preparation, the greater the weight that may be given. As a submitted Plan currently being considered by the Secretary of State, the LDP is at an advanced stage of preparation. The Council is therefore now seeking to implement the affordable housing requirements contained with the LDP. In addition to this policy with regards to affordable housing provisions, it is important to note that a recent Court of Appeal decision dated 11 May 2016 has restored a government policy which means affordable housing contributions would only affect large residential development schemes, while smaller sites of 10 homes or fewer would be able to start work on sites without facing charges that could prevent developers from building at all. The national threshold of ten units or fewer (and a maximum combined gross floor space of no more than 1,000 square metres) means that affordable contribution should not be sought.

5.2.4 The total floor area for the five dwellings in this current scheme is approximately 1,749 square metres. The floor area of the garage is approximately 315.1 square metres. As such, it was requested that affordable housing would need to be provided within the site.

5.2.5 The Housing Department has liaised with the Applicant and it has been agreed that the provision of on-site affordable housing would not feasible as a Registered Provider would not accept the type of units on a scheme like this. In order to address the issue for the provision of affordable housing on this site, it has been calculate that the offer of a Commuted Sum of £240,000 would be acceptable to the Council as it reflects the uplift in what was previously offered which is in line with Full Council’s approval of the report on Commuted Sums agreed on 17 December 2015. This sum would be accepted in lieu of providing affordable housing on site.

5.2.6 Having considered the above, it is considered that the Commuted Sum would meet the policy requirement of Policy H1 of the Local Development Plan. A Section 106 legal agreement would be prepared between the Applicant and the Council should the application be approved.

5.3 Design and Impact on Character and Appearance of the Area

5.3.1 The NPPF advises at Paragraph 56 states that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people’. Such design principles are encapsulated by Local Plan policy BE1 that seeks to ensure new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and harmonises with the character of the area in which it is located. It should be noted that design is not just about how buildings will appear visually but how buildings function and relate to their surroundings, and with regard to sustainable development. This is also reflected in policy CC6 which seek to protect the character and appearance of areas outside of defined settlements. Policies D1 and N2 of the
Local Development Plan carry such policy considerations into the future plan for the District in order to reflect the requirements in the NPPF.

5.3.2 The application site is located to the north of Handley’s Lane, and is adjacent to the defined settlement boundary of Wickham Bishops and adjoins a larger site to the north. The site is enclosed by an established soft landscaping on the northern and south eastern boundary as well as timber closed boarded fencing, trellis and post and rail fencing. Existing dwellings at Tiptree Road, Beech Green and Handley’s Lane backs and flank along the shared boundary with the site to the south west and north west and are positioned informally due to their small cul-de-sac arrangement. It is noted that the site is currently used as an open field / grazing land and there are two wooden stable buildings on site, one located near the entrance to the site and the other located to the north eastern boundary of the site.

5.3.3 Access and egress for all vehicles would be via Handley’s Lane off the main road ‘The Street’. Handley’s Lane also serves existing residential properties at Poney Chase. The proposed development shows a pedestrian and vehicular access point just off Handley’s Lane which will be shared, not only with the prospective occupiers of the site, but existing residential properties along the lane.

5.3.4 It is acknowledged that the development proposal would inevitably change the appearance of the site and would result in some impact on the character and appearance of the wider rural area outside of the defined settlement boundary. However, due to the established soft landscaping (trees and hedges) on the northern and south eastern boundary of the site, it gives a strong indication that the development of this site would not encroach onto land beyond the trees and hedges to the northern part of the site. As such, whilst the development would result in urbanisation of the site, the development would not lead to a demonstrable erosion of the countryside, and that the development would respect and respond to the prevailing pattern of development, to the south west and north west. The development would result in a stop to development leading from the settlement, northwards preventing further expansion by the established soft landscaping.

5.3.5 Due to the prevailing pattern of development as the site is bounded by existing landscaping and residential properties, it is considered that the proposal would have only a limited impact on the wider setting of the village and would not appear as a significant outward extension of development into the open countryside as this is restricted by the strong hedgerow and trees on the northern boundary of the site. Ultimately, these existing landscape features would have to be protected and this can be dealt with by appropriately worded planning conditions.

