



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

to
NORTH WESTERN AREA PLANNING COMMITTEE
8 January 2017

Application Number	RES/MAL/17/01068
Location	Land Adjacent Spring Elms Farm, Spring Elms Lane, Woodham Walter
Proposal	Reserved matters application for the approval of appearance, landscaping, scale and layout on approved application OUT/MAL/14/01160 (Outline application for removal of two former poultry sheds and erection of one dwelling and detached garage).
Applicant	Mr. & Mrs. R Jones
Agent	Mr. G Clark - Clark Partnership
Target Decision Date	12 January 2018
Case Officer	Hilary Baldwin
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Member Call In

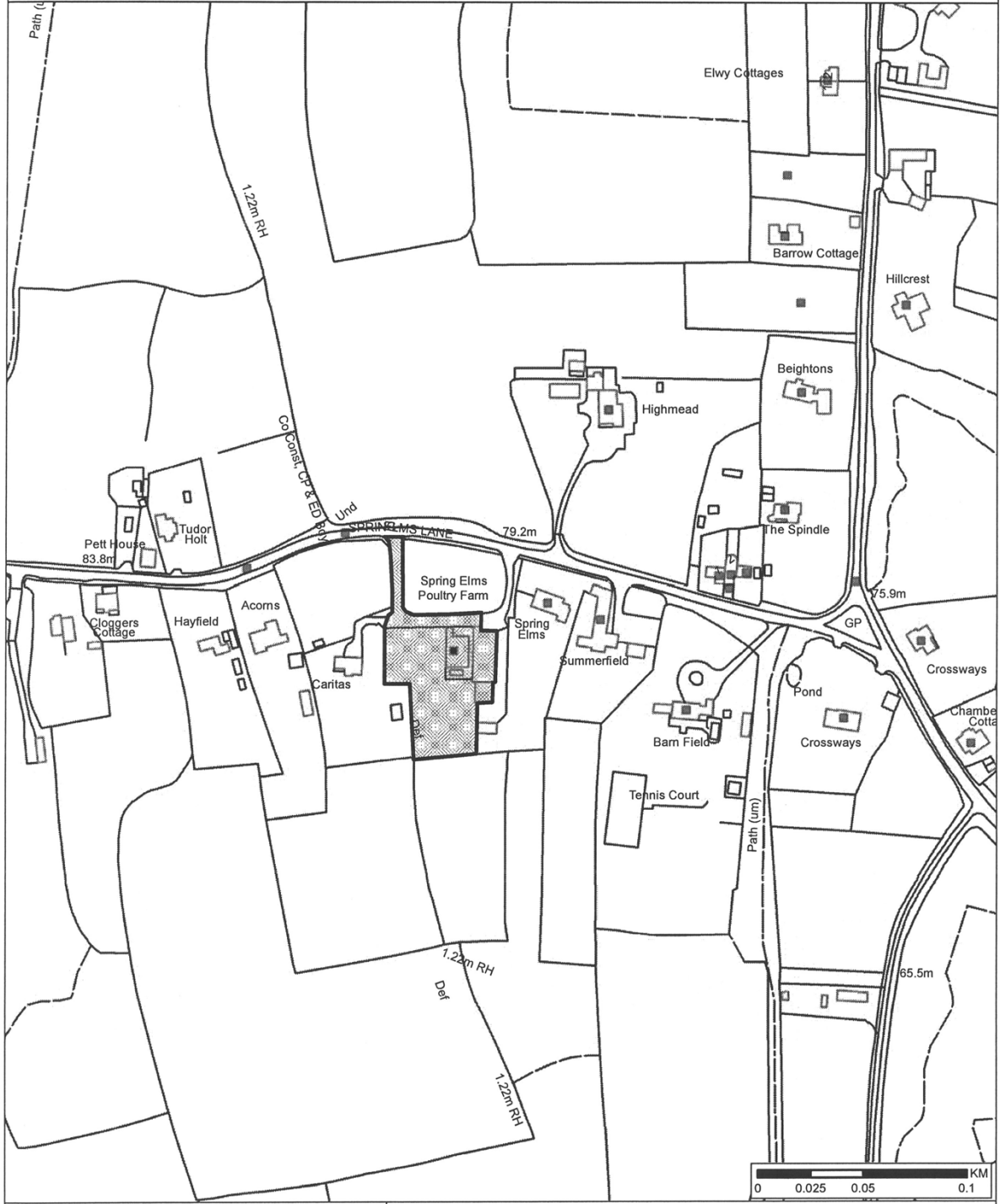
1. **RECOMMENDATION**


REFUSE subject to the reasons as detailed within Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

Land Adjacent Spring Elms Farm, Spring Elms Lane, Woodham Walter
RES/MAL/17/01068



