

5 December 2023 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor J. Sosin (Chair)

and Councillors

J. Armstrong, S. Dobson, S. Hall, R. Hyland, J. Lardge,
R. Lee, V. Pappa, E. Sampson, A. Thompson, A. Thorpe-Apps, C.
Tron, and P. Wilson

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City.

There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523 email dan.sharma-bird@chelmsford.gov.uk

Planning Committee

5 December 2023

Agenda

1. Chair's Announcements

2. Apologies for Absence

3. Declarations of Interest

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

4. Minutes

To consider the minutes of the meeting on 7 November 2023.

5. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have submitted their question or statement in writing in advance. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Where an application is returning to the Committee that has been deferred for a site visit, for further information or to consider detailed reasons for refusal, no further public questions or statements may be submitted.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

6. 23/00532/FUL – Land South of Southlands Cottages, Runwell Road, Runwell, Wickford, Essex

7. 23/01193/REM- 1 Brassie Wood, Chelmsford Garden Community, Chelmsford, Essex, CM3 3FP

8. 23/012821/FUL - Hen Cottage, North Hill, Little Baddow, Chelmsford, Essex,
CM3 4TQ

9. Planning Appeals

MINUTES
of the
PLANNING COMMITTEE
held on 7 November 2023 at 7pm

Present:

Councillor J. Sosin (Chair)
Councillor S. Dobson (Vice Chair)

Councillors J. Armstrong, J. Frasca, S. Hall, R. Hyland, R. Lee, V. Pappa, E. Sampson, A. Thompson, A. Thorpe-Apps, C. Tron, N. Walsh and P. Wilson

Also Present:

Councillors J. Hawkins and A. Sosin

1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

2. Apologies for Absence

Apologies for absence were received from Councillors Lardge and Tron. Councillor Frasca substituted for Councillor Lardge and Councillor Walsh for Councillor Tron. Councillor Tron joined the meeting from Item 7 onwards, replacing Cllr Walsh.

3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

4. Minutes

The minutes of the meeting on 3 October 2023 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

Public questions and statements were asked on Item 7 and are detailed under the relevant item. [The statements submitted in advance can be viewed via this link.](#)

6. 23/00195/FUL – Garages Rear of 27 Medway Close, Chelmsford, Essex

The Committee considered an application for six affordable dwellings on an urban brownfield site. The Committee had agreed to defer the application at the last meeting and to attend a site visit to look at issues surrounding safety, access points and privacy concerns. The Site visit had taken place on 3rd November, with all 13 Cllrs that had considered the application at the previous meeting attending, they were also all in attendance at this meeting.

Members of the Committee expressed their thanks to those residents who had spoken at the last meeting succinctly. They also thanked officers for organising the site visit and were in agreement that it had helped to reassure them about the previously raised concerns. Members of the Committee noted that the access into the site was wider and more acceptable in person and that due to the lower height level of the proposed site, there would be more opportunity for the new houses to be overlooked by the existing ones, rather than the other way round. Members also felt the parking situation, whilst not without any impact would only have a slight impact on the existing roads. It was also noted though that in the future, members would prefer parking surveys to be carried out in the evening as well as during the day, officers agreed to look into this for future surveys.

The Committee agreed that the benefits of the application, in terms of providing vital affordable housing and developing a mainly derelict garage site, outweighed the concerns that had been raised. They felt that on balance, the concerns regarding parking pressures, overlooking and the relationships with other properties were not significant enough to refuse planning permission.

RESOLVED that the application be approved subject to the conditions detailed in the report and the conditions on the green sheet.

(7.03pm to 7.23pm)

7. 23/01277/FUL – Essex Stays, 49 Maldon Road, Great Baddow, Chelmsford, Essex, CM2 7DN

Cllr Sosin declared an interest in this item and left the meeting at this point. Cllr Dobson chaired the meeting from that point instead.

Cllr Walsh also declared an interest and left the meeting at this point.

Cllr Tron joined the meeting for the start of this item.

The Committee considered an application for a retrospective change of use to exclusive use self-catering accommodation. The Committee were informed that the application had been called in by a local ward member, so that the impacts of the proposal on highway safety and neighbouring amenity could be considered. The Committee heard that the site was a former public house within a predominantly residential area. The Committee were informed that planning permission had been granted in 2019 for a change of use from A4 (drinking establishment) to C3 (self-catering holiday accommodation). Officers noted that the use envisaged by the applicant had in fact been a Sui Generis use, as currently ongoing, hence the application being considered to regularise the current use. It was noted that as the 2019 permission had not been implemented, the 'existing' or current lawful use of the property was still considered to be as a public house.

Officers informed the Committee, that with the proposed conditions and management plan, there would be no harm to the Conservation Area, highway impacts were considered

acceptable and that impacts on neighbouring amenity were considered acceptable given the context and previous use of the venue. Officers also reminded the Committee that they were considering the suitability of the proposed use in planning terms and that amenity issues arising from the specific users of the venue were instead a matter for the Council's Public Health and Protection Services.

The Committee heard from the agent of the applicant who stated that the previously granted permission in 2019 had lapsed and therefore was not a fall-back position. They stated that the officer's report provided a well-reasoned and detailed analysis of why the application was acceptable in relation to the development plan and why the concerns raised would be mitigated.

The Committee also heard from members of the public who raised concerns. These included loud noise complaints about the venue, issues with parking, the increased potential high guest numbers, the use of the garden for glamping, house rules that did not appear enforceable, and noise complaints not being responded to by the Council adequately.

The Committee also heard from a local ward member. They felt that the current and planned use had and would continue to lead to an increased use of the garden, compared to the previous use and queried the enforceability of the proposed conditions. They also raised concerns with issues being monitored remotely, increased parking pressures and the claim of economic benefits for the local area.

In response, Officers clarified that the impact of the application had to be considered against the lawful outstanding use as a public house, they did not think the proposals would be any more harmful. Officers reiterated that the proposed use was acceptable in planning terms and that the management plan was an enforceable condition. They also stated that in terms of parking issues, the usage as a pub previously would have also generated parking requirements. Officers from the Council's Public Health team, also stated that there was a higher threshold for a noise nuisance than a disturbance and despite increased monitoring and staffing levels, this threshold had not been witnessed by officers since responding to resident complaints. They clarified that they would as required by law, continue to respond to complaints.

Members of the Committee asked questions, including on, the previous complaints and planning permission, the management plan condition and the use of the garden for glamping. In response officers stated that a noise nuisance needed to be witnessed by officers before action could be taken and that there had not been a 'failure' to implement the 2019 permission – the owners had just not implemented it. The Committee also heard that officers could only condition what was necessary, reasonable, related to the development and enforceable. It was felt that the management plan did meet those criteria and noted that permission did not override other statutory legislation, meaning other services could take action on complaints if required. The Committee were also informed that the use of the garden for glamping would have to stop in line with proposed condition.

On balance, the Committee did not feel that the application in planning terms was unacceptable and agreed that the management plan and other conditions were adequate to address the concerns raised.

RESOLVED that the application be approved subject to the conditions detailed in the report.

(7.26pm to 8.25pm)

8. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 21st September and 20th October 2023 be noted.

The meeting closed at 8.26pm.

Chair

PLANNING POLICY BACKGROUND INFORMATION

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27th May 2020. The Local Plan guides growth and development across Chelmsford City Council's area as well as containing policies for determining planning applications. The policies are prefixed by 'S' for a Strategic Policy or 'DM' for a Development Management policy and are applied across the whole of the Chelmsford City Council Area where they are relevant. The Chelmsford Local Plan 2013-3036 carries full weight in the consideration of planning applications.

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

- NHP** The Neighbourhood Plan sets out the local community's aspirations for the area and establishes policies for development and land use in the area. It is a material planning consideration.
- DM6** Policy DM6 - New Buildings in the Green Belt - Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances. Planning permission will be granted for the redevelopment of previously developed land and replacement buildings subject to meeting prescribed criteria.
- DM8** Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- DM10** Policy DM10 - Change of use (Land & Buildings) & Engineering operations - Planning permission will be granted for the change of use of buildings in the Green Belt, Green Wedges and Rural Area subject to the building being of permanent and substantial construction and where the building is in keeping with its surroundings. Engineering operations will be permitted within the Green Belt where they preserve openness, do not conflict with the purposes of including land in the Green Belt, and do not harm the character and appearance of the area. Changes of use of land will be permitted in the Green Wedges and Rural Area where the development would not adversely impact on the role, function and intrinsic character of the area.
- DM13** Policy DM13 - Designated Heritage Assets - The impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- DM14** Policy DM14 - Non-Designated Heritage Assets - Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Any harm or loss will be judged against the significance of the asset.
- DM15** Policy DM15 - Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.

- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
- DM18** Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.
- DM19** Policy DM19 - Renewable & Low Carbon Energy - Planning permission will be granted for renewable or low carbon energy developments subject to their impact on residential amenity, the historic and natural environment, visual impact and highway safety.
- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM24** Policy DM24 - Design & Place Shaping Principles in Major Developments - The Council will require all new major development to be of high quality built form and urban design. Development should, amongst other matters, respect the historic and natural environment, be well-connected, respond positively to local character and context and create attractive, multi-functional, inclusive, overlooked and well maintained public realm. The Council will require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments.
- DM25** Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.

- DM30** Policy DM30 - Contamination & Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local groundwater or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- SPS2** Strategic Policy S2 Addressing Climate Change & Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.
- SPS3** Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.
- SPS4** Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SPS9** Strategic Policy S9 Infrastructure Requirements - New development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. New development must be supported by sustainable means of transport, safe from all types of flooding, provide a range of community infrastructure, provide green infrastructure and utilities. Necessary infrastructure must seek to preserve or enhance the historic environment.
- SPS11** Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

VILLAGE DESIGN STATEMENTS

VDS: Sets out the local community's view on the character and design of the local area. New development should respect its setting and contribute to its environment.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) was published in February 2019. It replaces the first NPPF published in March 2012 and almost all previous national Planning Policy Statements and Planning Policy Guidance, as well as other documents.

Paragraph 1 of the NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 2 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and should be read as a whole.

Paragraph 7 says that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development meant that the planning system has three overarching objectives; an economic objective; a social objective; and an environmental objective. A presumption in favour of sustainable development is at the heart of the Framework.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.



Planning Committee
5th December 2023

Application No	:	23/00532/FUL Full Application
Location	:	Land South Of Southlands Cottages Runwell Road Runwell Wickford Essex
Proposal	:	Installation of a solar farm with battery storage and associated infrastructure
Applicant	:	Enso Green Holdings J Limited
Agent	:	Mr Richard Moore
Date Valid	:	6th April 2023

1. Executive summary

- 1.1. This planning application seeks consent for the installation of a large solar farm, with associated development, on an area of land measuring 66.1 hectares in the Green Belt.
- 1.2. The proposal has capacity to generate up to 49.9 MW of renewable energy. The applicant states that this equates to power generation for 6,098 homes and would displace about 5,130 tonnes of CO2 per annum.
- 1.3. The proposed solar farm seeks a form of development within the Green Belt which is not an exception listed in the National Planning Policy Framework. The proposal is therefore inappropriate development in the Green Belt in principle and the harm that arises must be considered in the context of 'very special circumstances' which must clearly outweigh inappropriateness and any other harm resulting from the proposal. The proposed solar farm would have a substantial impact on the spatial and visual openness of the Green Belt, as well as represent physical and visual encroachment in the countryside.
- 1.4. As assessed, the proposed solar farm would have a substantial adverse landscape and visual impact, harming the rural character and thus visual amenity of the area. This must also be weighed in the consideration of very special circumstances as it is a harm arising from the proposal.

- 1.5. Very special circumstances have been advanced by the applicant, including that the proposal meets a need for renewable energy, lack of alternative sites, biodiversity net gain, farm diversification and improvements to green infrastructure (amongst others). Whilst the importance of renewable energy schemes is acknowledged and does form a very special circumstance, and there are other aspects of the proposal which contribute towards very special circumstances, it is the officer conclusion that the benefits associated with the development do not outweigh the harm caused to the openness of the Green Belt and the harm caused to landscape character and visual amenity.
- 1.6. Officers conclude that the proposed solar farm, on balance, is contrary to both local and national planning policy and it is recommended that the application be refused.

2. Description of site

- 2.1. The solar farm site comprises land totalling 66.1 hectares. It would be connected through an underground cable route to the point of connection at National Grid Rayleigh Substation, which means the application crosses into the neighbouring Rochford District.
- 2.2. The site and surrounding area consist of open fields interspersed with marginal vegetation with a sloping topography towards the River Crouch to the south, with river estuary to the east. The landscape is predominantly composed of rural character elements with localised man-made influences and features. These include the 132kV overhead transmission lines and pylons that cross the site; the A130 and associated interchange with the A132; the railway line to the south-east of the site; agricultural buildings with access tracks; and residential dwellings. The site is currently accessed via an existing access road from Runwell Road (A132). Development along this part of the A132 is mostly a mix of sporadic to linear residential, commercial and agricultural development fronting onto the roadside.
- 2.3. The site is located on the western side of the A130. The A130 is the main route between Chelmsford to the north and Basildon/Southend on Sea to the south.
- 2.4. The field network within the site is characterised by irregularly shaped fields with well-established hedgerows and significant tree presence within and surrounding the site. The site boundaries, in the most part, contain mature trees and hedgerows. Tree and hedgerow planting can also be found within the site defining field boundaries. A Public Right of Way (PROW 231-8) intersects the site in an east-west orientation and connects with PROW 229-23 within the site, which provides a link between Runwell Road and the village of Battlesbridge.
- 2.5. The site is primarily Flood Zone 1. Minor areas of the site are within Flood Zones 2 and 3. These are along the southern site boundary close to the River Crouch and following a drainage channel which is connected to balancing ponds to the north of the A132.
- 2.6. There is a Tree Preservation Order TPO/2001/078 in the northeast corner of the site covering the road interchange area.
- 2.7. There are no designated heritage assets within the site. The closest listed buildings are sited over 500 km away and include Bear Hall (grade II), St Marys Church (grade I) and the Old Rectory (Grade II) to the west and within Battlesbridge village to the East. There are also listed buildings to the south of the site at Shot Farm within Basildon District.

- 2.8. Agricultural Land Classification (ALC) for the site is classed as subgrade 3a and 3b (moderate agricultural quality).
- 2.9. The district boundary with Basildon District Council extends along the southern boundary of the site.
- 2.10. The application site is wholly located within the Metropolitan Green Belt.

3. Details of the proposal

- 3.1. The application seeks full planning permission for the construction of a solar farm with export capacity of up to 49.9 megawatts.
- 3.2. Temporary timeframe of 40 years.
- 3.3. Panels would be laid out in straight arrays north-south. The panels would be mounted onto a metal stand fixed into the ground. The solar panels would have a maximum height of about 3 metres and utilise a tracker system, meaning that the panels would tilt to track the movement of the sun.
- 3.4. Inverter/transformer stations would be located at several positions across the solar farm within containers finished in green. These have the appearance of shipping containers with a height of 2.9 metres.
- 3.5. 24no. battery storage containers finished in green with associated equipment would be located towards the north-east corner of the site. These have the appearance of shipping containers with a height of 2.9 metres, surrounded by welded steel wire mesh fencing with a height of 2.4 metres.
- 3.6. An on-site substation and switchgear compound would be co-located with the battery plant. This would consist of two buildings with a height of 3.9 metres, surrounded by welded steel wire mesh fencing of up to 2.4 metres. Also located in this compound would be 2no. spare parts containers, having the appearance of shipping containers with a height of 2.9 metres.
- 3.7. Underground cabling would connect the panels and inverter/transformer stations to the proposed on-site substation and control rooms. An underground cable would link from the proposed solar substation to the National Grid Rayleigh substation.
- 3.8. 2 metre high perimeter fencing (loose metal mesh between wooden posts) with CCTV cameras mounted on poles of between 2.5 – 3 metres would be installed to maintain security. There would also be at least one 3 metre high pole-mounted weather station.
- 3.9. Landscape planting, biodiversity enhancements and surface water attenuation measures would form part of the proposal.

4. Other relevant applications

Applications of note include other solar farm and housing development approvals/allowed appeals in the local area, as follows:

- 4.1. 21/00394/FUL – Land east and west of A130 and north and south of Canon Barns Road, East Hanningfield – Appeal Allowed 6th December 2022

Installation of a solar photovoltaic (pv) park generating up to 49.9 Mw of electricity spread over three sites (sited either side of the A130/Canon Barns Road), comprising of ground-mounted photovoltaic solar arrays, battery-based electricity storage containers, and one point of connection (POC) mast of up to 35m in height on Church Road (junction with Link House Farm), together with inverters/transformer stations, distribution network operator (DNO) substation, access and cable connection to POC mast to connect to 132 kV power line, customer substation/switchgear and meter kiosk, batteries, internal buried cabling and grid connection cables, internal access tracks, security fencing and gates and CCTV cameras, other ancillary infrastructure, landscaping and biodiversity enhancements.

- 4.2. 21/00555/FUL – Land west of Hill Farm, Pan Lane, East Hanningfield – Approved 7th July 2022

Installation of a solar photovoltaic (PV) park generating up to 8 MW of electricity, comprising of ground-mounted photovoltaic solar arrays, substation, internal access tracks, transformers/inverters, fencing and gates, CCTV cameras, temporary construction compound, underground cable and connection to end user and other ancillary infrastructure, landscaping and biodiversity enhancements.

- 4.3. 21/00502/FUL – Land east of A130 south of Canon Barns Road, East Hanningfield – Approved 31st January 2022

Installation of a solar photovoltaic (PV) park generating up to 41.8 MW of electricity to the land West of Hill Farm Pan Lane, comprising of ground-mounted photovoltaic solar arrays, battery-based electricity storage containers, together with inverters/transformer stations, Distribution Network Operator (DNO) Substation, customer substation/switchgear and meter kiosk, internal buried cabling and grid connection cables, internal access tracks, security fencing and gates and CCTV cameras, upgraded existing site access, other ancillary infrastructure, landscaping and biodiversity enhancements.

- 4.4. 12/01480/OUT – Former Runwell Hospital Site, Runwell Chase – Approved 2nd January 2013

Currently nearing completion, this is a housing scheme of circa 600 new homes within the site of a former hospital. This application was considered on grounds of previously developed land.

5. Summary of consultations

Basildon District Council: Objection. Concerns raised include:

- Impact on the Green Belt.
- Highly visible from Runwell Road.
- Impact view from PROW network.
- Introduce man-made features into the rural landscape, detrimental to landscape character.

Runwell Parish Council: Objection. Raised the following comments:

- Object to inappropriate development in the Green Belt.
- Glint and glare issues.
- Safety of PROW users.

- Devaluation of material assets.
- Health implications of living nearby solar farm.
- Loss of visual amenity.
- Loss of agricultural land.

Essex County Council Highways: The proposal is acceptable to the Highway Authority subject to conditions.

South Essex Parking Partnership: No response.

Public Health & Protection Services: No comments provided the recommended mitigation is employed as outlined in the acoustic report.

Environment Agency: No objection.

ECC Minerals & Waste: No objection, and no requirement for a Minerals Resource Assessment, provided the land is returned to its former state after 40 years.

Ramblers Association: No objection but request that the PROW shall remain open throughout lifetime of development, and this should be conditioned.

ECC Historic Environment Branch: the proposed development site is in an area with a high potential to contain archaeological remains. Two important archaeological excavations have previously been undertaken in close proximity to the proposed development. Recommend that conditions are attached to any consent.

Natural England: No objection.

UK Power Networks (Network Planner): No response.

H.S.E East Anglia Area: No objection.

Economic Development & Implementation: No response.

Anglian Water Services Ltd: No objection.

Essex County Fire & Rescue Service: Comments.

- More detailed observations on access and facilities for Fire Services will be considered at Building Regulation stage.
- Reference to compliance with Building Regulations.
- Notes additional water supplies for firefighting may be necessary for the development.
- Preference for sprinkler systems.

Essex and Suffolk Water: No response.

Police - Designing Out Crime: Comments.

- Other parts of the country have seen an exponential rise in crime in relation to solar farms with everything from solar panels to cabling, batteries and ancillary equipment being targeted.
- Would like to see greater consideration given to the security of the site.

Rochford District Council: Substantive response given cross-boundary application and devolution of powers given to CCC. Comments raised:

- Impact to Green Belt.

- Landscape and visual impact.
- Built heritage, including nearby listed buildings.
- Agricultural land classification.
- Highway safety.
- Flooding.
- Residential amenity.

Rettendon Parish Council: No response.

Network Rail: No objection but raise precautionary comments regarding proximity to train line.

Historic England: Not offering advice.