5.3.6 Based on the Drawings submitted, it appears that the proposed development, on balance, would not cause unacceptable harm to the character and appearance of the area. The proposal would therefore not conflict with policies BE1 and CC6 of the adopted local plan which seek to ensure that the design of new development is compatible with the character of its surroundings and to avoid harm to the character and appearance of rural landscapes. The proposal would also be consistent with the objective of the Framework, as set out in Paragraph 58, of ensuring that development responds to local character and reflects the identity of its surroundings.
5.4 Effect upon Neighbouring Properties

5.4.1 Policy BE1 of the adopted local plan and Policy D1 of the Local Development Plan seeks to ensure good design for new development proposals. These policies also encompass the need to ensure the protection of neighbouring amenity.

5.4.2 In terms of protecting the neighbouring residential amenity there would remain a reasonable distance between Plot 1 and No. 11 Handley’s Lane (approximately 7.5 metres), No. 4 and 5 Beech Green (between 25 and 30 metres away from the shared boundary). Reasonable distance between Plot 5 and No. 18 Tiptree Road, Oak House, No. 20 and 22 Tiptree Road (between 15 and 25 metres away from the shared boundary). In this instance, the proposal would meet the requirement as contained within the Essex Design Guide where it recommends that new dwellings should be set back at least 15 metres from the shared boundary with existing houses. In this respect, the proposal would accord with policy BE1 of the adopted local plan and policies S1, D1 and H4 of the Local Development Plan.

5.4.3 It is noted that no first floor windows, except for roof lights, are proposed on the south western flank wall of Plot 1. As such, there would be no overlooking, interlooking and loss of privacy to the existing occupiers at No. 11 Handley’s Lane.

5.4.4 Two first floor windows are proposed on the south western flank wall of Plot 5. As these windows serve a dressing room and an en-suite, a condition can be imposed to ensure that the development would not directly impact on the existing occupiers at No. 5 Beech Green with regard to overlooking at loss of privacy.

5.5 Access, Parking and Highway Safety

5.5.1 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four or more bedroom require a maximum of three parking spaces. The layout of the dwellings and associated garages has been provided in support of this planning application and it appears the plot can accommodate this level of off-street parking requirement. In this respect, the proposal would accord with policy T8 of the adopted local plan and policy T2 of the Local Development Plan.

5.5.2 Based on the amended Drawings submitted 16116-05A, 16116-05 and 16004-02D, it is understood that a vehicular and pedestrian access point would be formed off Handley’s Lane to facilitate the development proposal. Immediately next to this access point, to the north west, Handley’s Lane becomes a byway / public footpath. The High Authority has assessed the information and has raised no objection to the proposal subject to conditions.

5.5.3 With regard to larger vehicles entering and leaving the site i.e. waste collection, the Waste Management Team has been consulted and advises that there is no objection in principle as there will be an appropriate turning area proposed within the site. There were concerns regarding the type of hard-surfacing materials to be used for the turning area. This can be dealt with by condition. For fire and rescue purposes, this will be dealt with under Building Regulations.
5.5.4 Concerns have been raised regarding the development and its impact on the footpath immediately to the north east of the access point. The Public Footpath Officer has advised that the public’s rights and ease of passage over this footpath / byway shall be maintained free and unobstructed at all times.

5.6 Private Amenity Space and Landscaping

5.6.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for dwellings with four bedrooms or more, at least 100 square metres of amenity space should be provided. Policy BE1 of the adopted Local Plan and Policy D1 of the Local Development Plan indicate the need for amenity space in new development and this must be useable.

5.6.2 Based on the Site Layout Plan submitted, it appears that the garden sizes for each proposed dwelling would be in excess of the minimum standards. This is considered an important part of the development due to its location and its relationship with the surrounding area where there are existing built development to the north, south west and north west, and an open field to the north east. In this respect, the proposal would meet policy requirement contained within policy BE1 of the adopted local plan, policy D1 of the Local Development Plan and The Essex Design Guide.

5.6.3 In terms of landscaping, the Tree Officer was consulted during the process of the application having regards to the protected trees on the southeast boundary which are protected by Tree Preservation Order (TPO 9/89). The level of information presented by the Applicant in support of the application is considered minimal at this stage. The Tree Officer has advised that should the application be approved, a planning condition is to be imposed to ensure that the trees are protected during the course of the development.