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: NW Committee 17/01068/RES</p>	<p>Date: 18/12/2017</p>
	<p>Date: 18/12/2017</p>	<p>MSA Number: 100018588</p>
	<p>www.maldon.gov.uk</p>	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Spring Elms Lane to the west of the settlement of Woodham Walter and comprises two former poultry sheds which are currently in use for business storage and an area of open grassed land. There is an existing vehicle access from the highway which leads to the structures on site and which returns to the highway past the adjacent residential dwelling known as Spring Elms Farm.
- 3.1.2 The structures are set back from the highway with an open landscaped area which benefits from mature boundary treatment between the site and the highway.
- 3.1.3 The site extends to a total of 0.3Ha, and is approximately rectangular with an overall width of 50m and depth of 68m and a vehicle access track projecting north to the highway. The two existing structures occupy the eastern side of the site, with the eastern boundary adjoining a vehicle access to a further building to the rear of Spring Elms Farm.
- 3.1.4 The locality is generally rural in character with residential dwellings to the east and west of the site and open rural land to the south. The topography of the site is such that it drops from north to south. The site is outside of any development boundary. The western boundary of the site forms the Maldon District Boundary with the boundary of the City Council of Chelmsford.
- 3.1.5 Following the grant of outline permission, this proposal represents the Reserved Matters details. As part of the outline permission, the principle of the development together with the access was approved. The current application seeks planning permission for the reserved matters which are appearance, landscaping, layout and scale.
- 3.1.6 The layout of the site broadly follows the layout of the proposal at outline stage with the dwelling in a similar location and comprises one detached two storey dwelling with a detached garage.
- 3.1.7 The dwelling would have overall measurements of 14.8m wide by 13.8m deep. The front elevation would have two hipped end projections for the benefit of the bay windows with a third gable end projection to the rear elevation. To each side elevation a small hipped roof single storey projection is proposed for the benefit of a utility and small living room. These would project an additional 3m and 3.6m respectively. The land in this location slopes down southwards and the overall height of the dwelling would be 9.1m when measured at the front of the dwelling increasing to a total of 9.7m when measured at the rear elevation.
- 3.2 A detached three bay garage is proposed to the west of the site and set back parallel with the location of the dwelling. This structure would measure 6m by 9.5m with a further 3m projection to the rear elevation. A further vehicle parking area is proposed at ground level in this location. External stairs are proposed to a first floor store room which would benefit from two dormer windows.

3.3 Conclusion

- 3.3.1 Having regard to the scale, appearance and layout of the proposed dwelling, it is considered on balance that the development would not accord with the tripartite approach of sustainability as defined by the National Planning Policy Framework.
- 3.3.2 The overall scale, bulk and mass of the dwelling, in conjunction with the scale and mass of the detached garage is considered to result in a large visually intrusive development which would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area.
- 3.3.3 As such the proposed dwelling would be contrary to the stipulations of policies S1, S8, H4 and D1 of the Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

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:

- 14, 49 and 59

4.2 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

- 5.1.2 Outline planning permission (Ref: OUT/MAL/14/01160), was granted on 24th April 2015 which therefore establishes the principle of the development of the site for one dwelling and detached garage together with the access as acceptable.
- 5.1.3 The application subject of this report is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to the approved outline planning application and proposes the development of the site for one detached dwelling with vehicular access, a detached garage block and private amenity space.
- 5.1.4 Policies S1 and S8 of the Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.
- 5.2.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:
- Architectural style, including materials, design features and innovative design
 - Scale, height, massing and proportion
 - Landscape setting
 - Historic environment particularly in relation to designated assets and:
 - The natural environment
- 5.2.3 The proposal would comprise development of the site for the construction of a detached two storey dwelling on land to the west of Spring Elms Farm together with a detached garage block with first floor accommodation. Whilst it is acknowledged that there are two storey properties within the vicinity of the site, there is a preponderance of chalet style dwellings, single storey properties and cottages set close to the highway.
- 5.2.4 Whilst it is also acknowledged that the proposed property would be set back from the highway and topographically lower than the road, the overall scale, width and height of the dwelling at 14.8m wide with the additional 3m and 3.6m single storey side projections would result in built form being over 21m wide. This, in conjunction with the detached two storey garage building would spread the built form over the majority of the site width and result in detrimental visual impact upon the semi-rural area. Albeit there are former commercial buildings on the site at present, these are single storey, in keeping with the rural setting and project away from the highway, leaving an important visual gap to the rural countryside beyond.
- 5.2.5 It is also recognized that the indicative drawings submitted in conjunction with the outline application proposed a more compact dwelling with a height of 7.5m, which, together with the detached garage, would only be as wide as the dwelling subject of

this report. The degree of separation, the increased height with an additional 2m and expanse of built form, mass and bulk, is considered to result the encroachment and coalescence of development in this location, out of keeping with the more discreet dwellings in the local area.