Local residents: 15 letters of objection received. Concerns raised:

- Significant harm to PROW.
- Impact on local wildlife.
- Not environmentally friendly.
- Views from residential properties will be impacted.
- Traffic, light and noise pollution.
- Potential health implications.
- Health and safety risks.
- Safety and security issues – rise in crime.
- Detrimental impact to local horses.
- Loss of agricultural land.
- Inappropriate development in the Green Belt.
- Benefits of renewable energy should not be at expense of beautiful countryside.
- Devaluation of local properties.
- Potential fire hazards.

6. Planning considerations

Main Issues

6.1. The main issues for this proposal are:

- The Principle of Development
- Landscape Character and Visual Amenity
- Natural Environment
- Residential Living Environment
- Traffic and Highway Safety
- Flooding and Drainage
- Very Special Circumstances

Planning Policy

6.2. Renewables now account for over one third of all UK electricity generation, driven by the deployment of wind, solar and biomass. Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut greenhouse gas emissions compared to 1990 levels in the UK by 100% by 2050.

- 6.3. The Government expects future low cost, net zero consistent electricity to be made up of on shore and offshore wind and solar, complemented by technologies which provide power or reduce demand when the wind is not blowing, or the sun does not shine.
- 6.4. The principle of solar development is supported in the National Planning Policy Framework (NPPF) which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 6.5. The UK is committed to meeting a target of net-zero by or before 2050. This means that across the UK, emissions of greenhouse gas for all sources will have to reduce from the current figure of 4352 million tonnes. The UK Government industrial and green growth strategies have made further pledges to invest in green growth low carbon infrastructure and investment in efficiency.
- 6.6. On 16th July 2019, Chelmsford City Council declared a Climate and Ecological emergency. The declaration represented a commitment to take appropriate action to make the Council's activities carbon net-zero by 2030.
- 6.7. Proposals for development of solar farms are assessed against national and local planning policies including National Policy Statements (NPS), National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the statutory Development Plan for Chelmsford City Council area.

National Planning Policy

- 6.8. The overarching National Policy Statement for Energy (NPS EN-1) and National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) set out national policy for the delivery of nationally significant energy infrastructure, including renewable energy, although neither explicitly covers solar powered electricity generation or battery storage. The NPS' set out assessment principles for judging impacts of energy projects and are material considerations when considering development proposals.
- 6.9. The Environment Bill has put the 25-year Environment Plan into law and has created a statutory framework for environment principles. The Bill includes ambitious legislative measures to take direct action to address environmental policy including biodiversity net gain, restoration and enhancement of nature, improvement of air quality, tackling climate change, waste and resource efficiently and water resource management to enable the Government to reach its commitment to reach net zero emissions by 2050.
- 6.10. The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and that local planning authorities should approach these as part of a positive strategy for tackling climate change.
- 6.11. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 6.12. The application site is located within the Metropolitan Green Belt (Green Belt). Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.13. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.14. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.15. Paragraph 151 states that when located within the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 6.16. All planning proposals and decisions should contribute to and enhance the natural and local environment. The NPPF paragraphs 174a and 174b require proposals to:
- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.17. The National Planning Practice Guidance (NPPG): Renewable and low carbon energy paragraph 007 states criteria for considering proposals for renewable energy technologies, stating that it is important to be clear that:
- the need for renewable or low carbon energy does not automatically override environmental protections;
 - cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
 - local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;

- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

6.18. The NPPG: Renewable and low carbon energy paragraph 013 outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms. These particular factors include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

Local Planning Policies

6.19. Strategic Policy S2 - Addressing climate change and flood risk, sets out the Council's strategic policy requirements for mitigating and adapting to climate change. In addressing the move to a lower carbon future for Chelmsford, it states that the Council will, amongst other considerations, encourage new development that provides opportunities for renewable and low carbon energy technologies and schemes and provides opportunities for green infrastructure including city greening, and new habitat creation.

- 6.20. Policy DM19 - Renewable and low carbon energy sets out the criterion that renewable and low carbon planning application proposals will be considered against. It states that planning permission will be granted for renewable and low carbon development provided they:
- i. Do not cause demonstratable harm to residential living environment; and
 - ii. Avoid or minimise impacts on the historic environment; and
 - iii. Can demonstrate no adverse effect on the natural environment including designated sites; and
 - iv. Do not have an unacceptable visual impact which would be harmful to the character of the area; and
 - v. will not have a detrimental impact on highway safety.
- 6.21. Several other local plan policies are relevant to the consideration of proposals including:
- Strategic Priority 5 - Delivering New and Improved Strategic Infrastructure
 - Strategic Policy S1 - Spatial Principles.
 - Strategic Policy S3 - Conserving and Enhancing the Historic Environment,
 - Strategic Policy S4 - Conserving and Enhancing the Natural Environment,
 - Strategic Policy S11 - The role of the countryside,
 - Policy DM6 - New buildings and structures in the Green Belt,
 - Policy DM10 - Change of use (Land and buildings) and Engineering operations.
 - Policy DM13 - Designated heritage assets,
 - Policy DM14 - Non designated heritage assets,
 - Policy DM15 - Archaeology,
 - Policy DM16 - Ecology and biodiversity,
 - Policy DM17 - Trees, Woodland and landscape features,
 - Policy DM18 - Flooding / SUDs
 - Policy DM23 - High quality and inclusive design,
 - Policy DM27 - Parking standards,
 - Policy DM29 - Protecting living and working conditions,
 - Policy DM30 - Contamination and pollution.
- 6.22. In May 2021, the Council published its draft Solar Farm Development Supplementary Planning Document (SPD) Consultation Document. The SPD was Adopted by the Council's Cabinet on 16th November 2021. The SPD contains local guidance on preparing and submitting proposals for solar farms. It gives guidance on how planning applications should be considered in light of national and local requirements, and inter alia stresses the importance of adequate Landscape and Visual Impact Assessment
- 6.23. There are a number of other studies, policies and publications relating to renewable energy proposals and climate change that have been published by other Government departments, bodies and interested stakeholders. Discussions were held during the COP26 summit which concluded with nearly 200 countries agreeing the Glasgow Climate Pact to aim to manage global temperature rise to 1.5 C. Other outcomes included the ratification of outstanding elements of the 'Paris Agreement'.
- 6.24. For the purposes of this planning application, consideration is based upon those documents that form part of National Planning Guidance and the Local Plan. This is in accordance with planning law that requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Principle of Development

- 6.25. The starting point for consideration is whether the proposal is acceptable within the Green Belt. The NPPF and local planning policies set out that solar farms do not fall within any of the exceptions for development in the Green Belt and therefore is inappropriate development.
- 6.26. The NPPF and local planning policies confirm that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and, in such cases, the developer will need to demonstrate very special circumstances if proposals in those locations are to proceed.
- 6.27. The applicant states that the key environmental benefit is that the proposal has capacity to generate up to 49.9 MW of renewable energy. Such a contribution is significant in the face of meeting national and local targets to reduce CO2 emissions. The applicant argues that this amounts to very special circumstances.
- 6.28. Further, the applicant maintains that the proposed development would also provide tree and species rich hedgerow planting, including 'gapping up' (reinforcement) of existing hedging and the introduction of new planting bands and hedgerows. Wild green grassland and planting corridors would be provided around the margins of the proposed perimeter fence. The scheme proposes to enhance the landscape qualities of the area, and together with bird and bat boxes, the applicant is seeking to provide new and improved wildlife habitats.
- 6.29. The key environmental benefit (renewable energy production), alongside other very special circumstances so far as they exist, must be weighed against the inappropriate nature of the development. This takes place in a balancing exercise, but substantial weight must be given to any harm to the Green Belt. The balancing exercise is a matter of planning judgement.

Openness

- 6.30. Openness is not defined in the NPPF but is commonly understood to refer to an absence of development. The Court of Appeal has confirmed that Green Belt openness can have a spatial as well as a visual impact.
- 6.31. The site is currently in agricultural use and consists of open fields interspersed with mature field-edge planting giving the site in general a well-vegetated character. Trees and hedgerows border the site boundaries, in large part, and would be all retained.
- 6.32. The development would be located across a series of agricultural fields with a gently sloping gradient. The fields within the site are delineated and divided by existing hedgerows and trees. The site itself is open, but the wider area contains a varied pattern of undulating landform, creating areas of low-lying land and elevated ridges. Despite the existing vegetation bounding the site, areas of the land are clearly visible from local visual receptors. Due to the landform and topography, exposed, uninterrupted views of the site are easily achieved from sections of the A130, the A132, Rettendon Turnpike and properties along Runwell Road. This heightens the prominence of the site within the wider rural, arable landscape and the impact of the proposals is greater due to the sites elevated position.
- 6.33. The site is located within the Northern Thames Basin National Character Area (Natural England National Character Area Profile No. 111 refers). Locally, the Braintree, Brentwood, Chelmsford,

Maldon, and Uttlesford Landscape Character Assessment (CBA 2006) locates it within LCA F11 - South Hanningfield Wooded Farmland (LCA). Key characteristics of the land include:

- Undulating mature wooded farmland
- Vast expanse of Hanningfield reservoir
- Mixed woodland and a patchwork of diverse habitats surrounding the reservoir.
- Small scale linear settlement pattern,
- Medium to large scale arable fields with hedged and treed field boundaries.
- Views to wooded horizons both within the character area and within adjacent character areas
- Network of quiet, narrow rural lanes traverse the area.

6.34. The indicative site layout is shown on drawing RC3-02-P02 Revision 04. This shows that the proposal would retain the original field pattern in situ. Between the arrays would be a series of internal access tracks. Mitigation, in the form of additional planting, primarily along the site boundaries, is proposed. The existing hedgerows would be augmented and retained.

Spatial impact

6.35. The site itself is large, measuring around 59 hectares in main site area, 66.1 overall which includes the connection to National Grid Rayleigh substation. The extensive solar farm and associated features such as the plant containers and buildings, site access and access tracks, and fencing would all serve to diminish the degree to which, in terms of spatial extent, the site remains free and open, i.e undeveloped.

6.36. The immediate contextual area is agricultural in nature and contains only a sporadic array of smaller scale buildings including dwellings and farmsteads. The features would have a large physical mass and footprint, with development spread across a substantial area.

6.37. The surrounding existing pylons and adjacent highway (A130, A132 and Rettendon Turnpike) detract from the rurality of the area, but they do not diminish it. They are typical features commonly found across all types of landscapes, including Green Belt.

6.38. The geographical extent of the solar arrays and associated infrastructure are new features that are not present within the existing landscape. Due to their mass, scale and geographical area, the resulting change of use and urbanisation of the land arising from the proposal would result in a significant change of spatial character that would result in a loss of openness to the Green Belt. The change in spatial character would harm the principle of Green Belt protections as the land would no longer be open nor of rural character. How this landscape is thereafter appreciated and understood by the public would be fundamentally changed and this runs contrary to the planning policies put in place to protect the Green Belt for its own sake. This harm is unacceptable and significant.

6.39. The consideration of very special circumstances is undertaken on wider balance, see 'Very Special Circumstances' section of report.

Visual Impact

6.40. This visual loss to the character and appearance of the area, and the effects on the character and appearance of the surrounding area more generally, are addressed in the applicant's Landscape and Visual Assessment (LVA).

- 6.41. The LVA identifies several locations (visual receptor viewpoints) from which the site can be viewed. It also identifies steps that would be taken to mitigate against harm that would be likely to arise from the implementation of the development. Proposed areas of additional vegetation are shown on the indicative landscape design layout, Drawing No. P22-1918-EN-003 (E).
- 6.42. The LVA has been reviewed by the Council's external landscaping consultants, Essex County Council's Place Services (Place Services) who raise concerns with both the methodology employed by the LVA and the significant impacts to landscape character and visual amenity that would result from the solar farm proposals. Further comment on the LVA is made under Landscape Character and Visual Amenity section of this report.
- 6.43. Given the topography of the site and the patchwork of woodland, hedgerows and trees, the proposal would be prominent along PROW-231-8 and PROW 229-23. It is common understanding that PROW receptors have high sensitivity to change. Users of the PROWs would experience a significant change in experience with views of rows of man-made solar arrays and associated infrastructure highly visible, which would replace the current undeveloped agricultural fields that are notable for their absence of development.
- 6.44. The sensitivity to change of users of neighbouring highways A130, Rettendon Turnpike and the A132 would be lesser. However, due to the exposed and elevated position of the landform, uninterrupted views of the site would be achieved from sections along the local highway network, even considering the proposed mitigation planting. These views are material.
- 6.45. For key visual receptors from the PROWs as well as occupants of residential properties in the locality, and users of the local highway network, there would be an impact to views which despite the proposed landscaping and mitigation, would not diminish over time. The proposal would thereby lead to a significant loss of visual openness of the Green Belt.
- 6.46. Although most Planning Inspectors consider 40 years to be "temporary" in the context of solar farms, it would have a 'generational' impact on the landscape for nearly half a century. Considering that the proposal would lead to a significant loss of visual openness, the 40-year lifetime of the development would not be inconsequential for regular users or anyone coming into contact with the landscape and the identified harm to openness would persist throughout this period.
- 6.47. Whilst the visual loss of openness would be localised, this would still have a wide-felt impact on the local area and would represent a significant adverse physical and visual encroachment into the Green Belt reducing its openness in both visual and spatial terms. This harm is unacceptable and significant. The consideration of very special circumstances is undertaken on wider balance, see 'Very Special Circumstances' section of report.

Conclusion – Principle of Development

- 6.48. By reason of the sheer physical mass, scale and geographical extent of the proposal, it would lead to significant spatial and visual harm to the Green Belt. The impact of visual and spatial harm would result in a significant adverse impact upon openness of the Green Belt. This must be afforded substantial weight in the planning assessment.
- 6.49. Whilst for a temporary period, the operational period of the development, at 40 years, still represents a significant period of time during which the proposal would have a harmful

presence within the Green Belt and for the area in general for everyone experiencing that harmful presence for any part of that 40 year period or for the entirety of that term. The harm at point of exposure would amount to the same harmful experience.

- 6.50. The development is concluded to be unacceptable unless very special circumstance, on balance, clearly outweigh those impacts. The consideration of very special circumstances is undertaken on wider balance, see 'Very Special Circumstances' section of report.

Landscape Character and Visual Amenity

- 6.51. The proposed solar farm would consist of fenced arrays and other facilities set within the respective fields. Landscape features such as hedgerows and trees will predominately remain and/or are being enhanced through the proposals. This approach, whilst reducing harm to existing landscape features, does not mean that the development will not have an adverse impact on the landscape character of the site. The impact on landscape character must also consider the potential cumulative landscape and visual impacts created by this and other solar energy farm schemes in the local area.
- 6.52. The application has been submitted with a Landscape and Visual Assessment (LVA) undertaken by Pegasus Group. Generally, the LVA has been carried out in accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment' Third Edition (GLVIA3) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA).
- 6.53. The LVA (Para 2.10), confirms the fieldwork and photography used to inform the assessment were undertaken in August (late-Summer) during full leaf cover. For a development of this scale and in such a prominent location, the site visits and photography would also need to have been undertaken over December-February (Winter) to ensure that a 'worst-case scenario' (i.e. when leaf cover is at its minimum) is being appraised. This is the only way to appreciate fully the impact of development across all seasons to enable adequate assessment.
- 6.54. The assessment includes a desktop study, a review of the landscape and visual baseline, an assessment of landscape and visual receptors, and a summary and conclusion. The sites characteristics are reasonably described and the range of views that are available have been appropriately summarized. However, the LVA itself underestimates the likely effects of the proposed development on landscape character and visual amenity.
- 6.55. From the point of view of landscape and visual assessment, there are two aspects of the proposal that have potential to cause an effect on visual amenity and landscape character. Considered below under Landscape Character, these are the activities and elements of the proposal that would affect the fabric of the site landscape, and the activities and visual characteristics of the elements that would be visible from the surrounding locality.

Landscape Character

- 6.56. The site is located within South Hanningfield Wooded Farmland (F11) in LCA (LCA). This documents forms part of the evidence base for the Chelmsford Local Plan. This has been identified as having high sensitivity to change, with key characteristics such as undulating farmland, medium to large-scale-arable fields, with hedged field boundaries and views to a wooded horizon both within the character area and adjacent character areas.

- 6.57. The site sits on the southern edge of the LCA across a large expanse of medium to large fields with hedgerows and trees lining the boundaries. The pattern and landform vary, creating areas of low-lying land and elevated ridges. Views of the wooded skyline are present, along with views of the rising land. The varying topography of this landscape relating to this site means the proposals would be a prominent feature of the wider landscape character.
- 6.58. There would be no significant adverse effects on landscape fabric during the construction phase as there would be limited removal of hedgerows at key entrance points and crossings, with no other loss of landscape components such as trees. As arable fields, there would also be minimal loss of ground vegetation as a result of the solar arrays, new tracks, medium voltage power stations, substations and cable trenches. Close to the end of the construction phase, the proposed mitigation proposals would be commenced.
- 6.59. The main effects on the landscape character of the site would occur during the operational phase because of the presence of solar panels and related works.
- 6.60. The local landscape character areas in which the site is located are deemed to be of medium landscape value and medium landscape sensitivity within the LVA. It is not clear however, within the LVA how the judgement of susceptibility has been reached nor what the judgement values mean. Similarly, to judgements of susceptibility, the LVA also fails to provide definitions for the judgements of value. The assessments made are not clearly defined in the LVA and are therefore baseless. Due to this, the conclusion reached is that the assessment provided underestimates the likely effects of the proposal on landscape character and visual amenity.
- 6.61. The proposal would replace arable land with an urban-characterised landscape which would have a significant adverse effect on existing landscape character. As a result, the proposal would bring about a significant change to the character of the local landscape and would have an impact on the appearance of the environment within which it would be situated.
- 6.62. During the operational phase, the solar arrays, site tracks, fencing, CCTV, and the associated single storey containers and buildings would contrast starkly with the existing agricultural character. The nature of these features, together with the overall size and large geographical extent of the site mean that the proposal would lead to a material change in the character of the landscape from natural and agricultural character to a man-made urbanised landscape. This would result in a significant adverse effect on the landscape character.
- 6.63. Although the nature of the development means that landscape features such as trees and hedgerows would remain on site, this does not mean that the siting of a solar farm would not have an adverse impact upon the character of the area and sense of place. The solar farm would still be highly visible and prominent, which would detract from identified landscape character. Due to landscape topography, there is no amount of screening that could be introduced to adequately mitigate the harms to landscape character which would arise.
- 6.64. A key characteristic of the area is its rurality. The LCA guidelines consider that this is a feature that should be conserved. This is a very rural and agricultural landscape where natural features such as agricultural fields, the presence of hedgerows and trees and other perceptual elements of the landscape contribute to a wider appreciation of the character of the area.
- 6.65. The LVA has judged that the significance of effect would be minor adverse after 5 years. This position is not accepted. It stands to reason that over time the proposed landscaping will reach maturity and provide some screening function, but as explained, the topography of the site

would mean it is not possible to meaningfully screen the proposals to the wider area and even with mitigation, where it is effective, the proposals would still amount to a significant change in landscape character bearing in mind the nature of those receptors which would experience the site more closely, which includes local residential properties and PROWs.

- 6.66. The change in appearance would lead to the erosion of the open and undeveloped character of the site, which is notable for its absence of physical features and man-made structures. This would result in a high magnitude of change and in turn a significant adverse effect. This is the conclusion of assessment, which stands in contrast to the applicant's LVA assessment.
- 6.67. The development would appear a stark contrast within the rural, agricultural landscape, where it would result in the substantial loss of the rurality of the area, a key characteristic of landscape character. The proposal would be visible in parts across the rural landscape and due to its size, scale and mass of contrasting character, would undermine and disrupt the wider rural landscape mosaic which is unacceptable in the context of arising harm to landscape character.
- 6.68. Once operational, it is accepted that the development would involve very little associated activity that could risk disrupting the tranquillity of the landscape. This does not overcome the harm identified above.

Visual Amenity

- 6.69. The proposal has been supported by Zone of Theoretical Visibility (ZTV) mapping as part of the LVA, which show that the solar farm has potential to be visible from the north, northwest, south and west. In addition, the effect of the development from 23 viewpoints has been considered.
- 6.70. As part of the planning assessment the submitted information has been reviewed and conclusion reached that the LVA fails to provide a sufficient evaluation of the visual effects in terms of their size or scale, geographic extent and duration and reversibility as required for judging the magnitude of visual effects. The LVA assesses impacts on a three-point scale: short term (under 5 years), medium term (between 1 and 5 years) and long term (over 5 years). This methodology is not considered sufficient as the judgements as to the magnitude of change do not currently reflect the construction, operational and decommissioning phases of the proposed development over its lifetime (i.e. 40 years).
- 6.71. From a landscape and visual perspective, the site is set across a large expanse of medium to large fields with hedgerows and trees lining the boundaries. The pattern and landform vary, creating areas of low-lying land and elevated ridges. Views of the wooded skyline are present, along with views across the rising land.
- 6.72. During the operational phase, aspects that are likely to give significant effects on landscape character and amenity are the solar arrays, site tracks, fencing, CCTV, and the associated single storey containers and buildings, the highest of which would not exceed 4 metres.
- 6.73. In general terms, the visibility of the proposed solar farm would be confined to an area relatively local to the proposed site. This is due to the single storey height of the development itself, the nature of local topography and levels of existing vegetation. Boundary screening is proposed and the mitigation proposes additional planting along the site boundaries to screen the development. However, due to the sloping gradient and topography, the mitigation planting would not completely screen the solar farm; as views would still be achievable from local visual receptors.