5.6.4 With regard to the future management and maintenance of the wildlife ponds proposed within the site, this can be dealt with either by a planning condition or alternatively be secured within the legal agreement.

5.7 Flood Risk

5.7.1 The application site is approximately 0.98 hectare in site area, as such Essex County Council’s Sustainable Urban Drainage System (SUDs) Team was consulted as part of the application process. The SUDs Team has advised that the proposal is considered to be minor development scheme and therefore will not be providing any surface water comments on the site. The Emergency Planner has no comment to make on this application as it is not in an area of flood risk.

5.7.2 The Council’s Environmental Health Services has raised no objection to the proposal subject to conditions relating to surface water drainage and foul drainage scheme to be imposed should the application be approved.

5.8 Ecology

5.8.1 An ecology report was submitted as part of the application submission. The Coast and Countryside Officer has assessed the content of the report and advised that it is
brief and therefore is not of best standard. The application should therefore be refused. Whilst this is the case, it is noted that in recent Appeal Decisions, Planning Inspectors tend to impose planning conditions that no development, including the clearance of the site, shall commence prior to the submission of a detailed ecology report. In this respect, it is considered that to refuse the development proposal on the basis of a brief ecology report would be unreasonable and may be difficult to sustain on appeal.

5.8.2 Natural England has been consulted and has no comments to make to the application.

5.9 Other Material Considerations

5.9.1 The Council is fully aware that there is a planning application which is currently pending consideration to the north east of this application site for the development of up to 15 houses (reference: OUT/MAL/17/00028). Each planning application is considered on its own merits and it is important to note that the outcome of this application should not prejudice the outcome of the development proposal on the adjacent site.

6. ANY RELEVANT SITE HISTORY


7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

<table>
<thead>
<tr>
<th>Name of Parish / Town Council</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
</table>
| Wickham Bishops Parish Council | • The location was outside the development boundary.  
• Similarities to an application for five new dwellings on paddock land at the end of a rural lane ‘Crabbs Farm’, Back Lane FUL/MAL/14/01192’ which was refused at appeal for the harm it would do to the appearance and character of the surrounding countryside.  
• No need for large family housing | Points noted and addressed in the report. |
<table>
<thead>
<tr>
<th>Name of Parish / Town Council</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Designs are out-of-keeping with the Handleys Lane properties.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sufficient housing available in the Snows Corner development and the 14 dwellings planned next to Malone Cottage, Maypole Road.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The bridleway and public right of way is popular with pedestrians and cyclists and the development would be expected to contribute negatively to public enjoyment and safety.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Narrow road - Unable to accommodate passing cars and provides no pedestrians footways and is unsuitable for additional traffic.</td>
<td></td>
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<tr>
<td></td>
<td>Protected wildlife and the loss of public amenity the proposal would bring</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Proposal would result in the coalescence of the distinct settlement areas of central Wickham Bishops and the Kelvedon Road ribbon development.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lack of capacity at the local school and Surgery.</td>
<td></td>
</tr>
</tbody>
</table>
### 7.2 Statutory Consultees and Other Organisations (summarised)

<table>
<thead>
<tr>
<th>Name of Statutory Consultee / Other Organisation</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anglian Water Services</td>
<td>No objection as this is not a major development of more than 10 houses.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Essex and Suffolk Waters</td>
<td>No objection to the proposal.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Essex County Council (ECC) Highway Authority</td>
<td>No objection subject to conditions and informative.</td>
<td>Noted in Paragraph 5.5.2 of the report.</td>
</tr>
<tr>
<td>ECC SUDs Team</td>
<td>This application is considered minor and therefore the SUDs Team will not be providing surface water comments on the site.</td>
<td>Noted in Paragraph 5.7.1 of the report.</td>
</tr>
<tr>
<td>Essex County Fire and Rescue Services</td>
<td>More detailed observations on access and facilities for the Fire Service will be considered at Building. Regulation consultation stage.</td>
<td>Noted in Paragraph 5.5.3 of the report.</td>
</tr>
<tr>
<td>Public Footpath Officer</td>
<td>The public’s rights and ease of passage over Byway No.10 (Wickham Bishops) shall be maintained free and unobstructed at all times.</td>
<td>Noted in Paragraph 5.5.4 of the report.</td>
</tr>
<tr>
<td>Education Department</td>
<td>No comment has been received at the time of writing this report. Any comments received will be reported on the Members’ Update.</td>
<td></td>
</tr>
<tr>
<td>Emergency Planner</td>
<td>No comment to make in relation to Emergency planning.</td>
<td>Noted in Paragraph 5.7.1 of the report.</td>
</tr>
<tr>
<td>Natural England</td>
<td>Natural England has no comments to make on this application.</td>
<td>Noted in Paragraph 5.8.2 of the report.</td>
</tr>
</tbody>
</table>