- 5.2.6 Development of the application site as proposed would intensify the built form in an open site which currently provides an important visual gap across the rural landscape and open vistas to the wider countryside. The current built form and the unbuilt area to the west prevents ribbon development along the highway and prevents cohesion of the built form along the highway which would result from the proposed large dwelling and separate garage block.
- 5.2.7 As such it is considered that the proposal would fail to comply with policies S1, S8 and D1 of the LDP and the provision and guidance as contained within the NPPF.
- 5.2.8 The impact of the development on the character and appearance of the site would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the local plan, the approved policies of the LDP and the NPPF.

5.3 Effect on amenity of neighbouring occupiers

- 5.3.1 Policies D1 and H4 require consideration of the effect of development on neighbouring amenity and safety. Due to the degree of separation from the adjacent properties to the east and west of the site, it is considered that there would be limited loss of amenity to occupiers of either property. It is noted that a condition has been appended to the outline permission to restrict the use of the garage to that of vehicle parking only and additional restrictive conditions are not considered relevant or necessary in this instance.
- 5.3.2 In this respect the scheme is considered to accord with the criteria of policies D1 and H4 of the submitted LDP. The guidance and provision as contained within the NPPF and the guidance as contained within the Essex Design Guide which is an adopted Supplementary Planning Document.

5.4 Access, Parking and Highway Safety

- 5.4.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising three or more bedrooms require a maximum of 3 spaces. Such provision could adequately be accommodated within the site and within the proposed garage. It is noted that the extant outline permission, referenced in a subsequent section of this report has already approved the access to the site. This reserved matters application does not propose to amend this access or change its location.
- 5.4.2 Essex County Council Highway Authority has been formally consulted on the application in terms of highway safety and there is no objection to the proposal.
- 5.4.3 The scheme is therefore considered to accord with the criteria of policy T2 of the LDP in terms of highway access and parking provision but the benefit of achieving this by way of the location of the detached two storey garage building would be contrary to

the character and appearance of the area and therefore contrary to policies D1 and H4 of the Local Development Plan.

5.5 Private Amenity Space and Landscaping

5.5.1 The Essex Design Guide requires that three bedroom dwellings have a minimum of 100m². Such a provision would be adequately met in this instance.

5.5.2 The application site already comprises some mature boundary treatment and the extant outline permission is subject to conditions for details of boundary treatments, and hard and soft landscaping treatments to be submitted.

5.5.3 In this respect the scheme is considered to accord with policies D1 and H4 of the LDP.

5.6 Other Considerations

5.6.1 The Council's Environmental Health Service has been consulted and there is no objection to the scheme subject to a condition for land contamination mitigation should it found during development. Such a condition can be appended to any grant of permission.

5.6.2 As the western boundary of the site abuts land under the jurisdiction of Chelmsford City Council, a consultation request was issued to the relevant planning authority. It is noted that this have been received and reviewed and there are no objections to the proposal.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/01160** - Outline application for removal of two former poultry sheds and erection of one dwelling and detached garage.
Approved 24 April 2015

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	Parish Councilors support the application	The comments of the Parish Council are noted

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection subject to a condition for land contamination, should it	The comments of the EHS are noted

Name of Internal Consultee	Comment	Officer Response
	be found.	

7.3 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection.	The comments of the Highway Authority are Noted
Chelmsford City Council	No Objection	The comments of the neighbouring planning authority are noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received supporting the application from the following and reasons for their support area summarized as set out below.

- Ms. C Ogden. Caritas, Spring Elms Lane, Little Baddow, Chelmsford, CM3 4SG
- Mr. J Joyse. Greenlanes Little Baddow CM3 4SQ
- Mr. T Fisk. Summerfield Spring Elms Lane Little Baddow Chelmsford

Supporting Comments	Officer Response
<p>There is no objection to the proposal</p> <p>Neighbouring occupiers are happy for a property to be built here.</p> <p>There is familiarity with other properties built by the applicants and know they will be attractive and sympathetic to the area</p> <p>Set well back</p> <p>Not intrusive</p> <p>The existing sheds are no longer in keeping with the character of the area</p> <p>Good use of the site</p> <p>Road is predominantly residential</p> <p>Safe access onto the highway</p>	<p>The comments have been noted and addressed within the report</p>

8. **REASON FOR REFUSAL**

REFUSE: for the following reason:

1. The scale, bulk, mass and height of the dwelling in conjunction with the two storey detached garage would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal

would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality, contrary to policies S1, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.