- 6.74. The panels would be seen within the existing field pattern and enclosing vegetation. Given the topography of the site and patchwork of woodland hedgerows and trees, the visual impact of the proposed development is primarily limited to high sensitivity visual receptors (local residents and PROW users) – but that does not mean that wider local impact is not present or harmful as described already in this report. From close quarters, the proposal would result in a significant change.
- 6.75. In relation to the effect that the proposal would have upon local residents' amenity; as the panels are single storey, the presence of intervening boundary treatment and vegetation would screen them from ground floor views. In cases where boundary treatment is limited/open, the arrays are sited an acceptable distance from residential boundaries so to not be overbearing. At first floor level, it would be possible to see the arrays across an expansive viewpoint. It is acknowledged there would be expansive views of the panels but given their single storey nature and level of separation from neighbouring properties, the effect would not be harmful nor overbearing such that it would warrant a specific reason for refusal on residential amenity grounds. Further consideration to this matter is given in the section on Residential Living Environment below.
- 6.76. The views available on the PROW network would be more extensive, especially as they are used recreationally by walkers, cyclists and horse riders. Given the purpose of their journey and the slower speed at which they would pass through the landscape, PROW users would be more sensitive to the visual impact of the development.
- 6.77. From PROW visual receptors (PROW-231-8 and PROW 229-23), the proposed solar farm would lead to a marked adverse impact that, despite the proposed landscaping, would not diminish over time.
- 6.78. Although the site is not visible in its entirety as one entity, given the intervening hedgerows and tree belts, users of the PROWs would experience a significant change as they would experience sequential adverse visual impacts, with views of man-made solar arrays rather than the agricultural countryside and given the scale of development area this impact would not be fleeting but sustained over a significant distance/length of the PROW. From viewpoints along the PROW network, the harm arising from this change would be substantial.
- 6.79. Whilst receptors using the A130 and A132 may be moving more quickly, with drivers in particular having their attention focused ahead, owing to the proximity of Rettendon Turnpike there is greater likelihood of motorists frequenting the area more often and slowing or stopping at the turnpike itself, thus having a stronger familiarity with the local surroundings. Motorists on fast-moving roads are not typically regarded as sensitive to landscape impact as the view they would gain would be short lived, but the existence and proximity of the turnpike does introduce a material consideration in terms of receptor viewpaths for this proposal. For people commonly or frequently experiencing this landscape, whether by foot, cycle, car, etc., the sensitivity to impact on visual amenity of the landscape would be higher and so this impact is material. As described above, the impact on the visual amenity of landscape is substantial.

Cumulative Impacts

- 6.80. The LVA has not conducted any assessment of the cumulative impacts of the proposed solar farm development in combination with other allocations/planning applications within proximity

of the site. Applications for solar farms and other major developments within the local area include [but not limited to]:

- Land West of Hill Farm (Ref. 21/00555/FUL);
- Land East And West Of A130, North And South Of Canon Barns (Ref. 21/00394/FUL);
- Land East Of A130 South Of Canon Barns Road (Ref. 21/00502/FUL);
- Land At Former Runwell Hospital (Ref. 12/01480/OUT).

- 6.81. Owing to the relationship, nature and close proximity of these proposals all within the A130 corridor, the proposals could have additional effects or increase the magnitude of change and therefore should have been included within a cumulative assessment.
- 6.82. In the absence of a detailed assessment, significant effects on the South Hanningfield Wooded Farmland LCA (Chelmsford Landscape Character Assessment) which are likely to occur if the subject solar farm proposal in combination with other developments were to be constructed, has not been appropriately assessed. There will also be adverse sequential cumulative effects on the local network of PROWs should the above developments be constructed together.
- 6.83. In the absence of a detailed assessment of the cumulative impact of the now numerous schemes in this area a precautionary approach should be taken.

Conclusion

- 6.84. The applicant considers the impact of the solar farm on the landscape character and visual amenity would result in localised landscape and visual affects but would not cause substantial harm to the openness of the Green Belt in landscape and visual terms. The Council's assessment does not accept this conclusion.
- 6.85. The application fails to recognise the adverse effect the development would have on landscape character, with many of the receptors being judged by the applicant's LVA as having minimal adverse effect. The adverse effects arising from this proposal are assessed to be greater and the proposed mitigation would be insufficient to moderate, to any reasonable extent, the level of ill effect.
- 6.86. The proposal would result in a large-scale, man-made, urban-characterised development that would have a significant adverse impact on both landscape character and visual amenity. The proposed development would be significantly detrimental to the landscape character of the area, and it is concluded that the proposal would have an unacceptable, substantial adverse impact on the surrounding landscape. The predicted landscape affects arising from the proposed development are not able to be overcome by the proposed mitigation.
- 6.87. In consideration of very special circumstances, the wider adverse impact of the proposals must also be factored in where appropriate.

Natural Environment

Biodiversity

- 6.88. The likely effects of the proposed development on nature conservation and biodiversity have been fully assessed by the application. The baseline for the Ecological Assessment Report (EAR) has been established through a combination of desk study and field surveys.

- 6.89. There are no statutory or non-statutory nature conservation sites within the site. There are four nationally designated statutory sites within a 5km radius of the site, consisting of two Sites of Special Scientific Interest (SSSI) and two Local Nature Reserves (LNR). There are six internationally designated sites consisting of three Special Protection Areas (SPA), two Ramsar sites and one Special Area of Conservation (SAC) within a 10km radius of the Site. The closest of these sites are the Essex Estuaries SAC and the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar Site, which are all approximately 1.51 km to the east.
- 6.90. A number of ecological studies have been undertaken and accompany the application. The studies include an Ecological Assessment Report (EAR), Breeding Bird Survey, Great Crested Newt eDNA Survey, Biodiversity Management Plan and Biodiversity Net Gain (BNG) assessment. Natural England has been consulted as part of the application process with there being no objections given to the proposal on ecological grounds.
- 6.91. In relation to wintering birds, the site is known to be used by skylarks. A skylark mitigation strategy has been submitted by the applicants. This confirms that the scheme has been designed to minimise the direct impact on skylarks.
- 6.92. Significant biodiversity enhancements would be created through planting and appropriate management of wildlife friendly habitats including the provision of large planting belts. The enhancement forms part of a suite of proposed ecological improvements that could be secured by a Landscape and Ecological Management Plan (LEMP) which would control the development for the duration of the project.
- 6.93. The enhancement includes the conversion of the arable fields into a neutral grassland and modified grasslands. Native species rich hedgerows would be both created and enhanced. A Biodiversity Net Gain (BNG) assessment has been completed in accordance with the DEFRA 3.0 metric. The metric has been prepared by the applicant's ecologists to assess the pre and post development units on habitats. This shows that the proposal would deliver 138% gain in habitat units and 85% in hedgerows.
- 6.94. Had the application been recommended for approval, the ecological mitigation arrangements would be acceptable subject to conditions relating to the submission of a Landscape and Ecological Management Plan, the submission of details relating to hard and soft landscaping, boundary treatment and CCTV and lighting, wintering and breeding birds, including skylarks.

Trees

- 6.95. The trees and hedgerows bordering each field within the site contribute to the character and appearance of the area. There are no protected trees within the site and the site is not within a conservation area. That said, they are important natural landscape features.
- 6.96. The proposed development does not seek to remove any trees and only 3 small sections of hedgerows would be removed, with the remainder of trees and hedgerows to be retained. There are two sections of category B2 hedges and one section of a C2 hedge, therefore the impact to the amenity value would be limited.
- 6.97. The proposed works follow the guidelines set out BS 5837: 2012 trees in relation design, demolition and construction – recommendations, by implementing protective fencing where needed. The Arboricultural Impact Assessment recommends the submission of an Arboricultural

Method Statement and suggests 'heads of terms' for the method statement. It is considered a control mechanism, such as arboricultural method statement to be agreed by condition, would ensure protection of retained trees during construction.

- 6.98. Had the application been recommended for approval, the impact on trees would be acceptable subject to agreement of an Arboricultural Method Statement and other conditions to define the scope of works which may have an impact on trees such as surfacing, service runs, etc.

Loss of Agricultural Land

- 6.99. The NPPF at paragraph 174(b) states that planning policies and decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land.
- 6.100. Annex 2: Glossary of the NPPF defines Best and Most Versatile (BMV) agricultural land as land in Grade's 1, 2 and 3a of the Agricultural Land Classification.
- 6.101. The need to protect BMV land is reiterated within the Council's Solar Farm Development SPD which states that land of such quality is an important area for food protection and reducing the agricultural land available increases the reliance on the importation of food, with subsequent impacts such as increased carbon emissions. The SPD advises that developments in the first instance should consider sites on previously developed land, brownfield or contaminated land, industrial land or land of grades 3b, 4 or 5.
- 6.102. The applicant has submitted an Agricultural Land Classification Report (ALC) report. The site area surveyed by the report was 68.6 hectares of land. The site was found to comprise land limited to 3b (50.6 hectares) and 3a (18.2 hectares).
- 6.103. Natural England has been consulted on the proposal and state that it is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.
- 6.104. The removal of arable production is a material consideration, but this must be balanced against the benefit of the proposal in reducing greenhouse gas emissions through renewable and low carbon energy and associated infrastructure.
- 6.105. Planning conditions can be used to ensure that the installation is removed when no longer in use and that the land is restored to its previous use and condition.

Historic Environment

- 6.106. The site contains no designated or non-designated built heritage assets.
- 6.107. The heritage assessment submitted with the application scopes out 24 listed buildings within 3km of the site on the basis of distance, screening and lack of historic association. The conclusion of this scoping out process is agreed.

- 6.108. The heritage assessment considers three designated heritage assets in more detail; St Mary's Church Runwell (grade I listed), All Saints Church Rettendon (grade I listed) and the granary at Rettendon Place (grade II listed). It finds no harm to the setting of St Marys Church, on the basis that there is no ground level inter visibility and a small change to its wider setting. This assessment is accepted. It finds no harm to the setting of All Saints Church on the basis that there is a small change to its wider setting. However, the site would feature in views from the churchyard, where the wider rural settings is relevant and would also impact on views of the church tower from PROW 231-8 to the east of the site. This would impact on key views which contributes to the significance of the listed building and erode part of the wide rural setting. This would amount to less than substantial harm, given that only part of the wider setting is impacted upon, it would be a low level of harm. This harm is nonetheless a matter of great weight. The granary has its strongest association with the immediate rural setting and no harm to its significance is agreed.
- 6.109. The heritage assessment does not include assessment of built non designated heritage assets. There are two pillboxes within the western part of the site, one adjacent the railway line and within the east-west field boundary separating the western field. They are part of a series of features forming the GHQ defence line constructed in 1940, to slow a possible German invasion. Both are FW3/24 types made of concrete and brick. They form part of a group of defences on the western side of an anti-tank ditch now filled in, although there are other pillboxes to the northeast and southeast, now separated by the A130. The inter visibility between the pillboxes, lines of fire and landscape setting are important to the setting of the pillboxes and contributes to their significance. This would be eroded by the solar installation, adversely affecting their setting. This would be a moderate level of harm, taking account of other changes in the setting.
- 6.110. To the north there is the Toby Carvery, a former mid nineteenth century small county house, which due to its architectural and historic interest should be considered as a non-designated heritage asset. The rural setting contributes to its significance. The northeast part of the site contributes to its setting, even though it is severed by Runwell Road and screened, there would be a low level of harm to its setting.
- 6.111. The NPPF, at paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 203 states the effect of an application on a non-designated heritage asset should be taken into account in determining the application.
- 6.112. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The harm caused would be a low level of less than substantial harm for the purposes of the NPPF. This should be balanced in against any public benefit delivered by the proposals in accordance with paragraph 196 of the NPPF.
- 6.113. In this regard, the proposal provides renewable energy benefits resulting in the creation of renewable energy from solar. The benefit of the proposal outweighs the level of harm on heritage conservation.
- 6.114. There is potential for archaeological remains across the whole of this development area, but there would be no unacceptable archaeological implications arising from the proposal, subject to a condition for evaluation and recording work were the application to be approved.

Residential Living Environment

- 6.115. With the exception of Southlands Cottages and Southlands Farmhouse, there are few residential properties sited along the operational boundaries. These properties are sited about 50 metres from the nearest arrays. The site also adjoins the busy A130 and the A132 which would further reduce the perceived noise impact from either on-site plant or construction noise.
- 6.116. The Council's Public Health and Protection Service raise no objections to the proposal, and it is not considered that the proposal would lead to material adverse impacts on noise.
- 6.117. It is acknowledged that during the construction phases, there would be periods when works are likely to be audible to nearby receptors. The submission of a Construction Management Plan/Statement could be conditioned to help minimise these temporary impacts.
- 6.118. As discussed earlier in the report, there are not considered to be ground floor intervisibility between local residential properties and the proposals. The impact of residential first floor views would offer a more expansive viewpoint of the proposals but this would not give rise to specific loss of residential amenity.
- 6.119. The solar panels are not considered to harmfully affect nearby residential amenity by way of adverse glint or glare to warrant a reason for refusal on this ground.
- 6.120. Precise details of CCTV and fencing could be secured by condition so that it does not lead to loss of privacy and/or be visually intrusive or overbearing on local residents.

Traffic and Highway Safety

- 6.121. A Construction Traffic Management Plan has been prepared and accompanies the application, which assesses all traffic and transport matters providing detailed access designs to be used for construction and operational vehicle access to the site from Runwell Road (A132). The access is considered suitable with the relevant visibility splays achieved.
- 6.122. The proposed construction vehicle route requires all construction vehicles to arrive from the east via the A130, which connects to the A12 to the north and A127 to the south. Both the A12 and A127 connect to the M25. A scheme of traffic management signage would be installed by the applicant in the event planning permission was achieved.
- 6.123. During the construction period, which is approximately 6 months, it is anticipated that there would be approximately 1,081 HGV deliveries (including a 10% buffer) to the site for all equipment and materials forming the solar farm and 105 forming the battery storage facility. This equates to 9 deliveries a day.
- 6.124. Once operational, maintenance vehicle visits (typically transit van or similar) would be limited in number and visiting the site approximately 10-20 times per year. These would therefore have a negligible impact on the local highway network.
- 6.125. PROWs within the site would remain open and available at all times during construction, operation and decommissioning. There will be no impact on offsite PROWs.
- 6.126. The Highway Authority have been consulted on the proposals and have reviewed the information provided. They have considered the safety of the site access, the impact of the

construction phase and also risks posed by Glint and Glare (Glint and Glare Assessment submitted with the application).

- 6.127. The Highway Authority raises no objections to the proposed access arrangement subject to appropriate planning conditions relating to attributes of the proposals and construction management.
- 6.128. The Highways Authority conclude that the proposal as submitted is not considered detrimental to highway safety, capacity or efficiency.

Flooding and Drainage

- 6.129. As most of the development is solar panels which are supported on piled struts, the surface area of the site is comparatively small in comparison to the overall development site area. The application is supported by a Flood Risk Assessment and Drainage Strategy.
- 6.130. This FRA and drainage strategy outlines how surface water will be managed during operational phases of the development and provides an overview maintenance plan for the key SuDS features proposed.
- 6.131. No critical infrastructure has been placed within the mapped flood zones. Some PV panels are located within the mapped flood zones; however, this is considered acceptable and in line with current NPPF guidance for Essential Infrastructure. New landscaping would provide some improvement by intercepting runoff and promoting sedimentation, filtration and infiltration which is appropriate mitigation in the context of very minimal impact on flooding.
- 6.132. The proposed solar panels and tracks will not lead to any significant increase in run-off. However, as a precautionary measure, swales are proposed to store run-off from the steepest areas of the site and filter strips are provided for the remainder of the site. Ancillary buildings will be surrounded by a crushed stone apron consisting of clean 40-70mm clean stone and the larger substation will be served by a soakaway which has been sized to accommodate the 6hr 100yr + 40% climate change rainfall event.
- 6.133. The outline drainage scheme proposed ensures the proposed development will not increase flood risk away from the application site.

Very Special Circumstances

- 6.134. The NPPF at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.135. Paragraph 148 states that when considering any planning application, local authorities should ensure that substantial weight is given to any harm in the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm arising from the proposal, is clearly outweighed by other considerations.
- 6.136. Paragraph 151 states that when located within the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special

circumstances may include the wider environmental benefits associated with increased production from renewable sources.

6.137. The applicant states that the following comprise very special circumstances:

- Renewable energy generation
- The temporary and reversible nature of the development
- Biodiversity net-gain
- Lack of alternative sites
- Best available technology
- Good design
- Improvements to green infrastructure
- Farm diversification
- Soil regeneration

6.138. The matters referred to by the applicant are addressed as appropriate below:

Renewable Energy Generation, climate status and energy security

6.139. The tackling of the effects of climate change is a key government policy. The NPPF at paragraph 158(a) recognises that all renewable energy schemes can make a valuable contribution to reducing greenhouse gas emissions.

6.140. This proposal could produce up to 49.9 MW per annum of electricity – although this is the maximum and the applicant has indicated that this may not be fully achieved by the current proposals. Nonetheless, this is a significant amount of renewable energy reduction and is given significant weight in favour of granting planning permission for this proposal.

6.141. However, as required by paragraph 151 of the NPPF, the benefits of the scheme in respect of the reduction in greenhouse gas emission and maximisation of renewable energy has to be balanced against the harm to the Green Belt by virtue of the proposal being inappropriate development.

6.142. Whilst it is reasonable to weigh the environmental benefits strongly individually and cumulatively, the impact of the proposals on the Green Belt character of openness and permanence is also substantial. Support for sustainable and renewable energy generation does not mean the purpose or character of the Green Belt should be a less significant consideration.

6.143. The effects upon openness, landscape character and visual amenity are also given significant weight as described within this report and these increase the weight of consideration against the proposal. In this case, it is considered that the harm by reason of loss of openness and harm to landscape character is greater than the benefits that the proposal would have in delivering a renewable form of energy.

Temporary and Reversible

6.144. The application is for a forty-year timeframe which by its very nature would represent a considerable period of time during which the adverse impacts of the proposal would be experienced; such that the reversibility of the land is a matter given substantially less weight as a very special circumstance. The forty-year timeframe would not be perceived by those who

frequent the area as being temporary. There is nothing special or exceptional about the proposal in this regard other than it not being proposed for a period longer than 40 years.

Biodiversity net-gain

6.145. It is acknowledged that the proposal would result in biodiversity net gain resulting in the creation of 138% gain in habitat units and 85% in hedgerows. Biodiversity net gain is not in itself a very special circumstance as it is now an expectation of development, as set out within NPPF and the Chelmsford Local Plan. This is more generally reflected also within the NPPF and Chelmsford Local Plan requirement for development to conserve or enhance the natural environment. Whilst the betterment is more generally weighed in the planning balance of these proposals, and uplift is therefore apportioned some positive weight, there is nothing special or exceptional about the proposal in this regard.

Lack of Alternative Sites

6.146. The contents of the applicant's consideration of alternative sites are noted.

6.147. Planning law is clear that applications must be assessed on their merits against the relevant development plan and any other material considerations that may apply. Whilst the need for renewable energy generation is accepted, there is no requirement that points to it needing to be generated on this site specifically.

6.148. Given the economic need for these types of developments to be within 3km of a substation, the proximity of this proposal to the Rayleigh substation is not considered to be wholly unique or 'very special' and whilst the applicant asserts that substantial weight should be afforded to this issue in the planning balance, it can only be afforded weight that reflects the attributes of that case. On balance, the proposals are significantly harmful and there is no overwhelming evidence that suggests that no other sites would be available locally or indeed that an additional solar farm would need to be plugged into National Grid Rayleigh Substation rather than another substation. This also takes into account the existence of other already approved solar farms in this area.

Best Available Technology

6.149. The applicant contends that the use of best available technology has been employed to maximise the productivity of the solar farm. This very special circumstance can only be given very limited weight in consideration of this application and would not clearly outweigh the harms as identified.

Good Design

6.150. Good design has been cited as a very special circumstance. In contrast, the Council's case is that the solar farm would be harmful in terms of its urbanising impacts. The Council attaches no significant weight to good design as a very special circumstance in this case individually and cumulatively.