### 7.3 Internal Consultees (summarised)

<table>
<thead>
<tr>
<th>Name of Internal Consultee</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health Services</td>
<td>No objection subject to conditions relating to surface water drainage and foul drainage scheme to be imposed.</td>
<td>Noted in Paragraph 5.7.2 of the report.</td>
</tr>
</tbody>
</table>
### 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:

- Jean Byford, 14 Handleys Lane, Wickham Bishops, Essex
- Sarah Connelly, Bowlers End, 28 Church Road, Wickham Bishops Witham
- Mr Mitchel Cokien, 31 Kelvedon Road, Wickham Bishops, Witham, Essex
- David Rolfe, 12 Handleys Lane, Wickham Bishops, Essex
- Marion Rolfe 12 Handleys Lane Wickham Bishops Essex
- M E Brangham, Romney, Gt Totham Road, Wickham Bishops
- Mrs Alessandra Aldis, 3 Perryfields, Kelvedon Road, Little Braxted
- Julia Santomauro, Cob Cottage, 14 The Street, Wickham Bishops
- Mrs PM Brown, 5 Beech Green, Wickham Bishops
- P J Brown, 5 Beech Green, Wickham Bishops
- Peter Mickelsen Beacon Hill Rovers FC, Wickham Bishops, Essex
- David Gilfillan, Lemon Tree Cottage, 9 Handleys Lane, Wickham Bishops
- Helen Gilfillan, Lemon Tree Cottage, 9 Handleys Lane, Wickham Bishops.
- Graham Spearman, Oak House, 18A Tiptree Road, Wickham Bishops, Witham
- Nick Smith, Canters, 2 Poney Chase Wickham Bishops Essex
Mrs Nicola Smith Canters 2 Poney Chase Wickham Bishops
Judy Elliston, 3 Handley’s Lane, Wickham Bishops
Mrs Louisa Stacey, Lemon Tree Cottage, 9 Handleys Lane, Wickham Bishops
Mrs. R. Pink, 10 Handleys Lane, Wickham Bishops
Barry Drabwell 3 Handley's Lane, Wickham Bishops, Essex
Chris Ignatowicz. 6, Handley’s Lane Wickham Bishops, Essex
Mrs Gillian Ignatowicz. 6, Handley's Lane Wickham Bishops, Essex
Gordon Freeman, 5 Handley’s Lane Wickham Bishops, Essex
David Pearce, 16 Rennie Walk, Heybridge, Maldon, Essex
Sue Simonson 6 Poney Chase Wickham Bishops, Essex
Pauline Royden and Graham Clare, 18 Handley’s Lane, Wickham Bishops
Mrs Kay Soudah, Lambourne, Kelvedon Road, Little Braxted
Gerard Harvey 5 Poney Chase Wickham Bishops Essex
R J Banwell, 18 Tiptree Road, Wickham Bishops
Mrs N Harvey 5 Poney Chase Wickham Bishops Essex
Mr and Mrs Bright, 4 Bishops Place, The Street, Wickham Bishops, Essex
Dr Joanne Hopcroft, Orchard Cottage, 11 Handleys Lane, Wickham Bishops
David Simonson, 6 Poney Chase Wickham Bishops Essex
Mr Elliot Stafford, Orchard Cottage, 11 Handleys Lane, Wickham Bishops
Mrs. Sophie Burns Hamara Maypole Road Wickham Bishops, Essex
Peter Crane 4 Poney Chase, Wickham Bishops, Witham
Wendy Clark 8 Handleys Lane, Wickham Bishops
George Stafford Orchard Cottage 11 Handleys Lane Wickham Bishops Essex
Gary Stafford Orchard Cottage, 11 Handleys Lane Wickham Bishops, Essex
Mrs Luck 15 Kelvedon Road, Wickham Bishops, Essex
Mrs Gilbey 3 Tarragon Close, Tiptree, Colchester, Essex
Mrs Mel Baldwin 2 Handleys Lane, Wickham Bishops, Witham, Essex
John and Francesca Watten Lizida, Witham Road, Wickham Bishops
David Gladman Wickham Wells 26 Tiptree Road Wickham Bishops Witham
Mr Michael Culver 4 Beech Green, Wickham Bishops, Witham, Essex
Julia Lansdell 61 Kelvedon Road Wickham Bishops, Essex
J R Dixon 16 Handleys Lane, Wickham Bishops, Witham, Essex