Green Infrastructure Improvements

6.151. Whilst the proposal would result in some landscape enhancements and, as discussed, a biodiversity net gain of 138% gain in habitat units and 85% in hedgerows, there is nothing

particularly special or uncommon about this outcome. Mitigation is proposed within most planning applications as a matter of course. There is nothing special or exceptional about the proposal in this regard.

Farm Diversification

6.152. The applicant contends that the proposed development would generate additional income to support the farming business. Whilst farm diversification is supported by local and national planning policy, there are other, less harmful ways of diversifying a farm holding which are often utilised by farmers to secure greater viability in their business. This is afforded limited weight in the planning balance and does not clearly outweigh, individually or cumulatively considered with other very special circumstances, the harms arising from the proposal.

Soil Regeneration

6.153. The applicant cites that moderate weight should be attached to soil regeneration and states that there is evidence that conversion of land from arable to grassland which is uncultivated increases soil organic matter and soil organic carbon. Whilst the Local Planning Authority holds no evidence to refute these claims, it is common practice and a tactic used by farmers to let their land lie fallow for an extended period of time to improve cultivation – as such the proposals are not needed to allow for this approach to be taken on the land. Very limited weight is attached to this in the planning balance.

Very Special Circumstances: Conclusion

6.154. It is accepted by both the applicant and the Council that the proposal is inappropriate development.

6.155. Due to its size, visual massing and scale, the proposal would clearly have a significant effect upon the openness of the Green Belt.

6.156. It is acknowledged that the proposal could deliver up to 49.9MW of solar energy. This is a significant amount of renewable energy reduction and is given significant weight in favour of granting planning permission for this proposal.

6.157. Yet, having considered the planning balance along with very special circumstances proposed above singularly and cumulatively, it is clear that the proposal, which it is concluded would result in visual and spatial loss of openness and would adversely affect landscape character and visual amenity, cannot be clearly outweighed by other considerations (very special circumstances). The identified harm is significant in impact and carries substantial weight. The effect cannot be appropriately mitigated, and the overall considerations and benefits (very special circumstances) do not amount to outcomes which clearly outweigh Green Belt and other harms.

6.158. The nature of planning is that it is often a balancing exercise between a number of different elements. In this case, it is considered that the harm by reason of loss of openness and harm to landscape character is greater than the benefits that the proposal would have in delivering a renewable form of energy.

6.159. The very special circumstances have been assessed and are not accepted as overriding considerations.

Sustainability

- 6.160. The NPPF considers that achieving sustainable development means that the planning system has three overarching objectives which are independent and need to be pursued in mutually supportive ways so that opportunities can be undertaken to secure net gains across economic, social and environmental objectives. Officers have considered this as an overarching consideration of this application proposal and in relation to the applicant's very special circumstances – environmental benefits.
- 6.161. The proposal is a renewable energy project which, provided that it does not comprise inappropriate development in the Green Belt, is supported by national and local planning policies due to the benefits it would deliver in reducing greenhouse gas emissions. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar power industry. However, the loss of agricultural land could lead to the loss of agricultural jobs. This would somewhat be offset by the Government's commitment to promote renewable energy proposals.
- 6.162. There would be habitat and biodiversity net gains associated with the development.
- 6.163. The proposal would lead to loss of openness within the Green Belt that cannot be overcome by very special circumstances. It would also cause unacceptable harm to landscape character that cannot be appropriately mitigated to reduce the level of harm. This effect is given significant and great weight but does not warrant a specific reason for refusal on sustainability grounds.
- 6.164. Based on the consideration given above, whilst it is concluded that the proposal is a form of sustainable development and would meet sustainable development objectives, the development would give rise to unacceptable harm which would run contrary, on balance, to planning policy.

Conclusion

- 6.165. There is a recognised need and support for renewable energy technology through National and Local Planning policy and this development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply for renewable sources.
- 6.166. The assessment of renewable energy proposals requires the impacts to be considered in the context of the strong "in principle" policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation.
- 6.167. The scheme would be for an inappropriate form of development in the Green Belt that would lead to a loss of openness and visual harms. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

- 6.168. The very special circumstances put forward by the applicant has been considered, but these do not outweigh the substantial harm by reason of inappropriateness and loss of openness, that the proposal would have on the Green Belt.
- 6.169. The proposal would give rise to a substantial level of harm to landscape character and visual amenity that cannot be appropriately mitigated to reduce the level of harm.
- 6.170. The proposal would not have a harmful adverse impact on ecology, residential amenity, highway safety or flood risk, subject to controls recommended by planning conditions.
- 6.171. The main benefit arising of the scheme is the contribution to the production of renewable energy and consequential reduction in CO2 emissions. These benefits are afforded substantial weight.
- 6.172. The benefits associated from the development do not outweigh the harm caused to the openness of the Green Belt and the harm caused to landscape character and visual amenity and do not amount to very special circumstances.
- 6.173. It is concluded that the proposal is unacceptable and does not comply with the Chelmsford Local Plan, Solar Farm SPD, the NPPF or the NPPG.

7. Community Infrastructure Levy (CIL)

- 7.1. The application is not CIL liable.

RECOMMENDATION

The Application be REFUSED for the following reasons:-

Reason 1

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 151 of the NPPF states that when located in the Green Belt, elements of many renewable energy project will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to precede. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Policy DM6 and DM10 of the Adopted Chelmsford Local Plan and the Adopted Solar Farm Development SPD reiterate the NPPF.

Policy DM19 - Renewable and low carbon energy of the Adopted Chelmsford Local Plan relates to proposals for renewable and low carbon energy. It states that planning permission will be granted for renewable and low carbon development provided they:

- i. Do not cause demonstratable harm to residential living environment; and
- ii. Avoid or minimise impacts on the historic environment; and
- iii. Can demonstrate no adverse effect on the natural environment including designated sites; and
- iv. Do not have an unacceptable visual impact which would be harmful to the character of the area; and

- v. will not have a detrimental impact on highway safety.

When located within the Green Belt, renewable or low carbon energy developments will also need to demonstrate very special circumstances in order to be approved.

The development would result in an unacceptable form of development within the Green Belt outside the exceptions listed within the NPPF or Policies DM6 or DM10 of the Adopted Chelmsford Local Plan. The proposal would be for an inappropriate form of development that would lead to loss of openness.

The proposed development by reason of its siting and scale would result in the creation of a large-scale, man-made, urban character development that would lead to visual and spatial loss of openness.

The very special circumstances put forward by the applicants have been considered, but the applicant has not demonstrated that the harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by the very special circumstances.

The proposal is therefore contrary to Policies DM6, DM10 and DM19 of the Adopted Chelmsford Local Plan, the Adopted Chelmsford Solar Farm Development SPD and the objectives of the NPPF.

Reason 2

The National Planning Policy Framework (NPPF) states that all planning proposals and decisions should contribute to and enhance the natural and local environment. Paragraphs 174a and 174b require proposals to:

- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy DM6 and DM10 of the Adopted Chelmsford Local Plan and the Adopted Solar Farm Development SPD reiterate the NPPF.

Policy DM19 - Renewable and low carbon energy of the Adopted Chelmsford Local Plan states that planning permission will be granted for renewable and low carbon development provided they:

- i. Do not cause demonstratable harm to residential living environment; and
- ii. Avoid or minimise impacts on the historic environment; and
- iii. Can demonstrate no adverse effect on the natural environment including designated sites; and
- iv. Do not have an unacceptable visual impact which would be harmful to the character of the area; and
- v. will not have a detrimental impact on highway safety.

The proposed development by reason of its siting and scale would result in the creation of a large-scale, man-made, urban character development. It would be significantly detrimental to the landscape character of the area and would be harmful to visual amenity. The predicted landscape effects arising from the proposed development are not able to be overcome by the proposed mitigation.

The proposal would cause an unacceptable and adverse effect upon the natural environment which in turn would fail to protect the intrinsic character and beauty of the countryside.

Further, the applicant's proposal contains insufficient assessment of landscape impacts.

The proposal is therefore contrary to Policies DM6, DM10 and DM19 of the Adopted Chelmsford Local Plan, the Adopted Chelmsford Solar Farm Development SPD and the objectives of the NPPF.

Background Papers

Case File

Basildon District Council

Comments
<p>18.04.2023 - Thank you for your consultation in respect of the above planning application.</p> <p>I would like to make the following comments on behalf of Basildon Council which borders the application site to part of the western boundary.</p> <p>The impact on the Green Belt will need to be balanced alongside the benefit of renewable energy as outlined in the NPPF 2021.</p> <p>It is noted that the site is highly visible particularly when viewed from Runwell Road adjacent to 2 Southlands Cottages where the land steeply rises and also those parts closest to Runwell Road (i.e. the far north-eastern parcel).</p> <p>There is concern that the proposal will spoil the view from the public right of way network which run in an east-west direction to the north of the River Crouch (Runwell 8 and Rettendon 23 public footpaths) and will be detrimental to the enjoyment and experience of members of the public which use these footpaths and benefit from the currently open landscaped setting. Erecting fencing either side of the public footpaths will introduce a man-made industrial feature into the natural landscape, detrimental to the landscape character. We would ask that Place Services Landscaping are consulted if they haven't been already and that views from the Wickford Memorial Park are taken into consideration.</p> <p>Please can these comments be passed onto the relevant case officer.</p>

Runwell Parish Council

Comments
<p>17.05.2023 - Runwell Parish Council have a policy to object to inappropriate development of the greenbelt. Residents and Councillors have raised the following comments: 1. Glare and glint effects on livestock in adjoining fields; 2. Issues with the Public Right of Way which crosses through the proposal ' safety of the walkers using the path (consider a safer diversion); 3. Re-instatement of surfaces following completion of the installations; 4. Drainage ' ways of improving natural drainage; 5. Concerns about chemical release when washing the solar panels; 6. Devaluation of material assets (homes) of neighbouring properties; 7. Untested health implications to those living in close proximity to the solar farm and loss/impairment of Health & Well-being due to the visual amenity being lost (majority of native trees and hedges are deciduous and do not obscure the view all year round); 8 loss of agricultural land (sheep have never been grazed on this land previously uncertainty of suitability); 9 A review of similar renewable energy project applications, it is noted that under very special circumstances similar projects have been approved as there is a benefit for local residents.</p>

Essex County Council Highways

Comments

03.11.2023 - Your Ref: 23/00532/FUL

Our Ref: CO/EGD/SD/RM/CHL/23/532/56301

Date:- 3rd November 2023

Recommendation Issue 2.

The Highway Authority has reconsidered the Glint & Glare Impact Assessment and amended the conditions accordingly:

' The Solar Panels used in this proposal, would have a tracking capability, to track the sun's path across the sky.

' The existing established vegetation adjacent to A130 and the A132 Runwell Road together with the additional planting proposed would mitigate the impact of the proposal.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The additional planting shown, shall be provided and planted clear of the highway boundary extent as shown in the:

- i. Proposed Site Plan, drawing no. RC3-02-P02, Revision 04.
- ii. Southlands Farm- Detailed Landscape Plan, drawing no. P22-1918_EN_003C.

Reason: In the interest of highway safety and to protect the integrity of the highway in accordance with policy DM1.

2. The submitted Construction Traffic Management Plan (CTMP), October 2022 shall be adhered to throughout the construction period. The CTMP provides for in particular;

- i. vehicle routing,
- ii. construction access restricted to left in left out vehicle access and turning movements,
- iii. the parking of vehicles of site operatives and visitors,
- iv. loading and unloading of plant and materials,
- v. storage of plant and materials used in constructing the development,

vi. Turning facility for articulated 18.55 metre in length heavy goods vehicles,

vii. wheel and underbody washing facilities.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, to ensure that vehicles can enter and leave the highway in a forward gear, to ensure that on-street parking of these vehicles in the adjoining roads does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 and DM19 and to avoid inappropriate HGV movements through the built up areas.

3. A before and after condition survey (Highways Dilapidation Survey), to identify defects to highway in the vicinity of each of the vehicular access in 4 below, and where necessary ensure that repairs are undertaken at the developer expense, where the damage is caused by the developer to the satisfaction and, at no cost of the Highway Authority.

Reason: To preserve the integrity of the highway, in the interests of highway safety and Policy DM1.

4. Prior to commencement, the Solar Farm Vehicular Access, which would be used for the Construction and future Maintenance, shown in principle the Proposed Site Plan, drawing no. RC3-02-P02, Revision 04 and detail design and construction shown in the submitted Construction Traffic Management Plan (CTMP), October 2022 3 above, shall be constructed as shown in principle at Appendix A, Proposed Site Access Arrangement On A132 at Existing Field Access, drawing no. SK01, Revision A. with subsequently submitted Heavy Goods Vehicle 18.55 metres long Swept Path drawing number SK03 2201-018 and SK04 2201-018. The vehicular access shall be provided with an appropriate vehicular crossing of the highway verge to accommodate all vehicle movements for the construction phase, details to be agreed in writing with the Local Planning Authority and the Highway Authority .

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

5. The visibility splays in both directions to the highway vehicular access shown in principle the Proposed Site Plan, drawing no. RC3-02-P02, Revision 04, pass over highway land. The applicant shall ensure that the foliage within the verge is cleared and to Maintain these visibility splays in perpetuity, as measured from and along the nearside edge of the carriageway.

Reason: To provide adequate inter-visibility between vehicles using the road junctions/accesses and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

6. No unbound material shall be used in the surface treatment for each of the three vehicular accesses in 5 above, within 20 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

7. There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

8. The gates provided at the vehicular accesses in 4 above, shall be inward opening only and shall be set back a minimum of 20 metres from the back edge the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

9. The public's rights and ease of passage over public right of way; footpath, 8 (Runwell Parish 231), shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

10. If it deemed necessary for public footpath 8 (Runwell Parish 231), to be closed for safety reasons, during the construction phase or to be diverted, no development shall be permitted to commence on site until such time as a Legal Order(s) have been obtained, by agreement with the Essex County Council Public Rights of Way Team (see the Informatives below), securing the diversion of the existing definitive right of way, be it temporary or permanent, to a route to be agreed with the Local Planning Authority. The new route(s) must be constructed to the satisfaction of the Local Planning Authority. Hedges other vegetation or foliage must not encroach upon the width of footpath 8. This responsibility lies with the applicant and it is not the responsibility of the Highway Authority to maintain the hedges other vegetation or foliage clear of footpath 8.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

General

I. Prior to any works taking place in public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval with the submitted Stage 1 Road Safety Audit with designer's responses for vehicular access in 4 above. The designers' responses will be reviewed by the Highway Authority Engineers and where deemed necessary; the applicant may be required to make additional considerations with follow up actions to make the use of the vehicular access safe from a highway and transportation perspective.

II. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

III. The above to be provided at no cost to the Highway Authority.

IV. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

Please include the Informative:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

i. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org:

ii. The Essex County Council Public Rights of Way team by email at highway.status@essexhighways.org

South Essex Parking Partnership

Comments

No response received

Public Health & Protection Services

Comments

18.04.2023 - Provided the recommended mitigation is employed as outlined in the acoustic report, it appears that the noise levels from the operation of the development will be satisfactory.

Environment Agency

Comments

20.07.2023 - INSTALLATION OF A SOLAR FARM WITH BATTERY STORAGE AND ASSOCIATED INFRASTRUCTURE

LAND SOUTH OF NATIONAL GRID CHELMSFORD ROAD, RAWRETH, ESSEX

Thank you for your consultation dated 29 June 2023. We have reviewed the application as submitted and are able to remove our holding objection, detailed in our letter, referenced AE/2023/128277, dated 12 May 2023.

We now have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below. Flood Risk

Our maps show the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding, although the majority of the site does fall within flood zone 1. The proposal is for the installation of a solar farm with battery storage and associated infrastructure land south of national grid, which is classified as an 'essential infrastructure' development, as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site-specific Flood Risk Assessment (FRA).

Flood Risk Assessment To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA Addendum, referenced P23_174 and dated 23 June 2023, version 1.0, are:

- o The site lies within the flood extent for a 1% (1 in 100) annual probability event, including an allowance for climate change.
- o It is proposed that the panel stowage height shall be at 2m, which is above the 1% (1 in 100) annual probability flood level including climate change of 0.15m AOD and therefore dry in this event. The panels will also be above the 0.1% (1 in 1000) annual probability flood level of 1.35m AOD.

Other advice: Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

We trust this information is useful.

CHECK - ECC Minerals & Waste

Comments
No response received

Ramblers Association

Comments
18.04.2023 - Thank you for advising the Ramblers of this planning application. On behalf of the Ramblers Association we

wish to make the following comments:-

The Design and Access Statement (paragraph 2.6) refers to PRoW 231_8, running in an east-west orientation, but NOT to PRoW 229_23, which continues the PRoW up to and beyond the A130. These should BOTH be fully annotated within the relevant submitted documentation, including the Location Plans and Landscape Proposals.

The Design and Access Statement (paragraph 11.6) confirms that the existing PRoWs within the site will remain open and available at all times during construction, operation and decommissioning. This should be Conditioned in any Town Planning approval.

ECC Historic Environment Branch

Comments

20.04.2023 - Dear Sir/Madam,

RE: 23/00532/FUL - Installation of a solar farm with battery storage and associated infrastructure

Land South Of Southlands Cottages, Runwell Road, Runwell, Wickford

The above application has been identified on the weekly list by the Historic Environment Advisor to Chelmsford City Council as having archaeological implications.

As attested by the submitted Heritage Statement and the Essex Historic Environment Record (EHER), the proposed development site is in an area with a high potential to contain archaeological remains. Two important archaeological excavations have previously been undertaken in close proximity to the proposed development. Beachamps Farm, located 350m to the south of the development, exposed an extensive multi-period settlement site, ranging in date from the Late Bronze Age to the Medieval period. An Iron Age settlement and associated cemetery, a Roman military camp (possibly a fort), a later Roman villa and evidence of Saxon occupation were all uncovered during the excavations (EHERs 7532-7540). 600m to the north of the proposed development, another multi-phase settlement site was uncovered during excavations at the former Runwell Hospital. This site uncovered evidence of Late Neolithic occupation, an Iron Age settlement enclosure ditch and a medieval roadside working area (EHER 15657).

This office agrees with the Heritage Statement's conclusions of the archaeological potential of the site. The undertaken geophysical survey has not identified areas of any intensive occupation, but extramural activity related to the settlement areas identified nearby is likely to extend into the proposed development site, and more ephemeral prehistoric activity is also likely to be present.

Given the above, this office recommends that the following conditions are placed on any consent, in line with the National Planning Policy Framework, paragraph 205:

RECOMMENDATION: Archaeological trial-trenching and excavation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which

has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological trial-trenching evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local planning authorities archaeological advisors.

3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

The work should be carried out by an accredited archaeological contractor and will initially comprise an archaeological trial-trenching evaluation of the proposed development site. This evaluation should ensure to target the anomalies identified by the geophysical survey. Depending on the results of this evaluation, it may be followed by a further scheme of archaeological open-area excavation and/or archaeological monitoring, or in situ preservation of remains, as appropriate.

An archaeological brief will be produced from this office detailing the work required, on request, and should be acquired prior to the submission of a Written Scheme of Investigation.

If you have any questions please do not hesitate to contact me.

Natural England

Comments
No objection

UK Power Networks (Network Planner)

Comments
No response received

Environment Agency

Comments

No objection

H.S.E East Anglia Area

Comments

25.04.2023 - Advice : HSL-230420110954-46 Does Not Cross Any Consultation Zones

Your Ref: 23/00532/FUL

Development Name: Land South Of Southlands Cottages Runwell Road Runwell Wickford Essex

Comments:

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

This advice report has been generated using information supplied by Alex Sadowsky at Chelmsford District (B) on 20 April 2023.

Economic Development & Implementation

Comments

No response received

Anglian Water Services Ltd

Comments

17.04.2023 - Good afternoon,

Thank you for your email consultation on the planning application for 23/00532/FUL.

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

Kind regards

Essex County Fire & Rescue Service

Comments

26.04.2023 - Dear Sir

Whilst Essex County Fire and Rescue Service (ECFRS) is not a statutory consultee in relation to the project at this stage, we will work and engage with the developer as this project develops to ensure it complies with statutory requirements that will be enforceable when they fall under our authority.

Approved Document B Volume 2: Buildings other than dwellings - Regulation 38: Fire Safety Information states:

"ensure that the person responsible for the building has sufficient information relating to fire safety to enable them to manage the building effectively"

ECFRS advises that the developer produces fire safety and risk reduction strategies as the responsible person for the scheme. We would also propose that safety measures and risk mitigation are developed in collaboration with the Service.

The strategies should cover the construction, operational and decommissioning phases of the project.

During the construction phase the number of daily vehicle movements in the local area will significantly increase. The Service would like to view the transport strategy to minimise this impact and prevent an increase in the number of road traffic incidents. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.

ECFRS recognise the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.

The developer must ensure the risk of fire is minimised by:

Procuring components and using construction techniques which comply with all relevant legislation.

Including automatic fire detection systems in the development design.

Including automatic fire suppression systems in the development design. Various types of suppression systems are available, but the Service's preferred system would be a water drenching system as fires involving Lithium-ion batteries have the potential for thermal runaway. Other systems would be less effective in preventing reignition.

Including redundancy in the design to provide multiple layers of protection.

Designing the development to contain and restrict the spread of fire using fire-resistant materials and adequate separation between elements of the BESS.

Developing an emergency response plan with ECFRS to minimise the impact of an incident during construction, operation and decommissioning of the facility.

Ensuring the BESS is located away from residential areas. Prevailing wind directions should be factored into the location of the BESS to minimise the impact of a fire involving lithium-ion batteries due to the toxic fumes produced.

The emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of regular onsite training exercises.

The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to ECFRS.

Environmental impact should include the prevention of ground contamination, water course pollution, and the release of toxic gases.

The BESS facilities should be designed to provide:

Adequate separation between containers.

Provide adequate thermal barriers between switch gear and batteries,

Install adequate ventilation or an air conditioning system to control the temperature. Ventilation is important since batteries will continue to generate flammable gas as long as they are hot. Also, carbon monoxide will be generated until the batteries are completely cooled through to their core.

Install a very early warning fire detection system, such as aspirating smoke detection/air sampling.

Install carbon monoxide (CO) detection within the BESS containers.

Install sprinkler protection within BESS containers. The sprinkler system should be designed to adequately contain and extinguish a fire.

Ensure that sufficient water is available for manual firefighting. An external fire hydrant should be located in close proximity to the BESS containers. The water supply should be able to provide a minimum of 1,900 l/min for at least 2 hours. Further hydrants should be strategically located across the development. These should be tested and regularly serviced by the operator. If the site is remote from a pressure fed water supply, an Emergency Water Supply (EWS) meeting the above standard should be incorporated into the design of the site e.g. an open water source and/or tank(s). If above ground EWS tanks are installed, these should include facilities for the FRS to discharge (140/100mm RT outlet) and refill the tank.

The site design should include a safe access route for fire appliances to manoeuvre within the curtilage (including turning circles). An alternative access point and approach route should be provided and maintained to enable appliances to approach from an upwind direction.

A Premises Information Box (PIB) should be located at the designated 'main' access point, to hold the Emergency Response Plan, to include water supplies for firefighting, drainage plans highlighting any Pollution Control Devices (PCDs) / Penstocks etc for the FRS.

Ideally, an Automatic Fire Alarm (AFA) slave/repeater panel presented as a MIMIC panel should also be located here.

As large-scale BESS facilities are a relatively new technology, associated risks may or may not be captured in current guidance such as the Building Regulations 2010 (as amended) and fall outside of the auspices of the Regulatory Reform (Fire Safety) Order 2005. For this reason, we strongly recommend applying the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems.

NFPA 855: Standard for the Installation of Stationary Energy Storage Systems

Yours sincerely

Susan Askew

Protection

Essex County Fire and Rescue Service

Essex and Suffolk Water

Comments

No response received

Police - Designing Out Crime

Comments
<p>25.04.2023 - Essex Police comments pursuant of the National Planning Policy Framework 2019 (NPPF) and Chelmsford City Council polices.</p> <p>NPPF section 8 "Promoting Healthy and Safe Communities" paragraph 91(b), and section 12 "Achieving Well Designed Places" paragraph 127(c) address creating places that are safe. Chelmsford Local Plan DM23 & DM24 addresses security through "High Quality Design" and "Place Shaping" with a reasoned justification 9.6 - "The layout and design of a development are important in creating a safe environment where people are comfortable to live, work and visit".</p> <p>We welcome the considerations given to crime within the Design and Access Statement however we would dispute the impact of Solar Farm crime. It should be noted that other parts of the country have seen an expediential rise in crime in relation to solar farms with everything from solar panels to cabling, batteries and ancillary equipment being targeted. To comment further we would require the finer detail such as any proposed lighting, compound access control and physical security measures.</p> <p>We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with these policies.</p>

ECC Minerals & Waste Planning

Comments
<p>25.04.2023 - Dear Sir / Madam</p> <p>Nature of Response: To address minerals and waste safeguarding implications arising through Application 23/00532/FUL.</p> <p>Proposal: Installation of a solar farm with battery storage and associated infrastructure.</p> <p>Location: Land South Of Southlands Cottages, Runwell Road, Runwell, Wickford, Essex.</p> <p>Thank you for your email received 13th April 2023 consulting the Mineral and Waste Planning Authority (MWPA) on the above proposals.</p> <p>The 'project area' forms the basis for the minerals and waste safeguarding assessment set out below.</p> <p>This response deals with mineral policy matters and waste policy matters in turn. A spatial representation of the project area and the matters discussed can be found in Appendix One.</p> <p>Mineral Matters</p> <p>Safeguarding Mineral Resources</p> <p>Part of the project area is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can</p>

be viewed on the County Council's website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

Policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 210). The same paragraph encourages the prior extraction of mineral where it is practical and environmentally feasible.

It is however noted that the proposal is for a solar farm and that there would not be any significantly intrusive ground works required to establish the development. It is further noted that the Planning Statement date March 2023 states at Paragraph 3.1 that the proposed development is temporary in nature. The MWPA has no objection, providing that the proposed development site will be returned to its 'former use' upon expiration of permission, concluding that the mineral subject to the MSA is not at risk from permanent sterilisation.

If this is not the case, then a Minerals Resource Assessment (MRA) is required to establish the practicality and environmental feasibility of the prior extraction of mineral such that the resource is not sterilised where this can be avoided. If found to be practical and environmentally feasible, prior extraction is expected to take place ahead of sterilisation by non-mineral development.

Mineral Infrastructure Matters

With regard to Mineral Consultation Areas, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy S8 of the MLP defines Mineral Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.

The application site does not pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment (MIIA) would not be required as part of a planning application on this site.

Waste Matters

Safeguarding Waste Infrastructure

Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy 2 defines Waste Consultation Areas as extending up to 250m from the boundary of existing or allocated waste infrastructure, unless they are Water Recycling Centres, where the distance increases to 400m.

The WLP can be viewed on the County Council's website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/waste-local-plan>

The application site does not pass through a Waste Consultation Area (WCA) and therefore, a Waste

Infrastructure Impact Assessment (WIIA) is not required as part of the planning application.

Rochford District Council

Comments

No response received

Rettendon Parish Council

Comments

No response received

Network Rail

Comments

05.05.2023 - Dear Sir/Madam,

Thank you for consulting Network Rail (NR) regarding the above planning application.

Please see below the informative suggested by our Asset protection Team (ASPRO)

Item 1. - Environmental pollution (Dust, noise etc.) on operational railway.

Reasons/Mitigations:

The design and siting of installations should take into account possible effects of noise, vibration and generation of airborne dust in regard to the operational railway. Contractors are expected to use the 'best practical means' for controlling pollution and environmental nuisance complying all current standards and regulations. The design and construction methodologies should consider mitigation measures to minimise the generation of airborne dust, noise and vibration in regard to the operational railway. Demolition work shall be carried out behind hoardings and dust suppression systems are to be employed to risk to the operational line.

Item 2 Collapse of lifting equipment adjacent to the NR boundary fence/line.

Reasons/Mitigations:

Operation of mobile cranes should comply with CPA Good Practice Guide 'Requirements for Mobile Cranes Alongside Railways Controlled by Network Rail'. Operation of Tower Crane should also comply with CPA Good Practice Guide 'Requirements for Tower Cranes Alongside Railways Controlled by Network Rail'. Operation of Piling Rig should comply with Network Rail standard NR/L3/CIV/0063 - 'Piling, Drilling, Crane, MEWP and SMPT operations adjacent to the Railway' Collapse radius of the cranes should not fall within 4m from the railway boundary unless possession and isolation on NR lines have been arranged or agreed with

Network Rail.

Item 3 - Potential impact on the adjacent railway infrastructure from the construction activities

Reasons/Mitigations:

The OP shall provide all construction methodologies relating to the works that may import risks onto the operational railway and potential disruption to railway services, the assets and the infrastructure for acceptance prior to commencing the works. All works must also be risk assessed to avoid disruptions to the operational railway. Existing railway infrastructures including embankment and bridges should not be loaded with additional surcharge from the proposed development unless the agreement is reached with Network Rail. Increased surcharge on railway embankment imports a risk of instability of the ground which can cause the settlement on Network Rail infrastructure (Overhead Line Equipment/gantries, track, embankment, boundary fence, etc) All works, both temporary and permanent, should be designed and constructed, so that they will have no influence on the stability of NR's existing.

Item 4 - Collapse of temporary work

Reason/Mitigations:

Where, in the temporary condition, structural collapse of any temporary works which may be constructed which would include scaffolding and access towers could result in any element falling within 4m of the railway boundary or a NR asset.

Item 5 - Effect of artificial lighting and human factor effects from glare on Train Drivers

Reasons/Mitigations:

Any lighting associated with the proposed work must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Item 6 - Structural stability and movement of Network Rail Assets which will affect the Track

Support Zone.

Reasons/Mitigations:

Please also note that the 'track support zone' is defined in Network Rail standard 'NR/L2/CIV/177

- Monitoring track over or adjacent to Construction Works' and any proposal which may require works to be conducted within this zone must be identified by the outside party and subsequent consultation with Network Rail must take place. Should criteria be met within this standard, a track monitoring plan will have to be agreed with Network Rail to ensure that movement, settlement, cant, twist, vibration etc are mitigated the risk to the operational railway

Item 7 - Piling adjacent to the railway infrastructure (if any). with ground movement affecting the track geometry and surrounding ground and structure stability.

Reasons/Mitigations:

The developer must ensure that any piling work near or adjacent to the railway does not cause an operational hazard to Network Rail's infrastructure. Impact/Driven piling scheme for a development near or adjacent to Network Rail's operational infrastructure needs to be avoided, due to the risk of a major track fault occurring. No vibro-compaction/displacement piling plant shall be used in development.

Item 8 - Proximity of the development to the Network Rail infrastructure and boundary fence and adequate space for future maintenance of the development.

Reasons/Mitigations:

It is recommended that all works be situated at least 3 metres from NR boundary fence, to allow construction and any future maintenance work to be carried out without involving entry or encroachment onto Network Rail's land. Where trees exist on Network Rail land, design of any foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Item 9 - Proximity of OLE Risk/Catenary cables (if any) to proposed work.

Reasons/Mitigations:

No works may be carried out where there is a risk of any plant or element, temporary or permanent, coming within 3.5m of the Overhead Live Electricity (if any). The proximity of the development to the 25kV high voltage Overhead live cables (and the associated steel stanchion supports), will require an electromagnetic compatibility (EMC) assessment to be undertaken by the OP to assess the potential impact on the residents, the level of electrical interference or emissions of electromagnetic fields (EMF) due to the railway equipment. EMF reduces at an exponential rate over distance, so the measured values will drop significantly at 7 meters below any buildings limit as set out by the UK or EU Standards.

Item 10. - Construction activities at height.

Reasons/Mitigations:

Any works at height or within 3.0 metres of the OLE infrastructure will require isolation of the overhead lines and possessions. The use of scaffolding within the close proximity to NR assets introduces high risk to individual when the railway is in operation and the overhead line is energised

Item 11- Stability of railway infrastructure and potential impact on the services.

Reasons/Mitigations:

Existing railway infrastructures including embankment should not be loaded with additional surcharge from the proposed development unless the agreement is reached with Network Rail.

Increased surcharge on railway embankment imports a risk of instability of the ground which can cause the settlement on Network Rail infrastructure (Overhead Line Equipment / gantries, track, embankment etc.). Any works within the railway boundary shall be carried out following Network Rail standard 'NR/L2/MTC/089 - Arrangements for the exchange of asset data and the continuing maintenance of assets undergoing change'.

Item 12.- Trespasses and unauthorised access through an insecure or damaged boundary fence.

Reasons/Mitigations:

Where required, the developer should provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. Network Rail's existing fencing/wall must not be removed until it is agreed with Network Rail.

Network Rail strongly recommends the developer contacts the Asset Protection Team

AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and

also to agree an Asset Protection Agreement with us to enable approval of detailed

works. More information can also be obtained from our website

<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>

I trust the above clearly sets out Network Rail's position on the planning application. Should

you require any more information from Network Rail, please do not hesitate to contact me.

Historic England

Comments

27.04.2023 - T&CP (Development Management Procedure) (England) Order 2015

& Planning (Listed Buildings & Conservation Areas) Regulations 1990

LAND SOUTH OF SOUTHLANDS COTTAGES, RUNWELL ROAD, RUNWELL, WICKFORD, ESSEX SS11 7QH

Application No. 23/00532/FUL

Thank you for your letter of 13 April 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Rosa Teira Paz

Inspector of Historic Buildings and Areas

E-mail: rosa.teirapaz@historicengland.org.uk

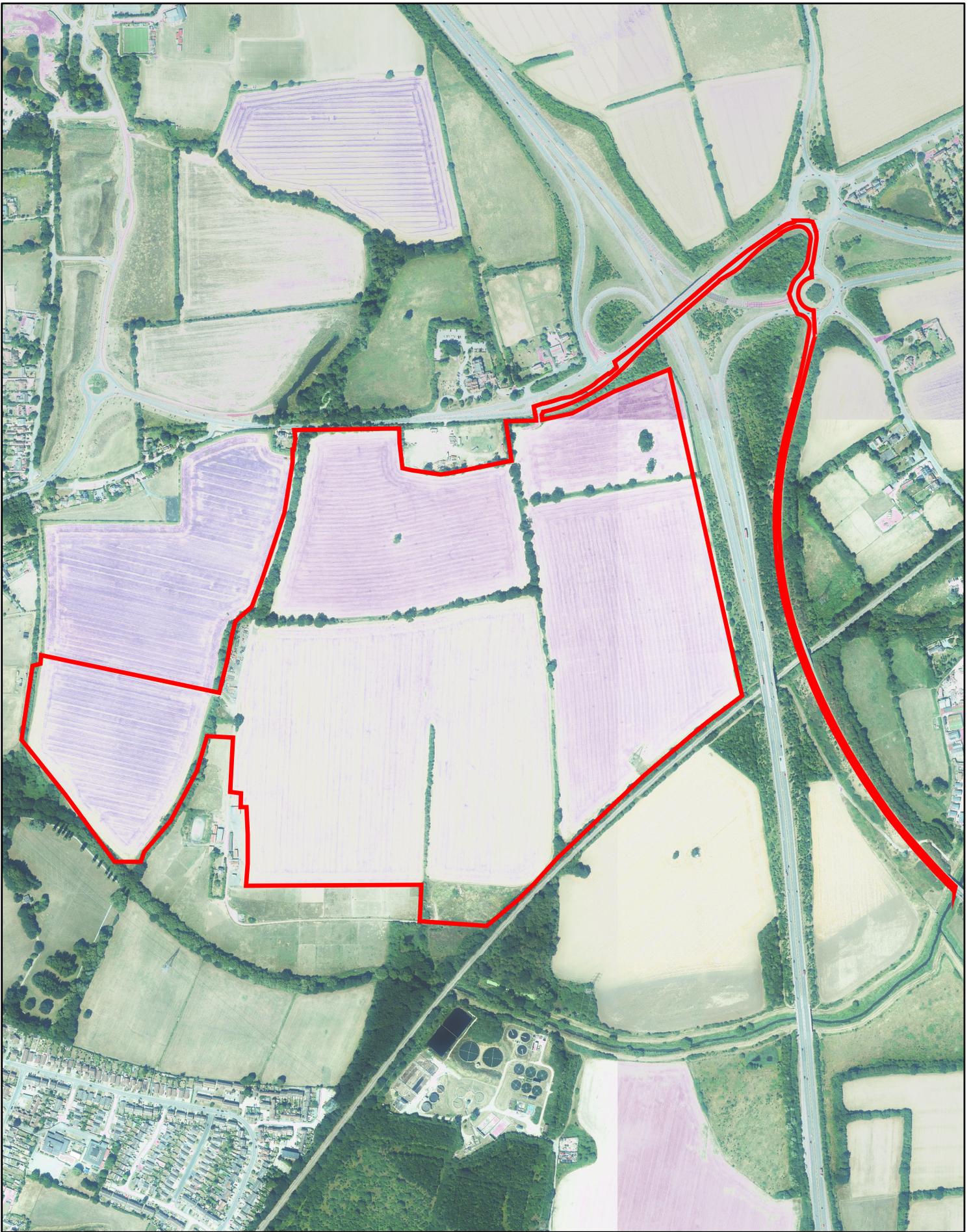
Local Residents

Comments

15 letters of objection received. Concerns raised:

- Significant harm to PROW.
- Impact on local wildlife.
- Not environmentally friendly.

- Views from residential properties will be impacted.
- Traffic, light and noise pollution.
- Potential health implications.
- Health and safety risks.
- Safety and security issues – rise in crime.
- Detrimental impact to local horses.
- Loss of agricultural land.
- Innapropriate development in the Green Belt.
- Benefits of renewable energy should not be at expense of beautiful countryside.
- Devaluation of local properties.
- Potential fire hazards.



0 87.5 175 350 Metres

1:8,000

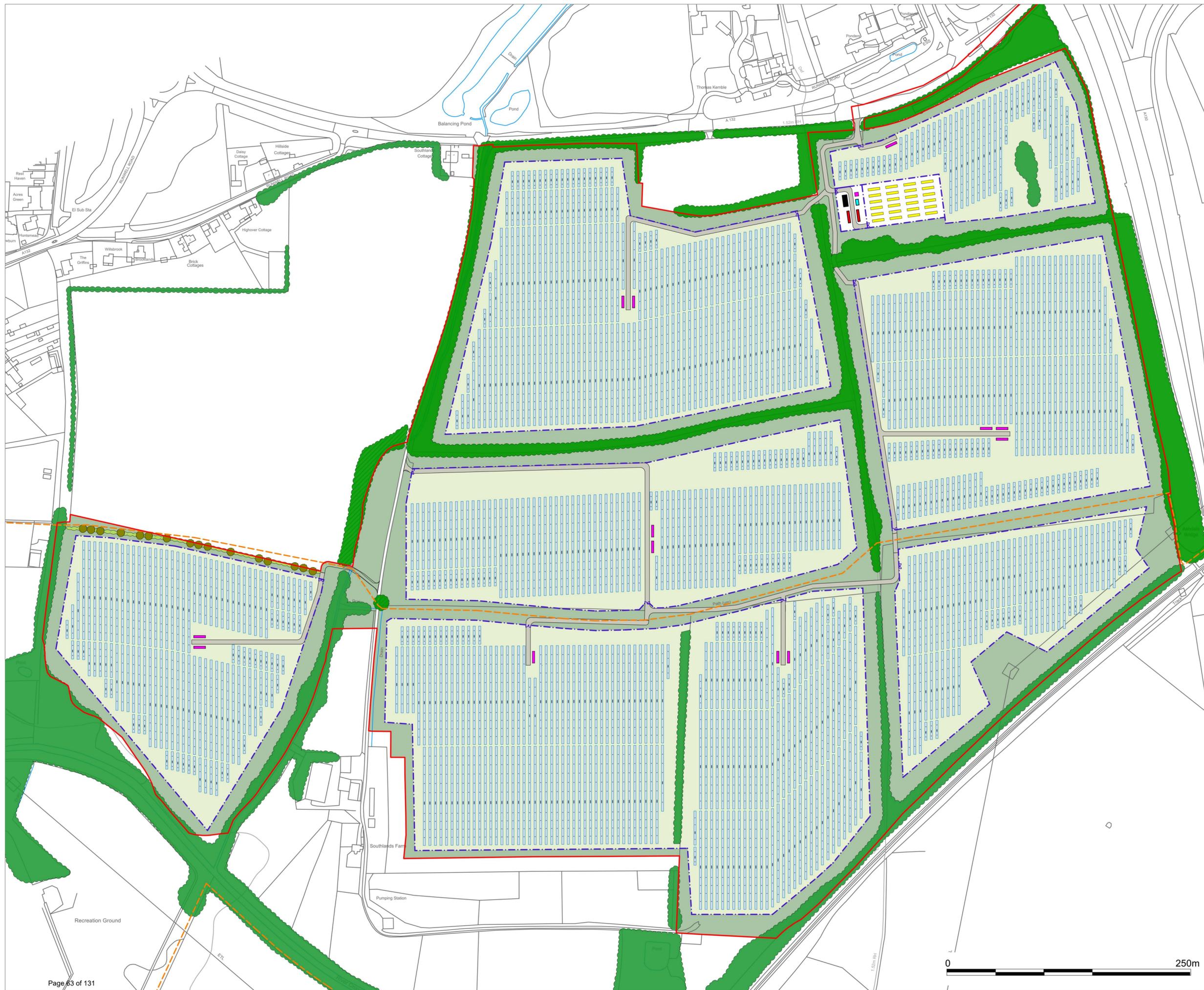


Planning Committee
23/00532/FUL

Planning & Development Management
Directorate for Sustainable Communities

PO Box 7544 Civic Centre
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826