Jan Rochester 24 Holt Drive Wickham Bishops, Essex
Geraldine Spearman Oak House 18A Tiptree Road Wickham Bishops
<table>
<thead>
<tr>
<th>Objection Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside development boundary.</td>
<td></td>
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<tr>
<td>This is not an infill development.</td>
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<tr>
<td>Handleys Lane is a narrow single file road, without a footpath, with the only passing point at the junction with Poney Chase.</td>
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<tr>
<td>Increase in traffic would hinder emergency services.</td>
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<tr>
<td>Handleys Lane is well used by pedestrians and the development would impact on dog walkers, ramblers, cyclists, joggers and local residents accessing the village shops from Kelvedon Road which will have health and safety implications in the absence of a footpath.</td>
<td></td>
</tr>
<tr>
<td>The Planning Statement contains many errors. This includes the number of bus services, trees to be felled, footpaths etc.</td>
<td></td>
</tr>
<tr>
<td>Construction traffic would impact on highway safety.</td>
<td></td>
</tr>
<tr>
<td>Impact on wildlife.</td>
<td></td>
</tr>
<tr>
<td>Flooding on site - The water flows from the proposed sites in an easterly direction across a culvert in Handley’s Lane bridle way onto the sports fields behind the Cricket Scorers hut and then across the football pitches to Rainbow Path and onwards to Kelvedon Road.</td>
<td>Noted in Paragraphs 3.1.1, 5.2.5, 5.3.4, 5.3.5, 5.5.2, 5.7.1 and 5.8.1 of the report.</td>
</tr>
<tr>
<td>The local school is at its capacity.</td>
<td></td>
</tr>
<tr>
<td>The surgery is not accepting new patients.</td>
<td></td>
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<tr>
<td>Visual impact on the character and appearance of the area.</td>
<td></td>
</tr>
<tr>
<td>Danger at the junction with Handleys Lane and The Street.</td>
<td></td>
</tr>
<tr>
<td>Out of scale and character in term of its design and appearance compared with properties in the vicinity.</td>
<td></td>
</tr>
<tr>
<td>The development is contrary to the Wickham Bishops Village Statement.</td>
<td></td>
</tr>
<tr>
<td>Loss of privacy to existing residential properties.</td>
<td></td>
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<tr>
<td>Loss of view.</td>
<td></td>
</tr>
<tr>
<td>Transport Statement compares the village with a large town.</td>
<td></td>
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<tr>
<td>Loss of green belt.</td>
<td></td>
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<tr>
<td>Construction vehicles would damage and block the road.</td>
<td></td>
</tr>
<tr>
<td>Little demand for such large dwellings.</td>
<td></td>
</tr>
</tbody>
</table>
The size of dwellings proposed will not meet the housing shortage as they are not starter homes of affordable homes.

Strong landscaping will not prevent further expansion into the countryside – see planning application OUT/MAL/17/00028.

No provision of affordable housing.

No evidence that there is a need for 5 bed houses.

Properties would be too expensive for young people.

Urban sprawl.

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

- Ernest Locke, 7 Handleys Lane, Wickham Bishops, Essex

<table>
<thead>
<tr>
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<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not supporting or objecting to the proposal. The proposed development would generate a mass of heavy traffic over an already distressed lane and in particular on some of the unmade up edges and there is a real risk of substantial damage being caused to it.</td>
<td>Noted comment.</td>
</tr>
</tbody>
</table>

8. **PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- To provide the commuted sum of £240,000 in lieu of the provision of affordable housing on site.

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. **REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice. **REASON:** To ensure that the development is carried out in accordance with the details as approved.

3. No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing.
by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

**REASON:** To ensure the external materials to be used in the construction of development is appropriate to the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

**REASON:** To ensure the external materials to be used in the construction of development is appropriate to the character and appearance of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

5 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme’s implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

**REASON:** To protect the visual amenity and the character and appearance of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

6 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required;
- Trees to be retained;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural Impact Assessment;
• Arboricultural method statement (including drainage service runs and construction of hard surfaces).

In pursuant of Condition 6, the protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved details.

**REASON:** To protect the existing trees on site, the visual amenity and the character and appearance of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

7 Prior to the occupation of any of the proposed dwellings, the access / connection to Handleys Lane, internal layout and vehicular visibility splays shall be provided in precise accord with the additional drawings numbered 16116-05A, 16116-05 and 02d.

**REASON:** To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy T2 of the adopted Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

8 Prior to occupation of the proposed development, details showing the proposed means of preventing the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in accordance with Policy T2 of the adopted Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

9 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

**REASON:** To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T2 of the adopted Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

10 Prior to final occupation of the proposed development, the communal recycling/bin/refuse collection points / presentation areas shall be provided in accordance with the details shown on the Drawings numbered 16116-05A, 16116-05 and 02d.

**REASON:** To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy T2 of the adopted Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
11 Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed and shall be provided with an appropriately constructed connection to Handleys Lane to the specifications of the Highway Authority.
**REASON:** To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy T2 of the adopted Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

12 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
**REASON:** To ensure that the surface water drainage scheme to serve the development is acceptable in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

13 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
**REASON:** To ensure that the foul drainage scheme to serve the development is acceptable in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

14 The garages hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.
**REASON:** To protect the residential amenity of the neighbouring properties in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

15 Prior to the first occupation of the Plot 1 hereby permitted, the two first floor windows in the south west elevation serving bathroom and an en-suite shall be glazed with opaque glass and shall be retained as such thereafter.
**REASON:** To protect the residential amenity of the neighbouring property in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

16 Prior to the first occupation of the Plot 5 hereby permitted, the two first floor windows in the north west / rear elevation serving bathroom and an en-suite shall be glazed with opaque glass and shall be retained as such thereafter.
**REASON:** To protect the residential amenity of the neighbouring property in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

17 No development shall take place, including any demolition or clearance works, until a detailed Ecological Appraisal and Mitigation Plan has been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved mitigation scheme.
**REASON:** To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures is in place to protect any species found to be present on site in accordance with Policy CC5 of the adopted Maldon District Replacement Local Plan, Policy N2 of the Maldon District Local Development Plan.
District Local Development Framework, and Government guidance as contained within The National Planning Policy Framework.

INFORMATIVES

Highway Authority:
1 The public’s rights and ease of passage over Byway No.10 (Wickham Bishops) shall be maintained free and unobstructed at all times.
2 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.
3 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.

Essex County Council’s Sustainable Urban Drainage Team
4 The Agent / Applicant is advised that any surface water drainage strategy should comply with standards set out in the following documents:-
   - Non-statutory technical standards for sustainable drainage systems
   - Essex County Council’s (ECC’s) adopted Sustainable Drainage Systems Design Guide
   - The CIRIA SuDS Manual (C753)
   - BS8582 Code of practice for surface water management for development sites.

Waste Management
5 The Agent / 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.

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

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

Tree Protection

In connection with the condition of this planning permission, where a specialist survey of the trees is required, the Applicant is advised to consult a qualified arboriculturalist. The Arboricultural Association provides a list of qualified arboriculturalists and they can be contacted by telephone on 01794 368717 or at Ampfield House, Ampfield, Romsey, Hampshire, SO51 9PA (www.trees.org.uk).

Fire and Rescue Services

Water Supplies: The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems: “There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.”