- KEY**
- Site Boundary
 - Security Fence
 - Access Track
 - PV Modules
 - 33kV Substation
 - Transformer
 - Security Gate
 - Inverter
 - Batteries
 - Spare Parts Container
 - Control Room
 - Existing Vegetation
 - Species Rich Grassland
 - Field Margin Planting
 - Proposed Hedgerow
 - Proposed Tree Planting



Revisions:
 First Issue- 04/08/2022 JS
 01 - (06/09/2022 JS) Revised layout and planting added
 02 - (04/10/2022 JS) Revised layout, boundary and planting
 03 - (12/01/2023 JS) Revised layout and utilities added
 04 - (24/01/2023 JS) Revised layout and utilities removed

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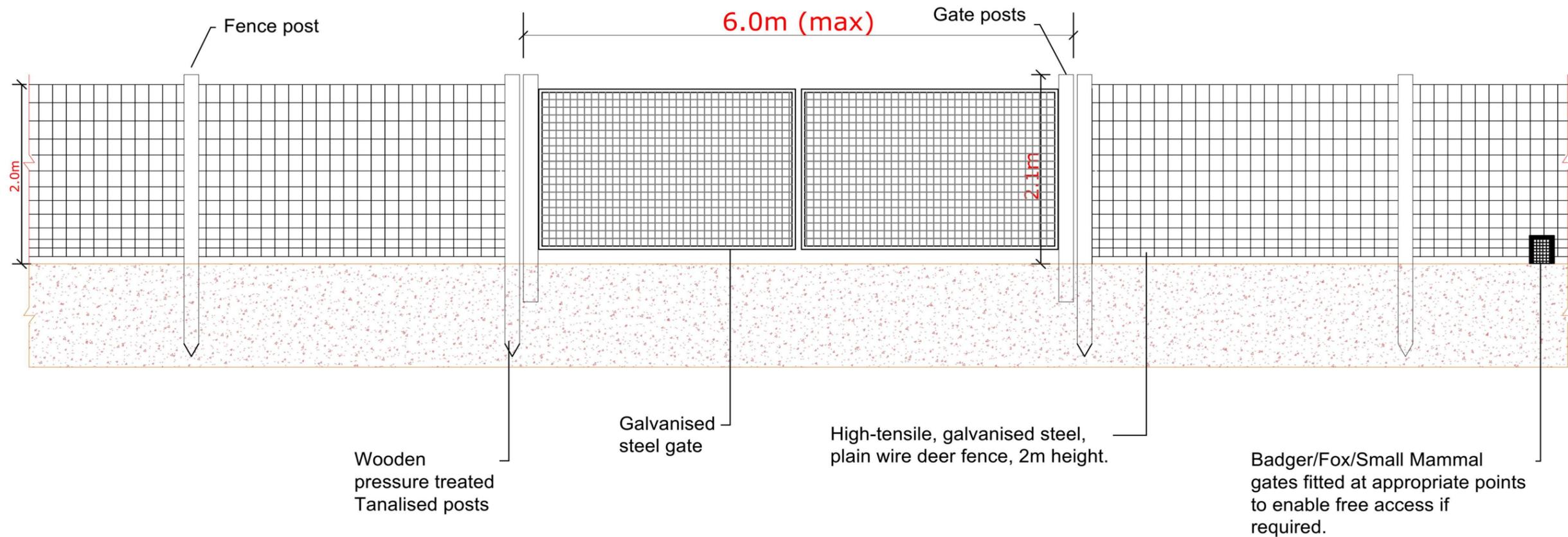


Project Title:
Southlands Solar Farm

Drawing Title:
Proposed Site Plan

DRWG No: RC3-02-P02	Rev: 04	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: 1:2500 @ A2	Date: 24/01/2023	





Revisions:
First Issue- 12/09/2022 JS



Enso Energy Limited, Unit 1 & 2 Cirencester Office Park,
Tetbury Road, Cirencester, GL7 6JJ
Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

Project Title:
Southlands Solar Farm

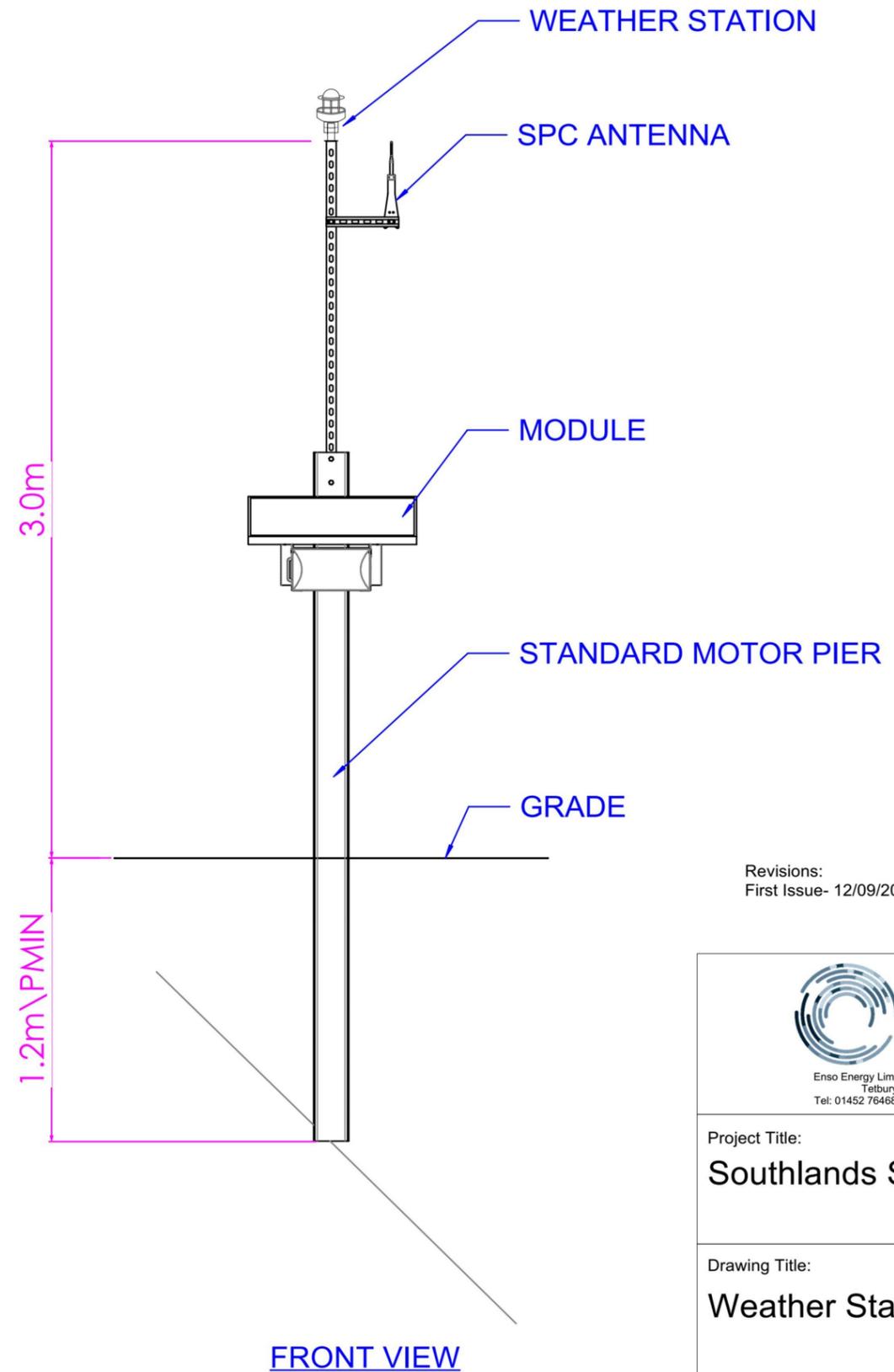
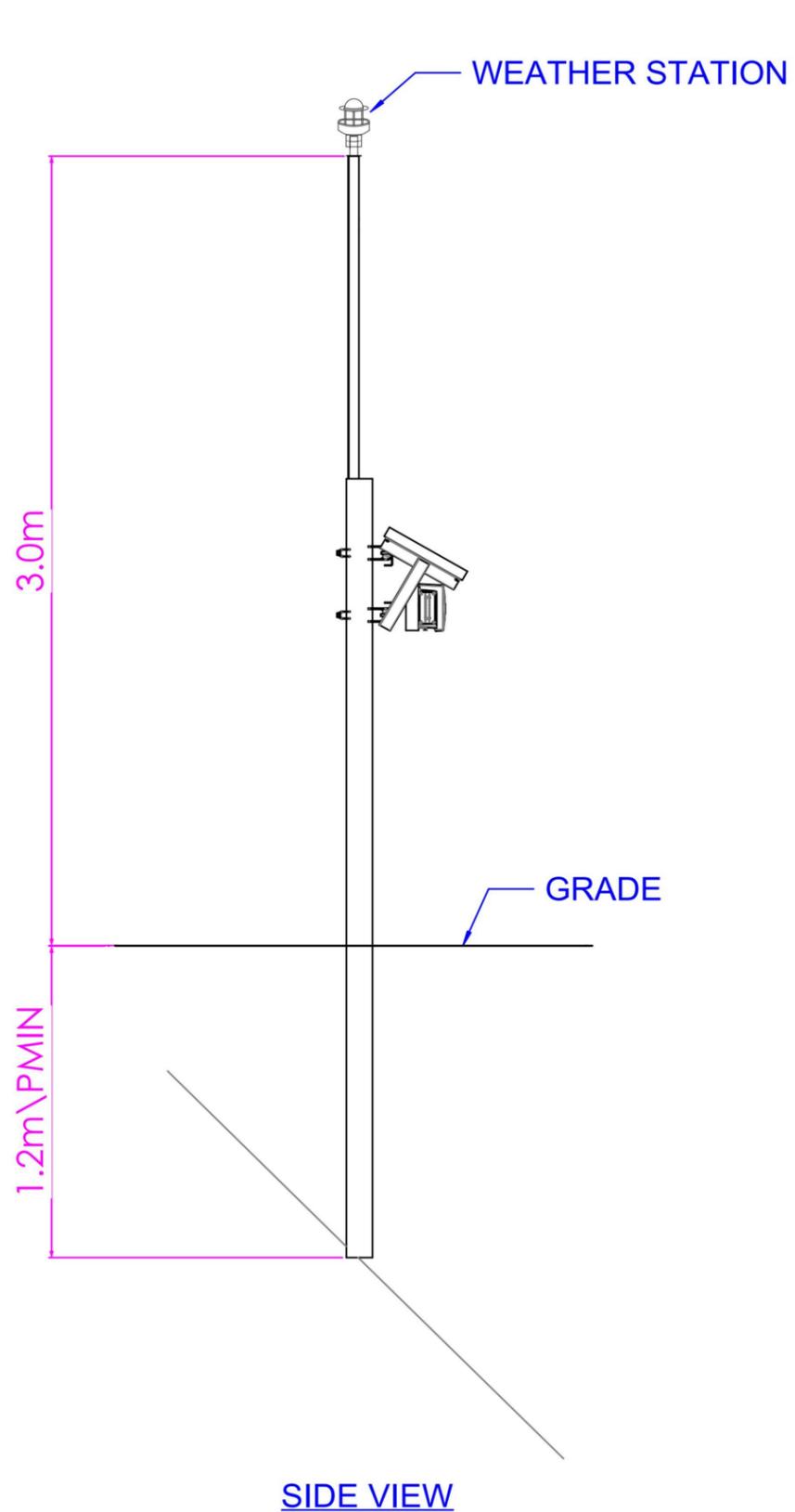
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Fence and Gate Elevations

DRWG No: RC3-02-P06	Rev: -	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: 1:50 @ A3	Date: 12/09/2022	

GENERAL NOTES:

- 1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.
- 2) DISTANCES BETWEEN FENCE POSTS WILL VARY.





GENERAL NOTES:
1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.

Revisions:
First Issue- 12/09/2022 JS

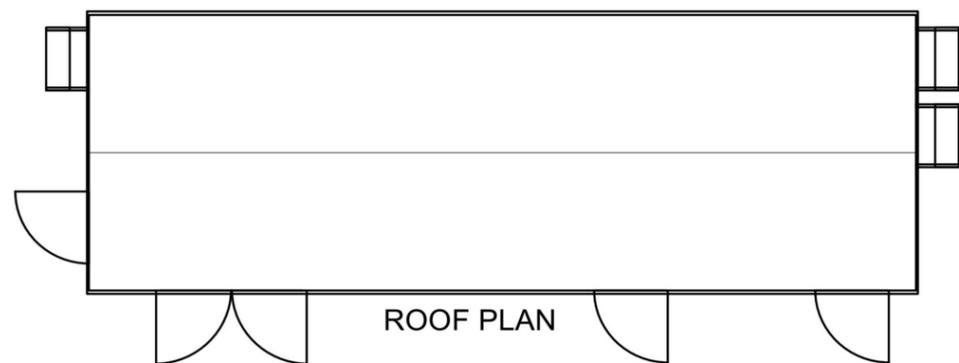


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Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

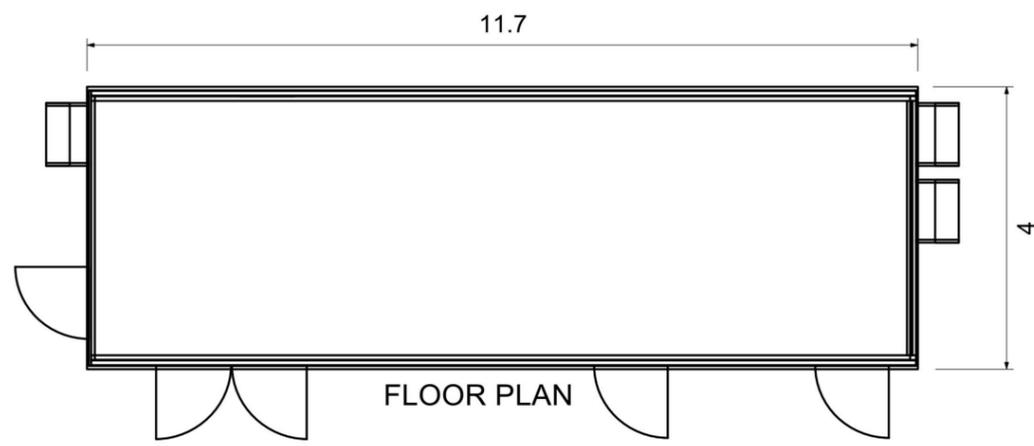
Project Title:
Southlands Solar Farm

Drawing Title:
Weather Station Detail

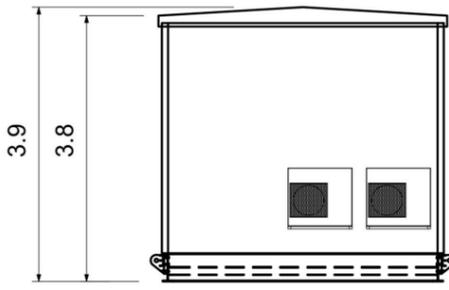
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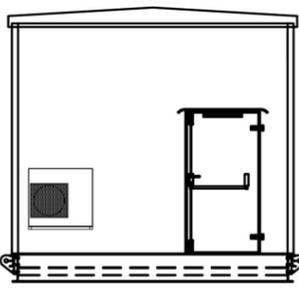
ROOF PLAN



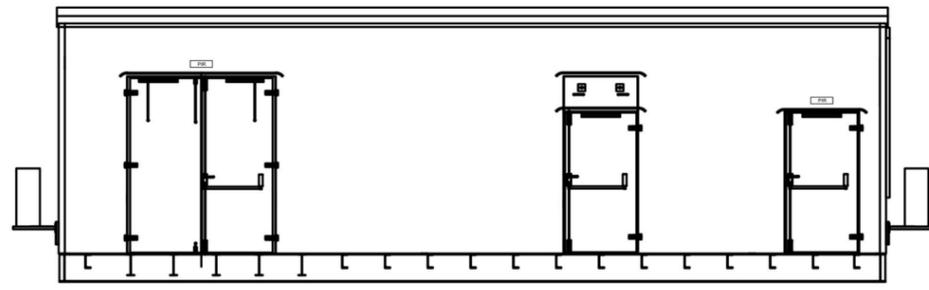
FLOOR PLAN



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



GENERAL NOTES:
 1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.
 2) SUBSTATION TO BE PAINTED RAL6005

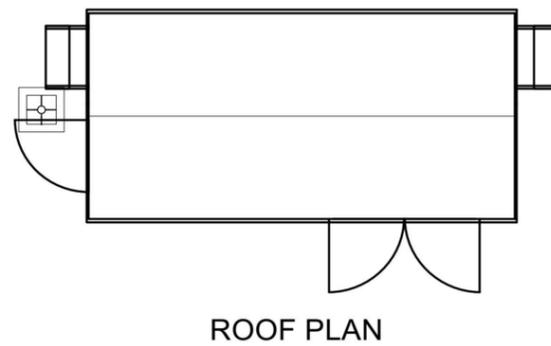
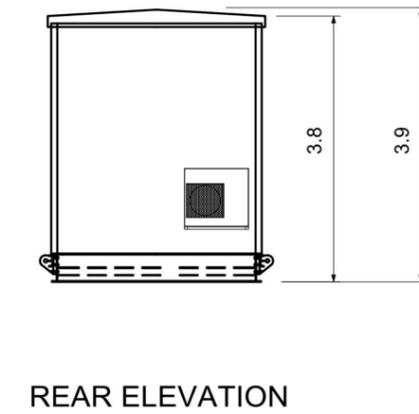
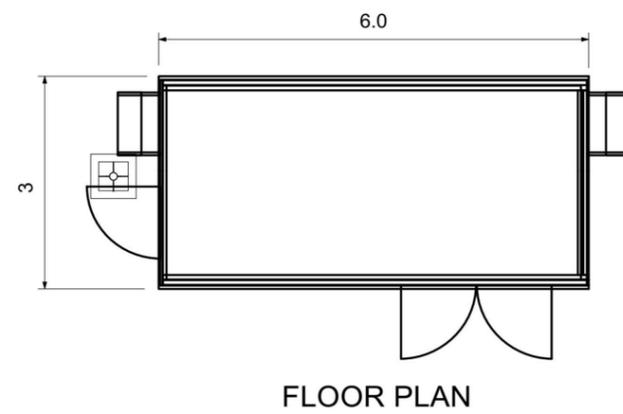
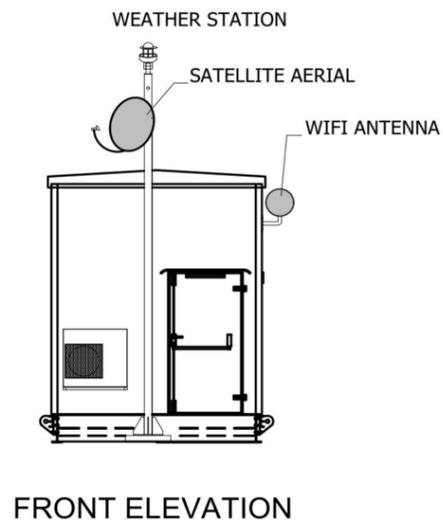
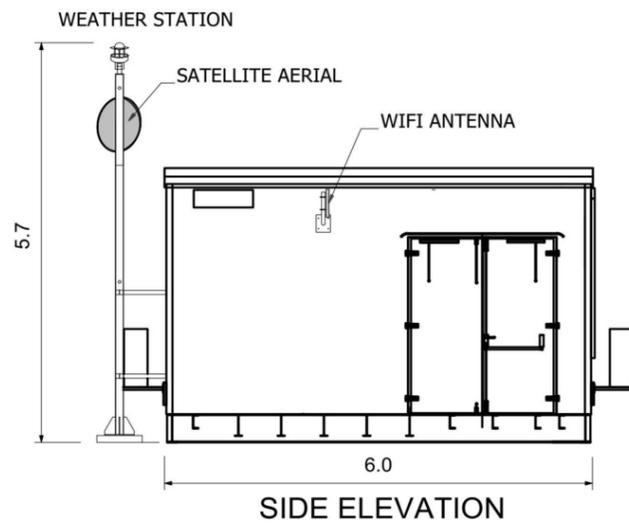
Revisions:
 First Issue- 12/09/2022 JS



Project Title:
Southlands Solar Farm

Drawing Title:
Substation Elevations

DRWG No: RC3-02-P08	Rev: -	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: 1:100 @ A3	Date: 12/09/2022	



Revisions:
First Issue- 12/09/2022 JS



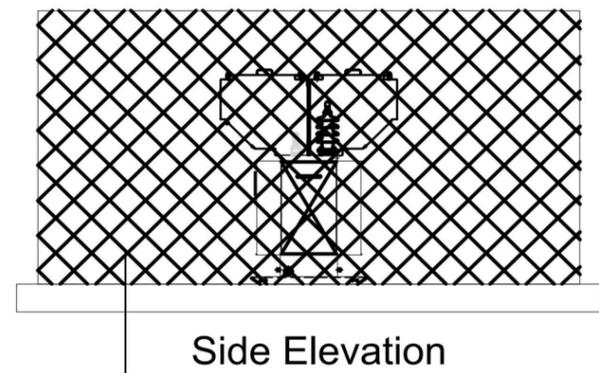
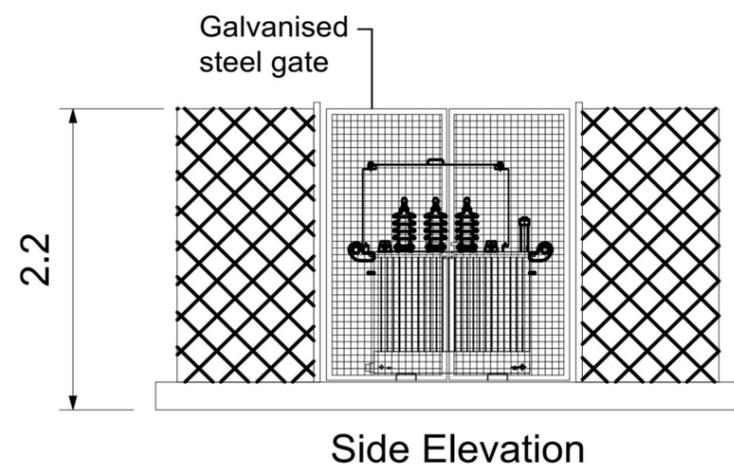
Project Title:
Southlands Solar Farm

Drawing Title:
Control Room Elevations

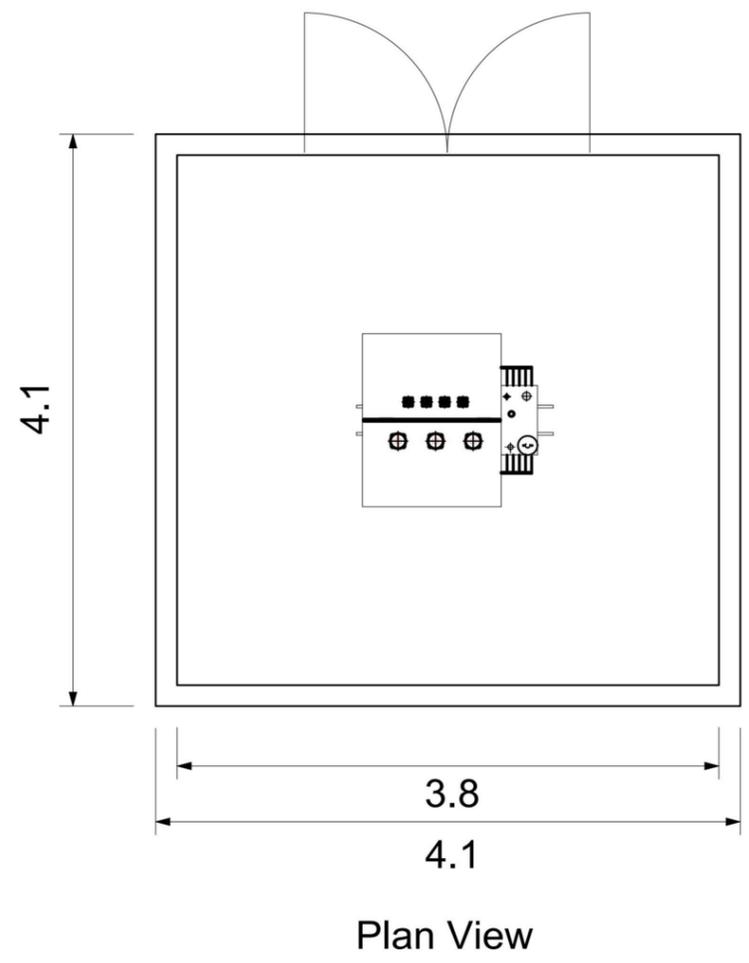
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Drawn by : JS	Checked by: RM	
Scale: 1:100 @ A3	Date: 12/09/2022	



GENERAL NOTES:
1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.



High-tensile, galvanised steel, plain wire deer fence, 2m height.



GENERAL NOTES:
1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.

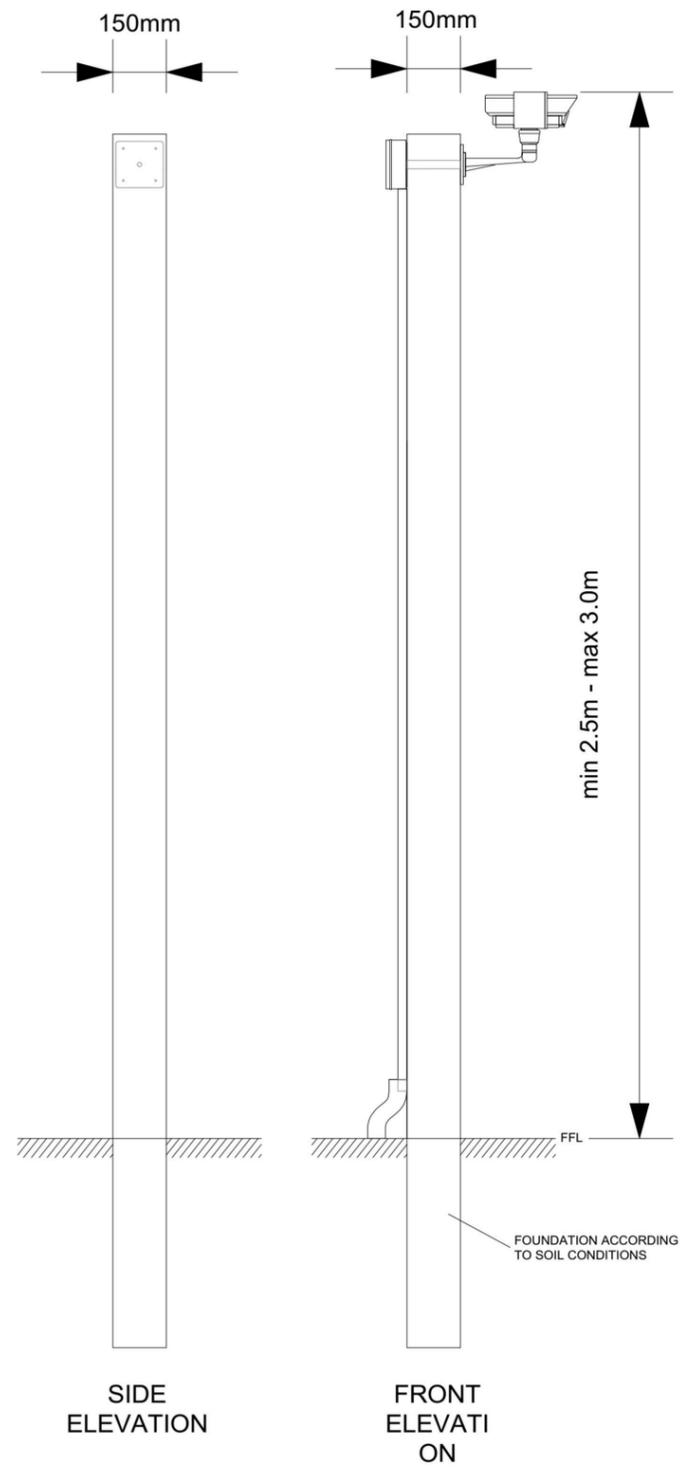
Revisions:
First Issue- 12/09/2022 JS



Project Title:
Southlands Solar Farm

Drawing Title:
Auxiliary Transformer

DRWG No: RC3-02-P10	Rev: -	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: 1:50 @ A3	Date: 12/09/2022	



Revisions:
First Issue- 12/09/2022 JS

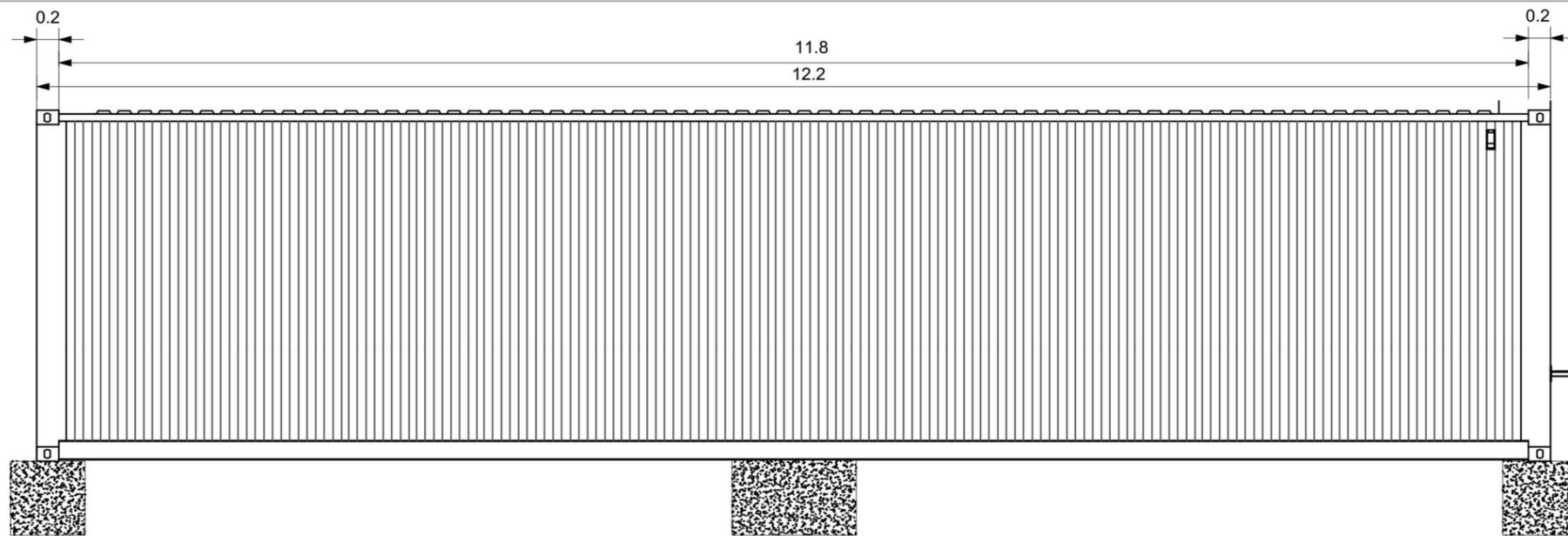


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Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

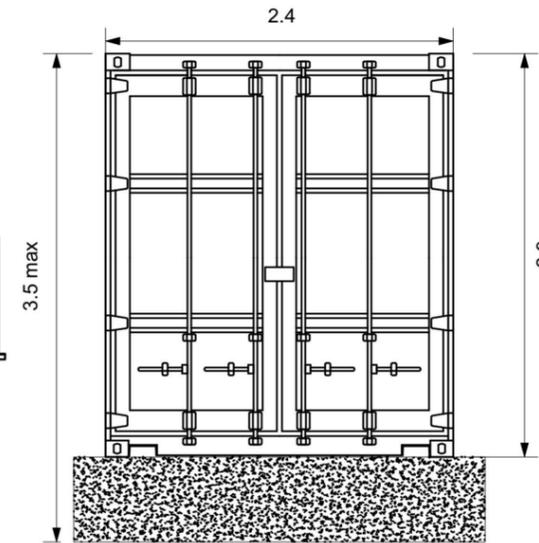
Project Title:
Southlands Solar Farm

Drawing Title:
CCTV Elevations

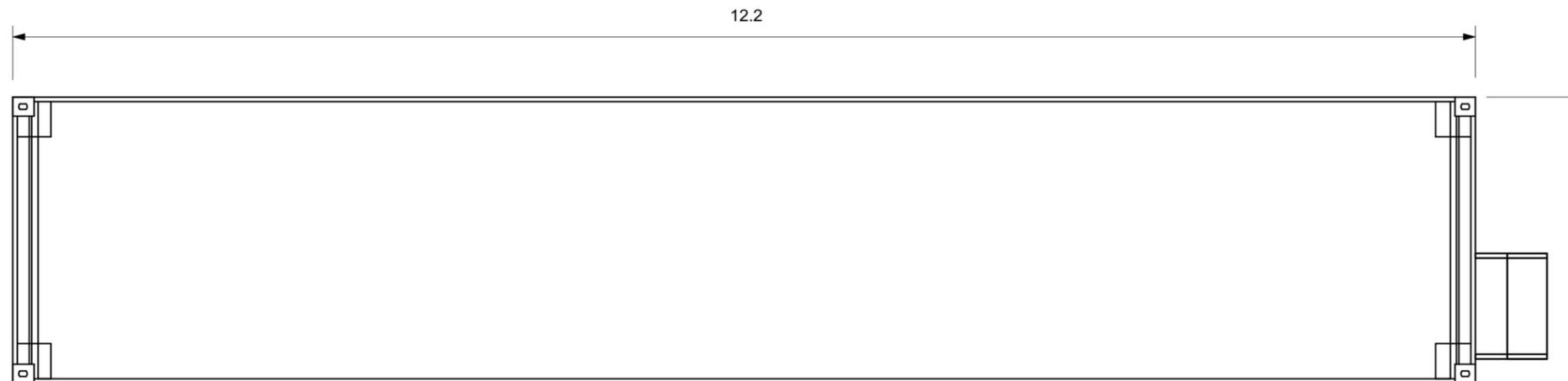
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Drawn by : JS	Checked by: RM	
Scale: 1:20 @ A3	Date: 12/09/2022	



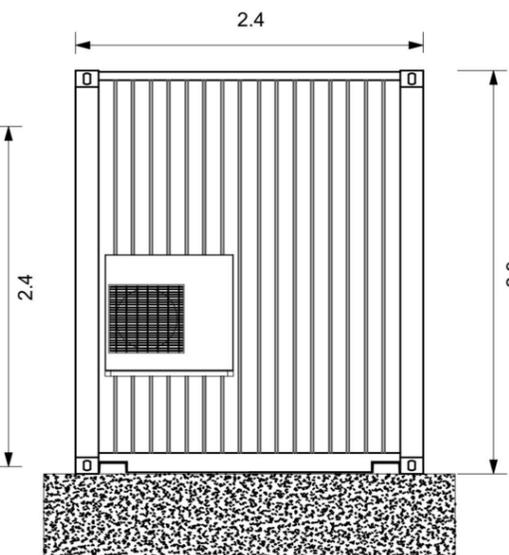
Side Elevation



Front Elevation

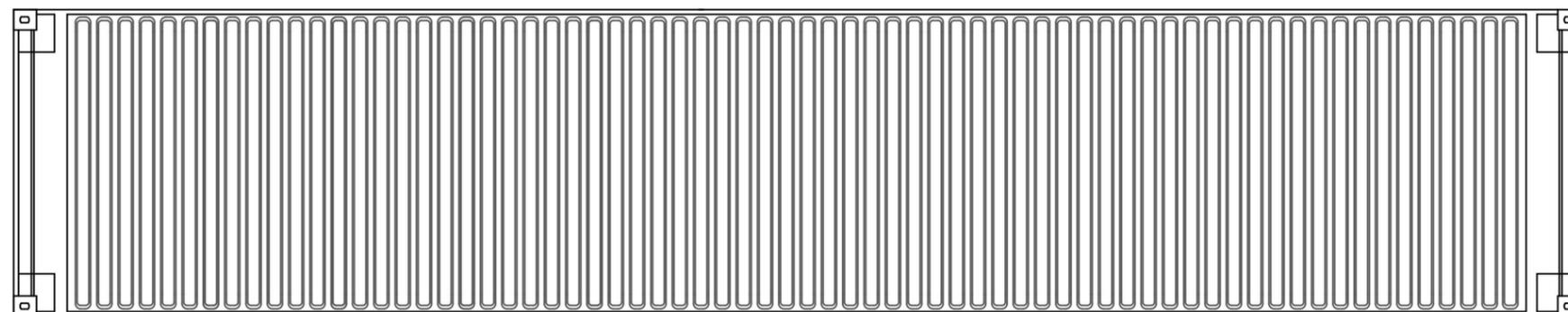


Floor Plan



Rear Elevation

Revisions:
First Issue- 12/09/2022 JS



Roof Plan



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Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

Project Title:
Southlands Solar Farm

Drawing Title:
**Battery Container Elevations
40ft**

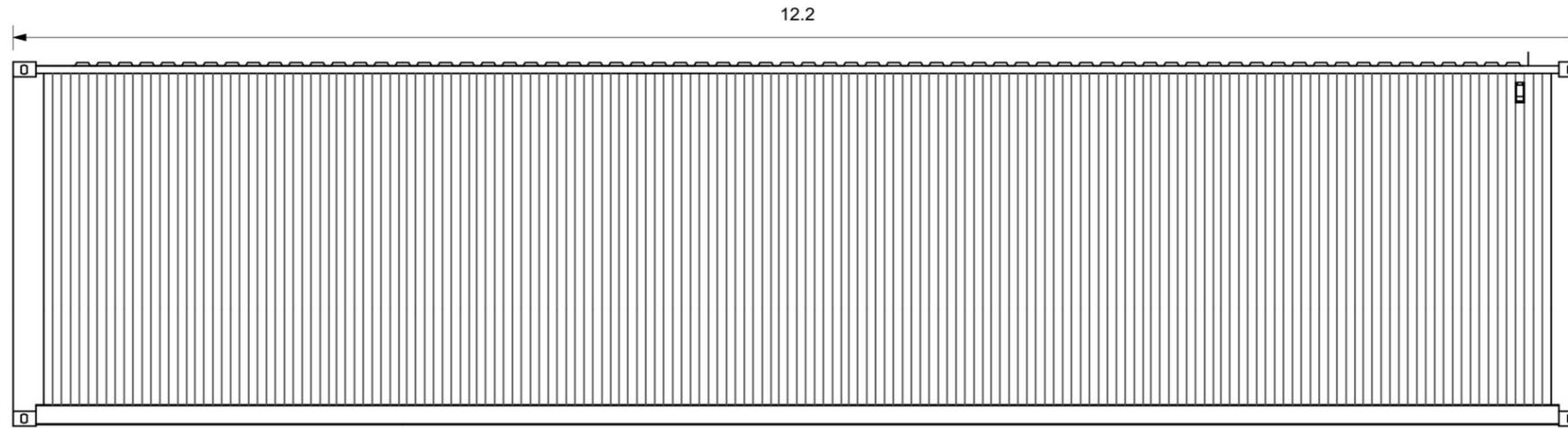
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GENERAL NOTES:

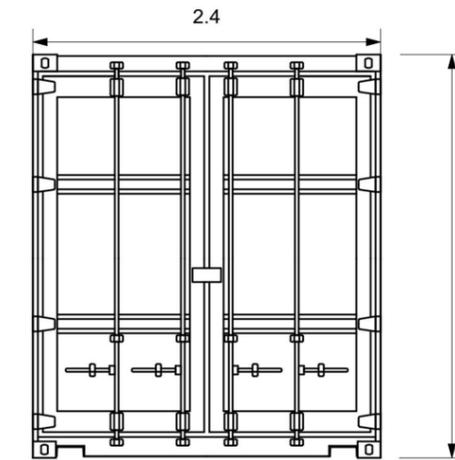
1) ALL DIMENSIONS ARE IN METERS
UNLESS SPECIFIED.

2) BATTERY CONTAINERS TO BE
PAINTED RAL6005

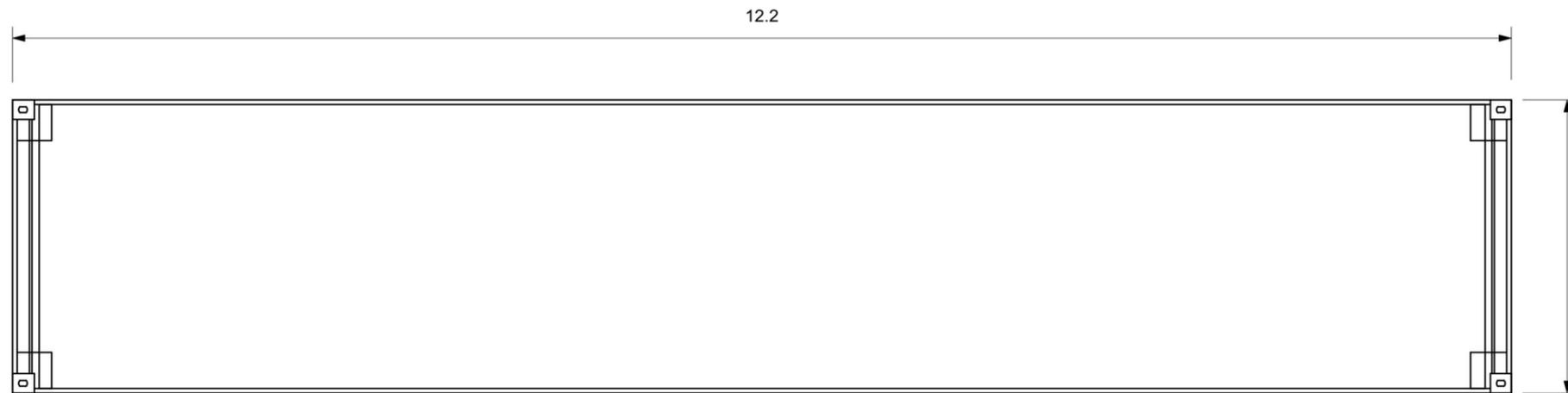




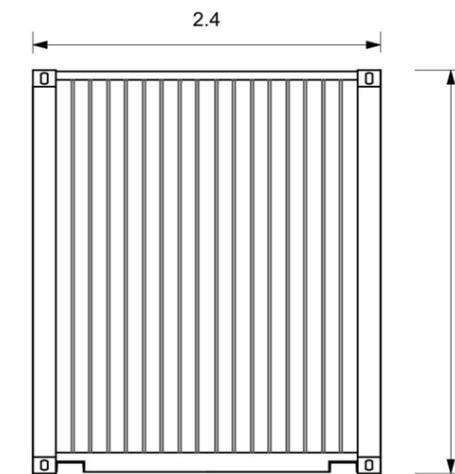
Side Elevation



Front Elevation

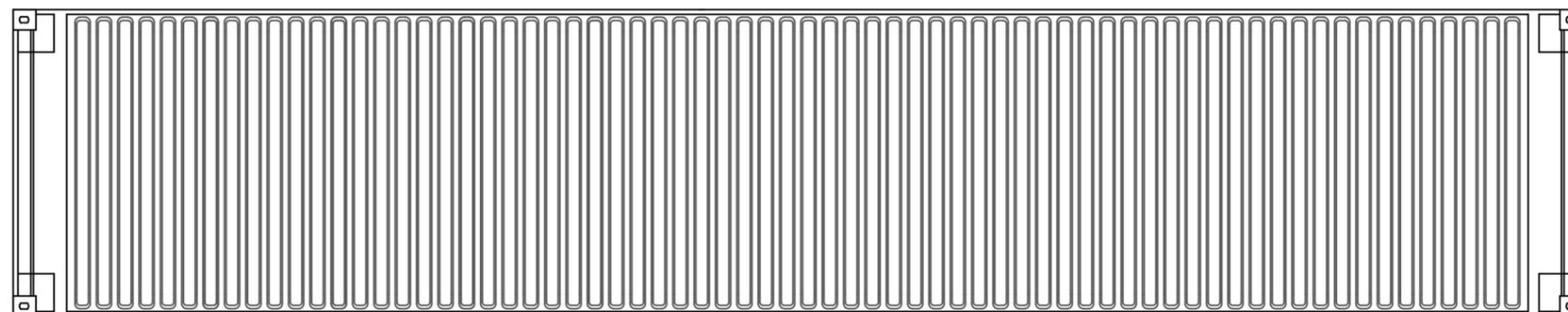


Floor Plan



Rear Elevation

Revisions:
First Issue- 12/09/2022 JS



Roof Plan



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Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

Project Title:
Southlands Solar Farm

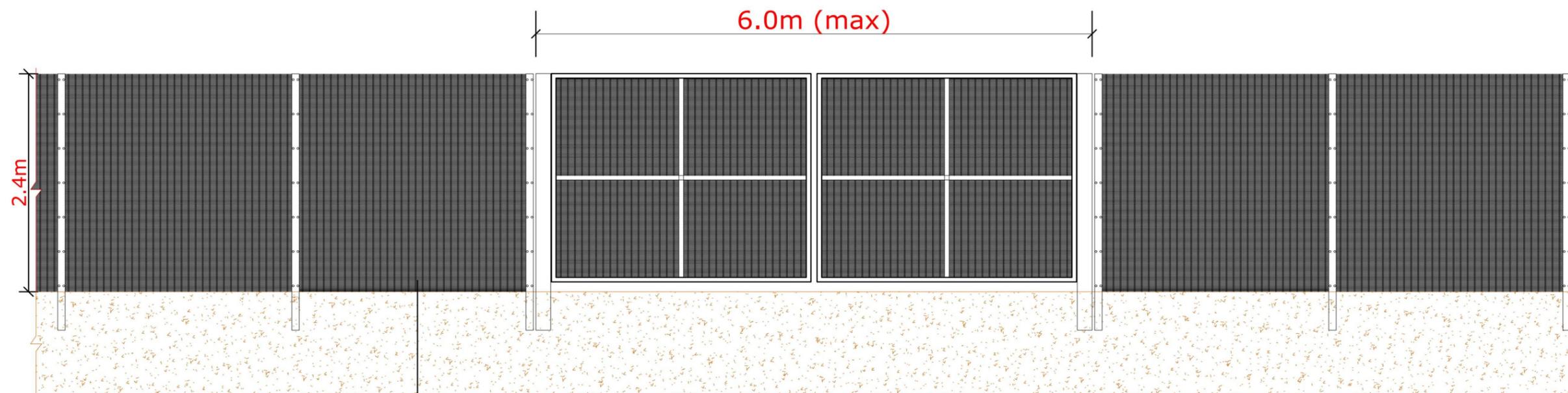
Drawing Title:
**Storage Container Elevations
40ft**

DRWG No: RC3-02-P13	Rev: -	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: 1:50 @ A3	Date: 12/09/2022	

GENERAL NOTES:

- 1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.
- 2) CONTAINERS TO BE PAINTED RAL6005





Welded steel wire mesh (SR2)

Revisions:
First Issue- 12/09/2022 JS



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Tetbury Road, Cirencester, GL7 6JJ
Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

Project Title:
Southlands Solar Farm

Drawing Title:
Battery Fence and Gate Elevations

DRWG No: RC3-02-P14	Rev: -	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: 1:50 @ A3	Date: 12/09/2022	

GENERAL NOTES:

1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.

2) COLOUR OF THE FENCE WILL BE GREEN



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KEY

- EXISTING**
- Native mixed hedgerow
 - Native mixed hedgerow - lower density planting, enhancement of existing hedgerow
 - Native woodland buffer mix
 - Trees & vegetation
 - Public Right of Way
- PROPOSED**
- Emorgate EM1 - Basic General Purpose Meadow Mixture, or similar approved (outside the security fence)
 - Emorgate EG27- Special Old Fashioned Grazing Mixture, or similar approved (within the security fence)
 - Proposed tree planting
 - Fence line
 - Permeable sub-base

MAINTENANCE

Trees
All trees shall be regularly checked and any broken ties, guards or stakes replaced. Mulch shall be topped up to maintain original levels. In periods of dry weather all trees shall be regularly watered to field capacity. The area around the base of each tree is to be kept mulched to 50mm depth minimum and weed free to a minimum diameter of 1m. At the end of each growing season all trees shall receive an application of slow release fertiliser. After approximately 5 years, stakes and ties should be removed once trees have established. Any trees that fail to thrive shall be replaced with stock to the original specification.

Native Hedgerow Mix
All hedgerows shall be maintained weed free and any loose plants re-firmed. All canes and spirals where employed shall be regularly checked and adjusted or replaced as required. All hedge lines shall be regularly watered in times of drought to field capacity and shall receive an application of slow release fertiliser at the end of the maintenance period. Mulch shall be regularly topped up to original levels. All hedge lines shall be allowed to grow up to a minimum of 3m high and maintained at 3m+. Any plants that fail to thrive shall be replaced with stock to the original specification.

Native Woodland Buffer Mix
All planting stock shall be maintained weed free and any loose plants re-firmed. All canes and spirals where employed shall be regularly checked and adjusted or replaced as required. All planted areas shall be regularly watered in times of drought to field capacity and shall receive an application of slow release fertiliser at the end of the maintenance period. Mulch shall be regularly topped up to original levels. Any plants that fail to thrive shall be replaced with stock to the original specification. All plant stations to be watered to field capacity during periods of extended drought.

Species Rich Grass Mix
Areas of grassland should be allowed to grow to full height and be cut once a year at the end of August or managed by grazing.

NOTES

- Bare root plants specified for planting during planting season only (i.e. winter months). Containerised and rootballed stock to be employed when necessary as advised by supplier.
- No cultivation should be undertaken in wet/waterlogged conditions or after heavy frosts;
- Imported topsoil to accord with BS3882.
- Supplying nurseries should be registered under the HTA Nursery Certification Scheme, and plant material should be of certified British provenance.
- All plants shall be packed and transported in accordance with the Code of Practice for plant handling as Published by The Committee for Plant Supply and Establishment (CPSE).
- All plant material to conform with BS:3936 and BS:4428.
- Planting operations to be undertaken during appropriate climatic conditions to avoid wet/waterlogged or frost bound soil conditions, frosts, droughts or during periods of excessive cold drying winds.

LANDSCAPE SPECIFICATION

Trees
Tree barriers are to be employed near services. All standard trees are to be planted in separate pits 1m x 1m x 900mm which shall be backfilled with a mixture of approved topsoil and tree and shrub planting compost at a rate of one part compost to two parts topsoil. Break up bottoms of pits to a depth of 150mm and scarify sides. Each tree shall be planted centrally within the pit to the original root collar and secured by two untreated softwood stakes 1.4m min. length with approved ties. After planting all trees shall be watered-in and a mulch layer of 1m diameter approved forest bark spread over the tree pit to 50mm depth. A spiral guard will be fixed to the base of each tree to protect it from rabbit attack and trimmer damage.

Native Hedgerow Mix
Hedgerow trenches shall be dug 450mm x 450mm x 450mm depth the base of which shall be broken up before returning the approved topsoil backfill mixture to the trench at the rate of one part compost to two parts topsoil. All stock shall be planted to the root collar and well firmed in place. After planting a 50mm layer of approved compost fine bark (nominal size 1-10mm) shall be spread over the whole hedge area (450mm wide). On completion, all hedge plants shall be thoroughly watered in. Hedges to be protected from rabbit damage by rabbit proof fencing or individual spirals/shrub guards as appropriate.

Native Woodland Buffer Mix
Individual pits shall be dug to a minimum of 450mm x 450mm x 300mm depth the base of which shall be broken up before returning the approved topsoil backfill mixture to the trench at the rate of one part compost to two parts topsoil. All stock shall be planted to the root collar and well firmed in place. After planting a 50mm layer of approved compost fine bark (nominal size 1-10mm) shall be spread over each pit (1m wide). On completion all plants shall be thoroughly watered in. Areas to be protected from rabbit damage by rabbit proof fencing or individual spirals/shrub guards, as appropriate.

Species Rich Grass Mix
Following construction of solar panels and immediately prior to seeding, remove any unwanted vegetation growth within the fields by scraping the surface to a depth of 150mm. The ground shall then be thoroughly broken up and cultivated and fine graded to even running falls before raking and cross raking. A suitable grass mix to be agreed shall be sown in accordance with good practice.

Seeding will take place in September to allow establishment prior to winter and reduce seed loss to birds. If soils and seed bed have been prepared before September, any weed growth that has established in the meantime will be sprayed off with glyphosate and a seedbed re-prepared. Seed shall be broadcast by approved lightweight machinery. Following seeding the area will be subject to rolling to incorporate the seed with the growing substrate.

Indicative Plant Schedule

TREES				
ID	Qty	Species	Size	
A.c.c	22	Acer campestre	8-10cm, 250-300cm ht, B, 2x, standard, 175-200cm cs, 3 breaks	
A.g	21	Alnus glutinosa	8-10cm, 250-300cm ht, B, 2x, standard, 175-200cm cs, 3 breaks	
B.pu	18	Betula pendula	8-10cm, 250-300cm ht, B, 2x, standard, 175-200cm cs, 3 breaks	
B.au	12	Betula pubescens	8-10cm, 250-300cm ht, B, 2x, standard, 175-200cm cs, 3 breaks	
C.b	6	Carpinus betulus	8-10cm, 250-300cm ht, B, 2x, standard, 175-200cm cs, 3 breaks	
Q.ro	29	Quercus robur	8-10cm, 250-300 cm ht, B, 2x, standard, 175-200cm cs, 3 breaks	
S.fr	23	Salix fragilis	8-10cm, 250-300cm ht, B, standard, 175-200cm cs, 3 breaks	
S.au	9	Salix aucuparia	8-10cm, 250-300cm ht, B, 2x, standard, 175-200cm cs, 3 breaks	

WOODLAND BUFFER MIX				
Planted at 15m centres				
ID	Qty	Species	%	Size
A.ca	138	Acer campestre	15	60-80cm, Branched, 1+1, B
A.gl	138	Alnus glutinosa	15	60-80cm, Branched, 1+1, B
B.pn	92	Betula pendula	10	60-80cm, Branched, 1+1, B
B.pub	92	Betula pubescens	10	60-80cm, Branched, 1+1, B
C.bet	46	Carpinus betulus	5	60-80cm, Branched, 1+1, B
I.aq	46	Ilex aquifolium	5	60-80cm ht, 3L pot
M.sy	46	Malus sylvestris	5	60-80cm, Branched, 1+1, B
P.av	46	Prunus avium	5	60-80cm, Branched, 1+1, B
Q.ro	46	Quercus robur	20	60-80cm, Branched, 1+1, B
S.cap	92	Salix caprea	10	60-80cm ht, 3L pot

NEW NATIVE HEDGEROW MIX - 5 / sq metre				
ID	Qty	Species	%	Size
A.c.	1217	Acer campestre	10	40-60cm, Branched, 1+1, B
C.av	3047	Corylus avellana	25	40-60cm, Branched, 1+1, B
C.mo	4264	Crataegus monogyna	35	40-60cm, Branched, 1+1, B
I.aq	305	Ilex aquifolium	2.5	40-60cm, 2L pot
M.syl	610	Malus sylvestris	5	40-60cm, Branched, 1+1, B
P.sp	1217	Prunus spinosa	10	40-60cm, Branched, 1+1, B
R.c.	205	Rosa canina	2.5	40-60cm, Branched, 1+1, B
S.cap	610	Salix caprea	5	40-60cm, 2L pot
V.op	305	Viburnum opulus	2.5	40-60cm, Branched, 1+1, B

NEW NATIVE HEDGEROW MIX - low density hedge infill - 2 / sq metre				
ID	Qty	Species	%	Size
A.c.	47	Acer campestre	10	40-60cm, Branched, 1+1, B
C.av	118	Corylus avellana	25	40-60cm, Branched, 1+1, B
C.mo	165	Crataegus monogyna	35	40-60cm, Branched, 1+1, B
I.aq	12	Ilex aquifolium	2.5	40-60cm, 2L pot
M.syl	24	Malus sylvestris	5	40-60cm, Branched, 1+1, B
P.sp	47	Prunus spinosa	10	40-60cm, Branched, 1+1, B
R.c.	12	Rosa canina	2.5	40-60cm, Branched, 1+1, B
S.cap	24	Salix caprea	5	40-60cm, 2L pot
V.op	12	Viburnum opulus	2.5	40-60cm, Branched, 1+1, B

Rev	Date	By	Note
E	200623	KA	Minor amendments
D	190623	KA	Changes to layout
C	200123	VR	Changes to layout
B	051022	VR	Changes to layout
A	220922	VR	Minor amends

SOUTHLANDS SOLAR FARM - Detailed Landscape Design





Section A-A

Revisions:
First Issue- 26/06/2023 JS

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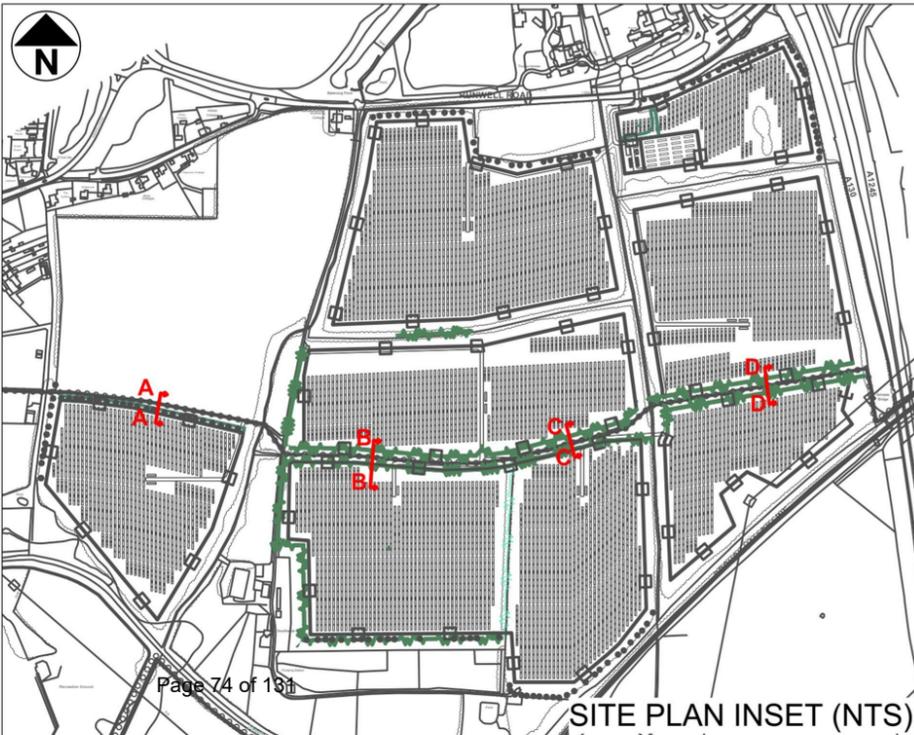
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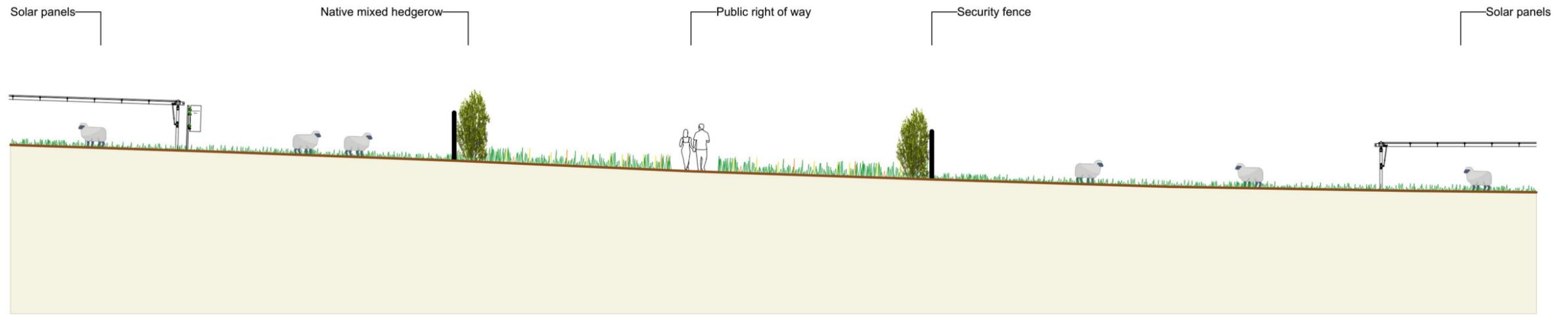
Southlands Solar Farm

Drawing Title:

Illustrative Cross Sections

DRWG No: RC3-02-P17	Rev: -	Sht no: 1/4
Drawn by : JS	Checked by: RM	
Scale: 1:200 @ A3	Date: 26/06/2023	





Section B-B

Revisions:
First Issue- 26/06/2023 JS

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Enso Energy Limited, Unit 1 & 2 Cirencester Office Park,
Tetbury Road, Cirencester, GL7 6JJ
Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

Project Title:

Southlands Solar Farm

Drawing Title:

Illustrative Cross Sections

DRWG No: RC3-02-P17	Rev: -	Sht no: 2/4
Drawn by : JS	Checked by: RM	
Scale: 1:200 @ A3	Date: 26/06/2023	





Section C-C

Revisions:
First Issue- 26/06/2023 JS

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Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

Project Title:

Southlands Solar Farm

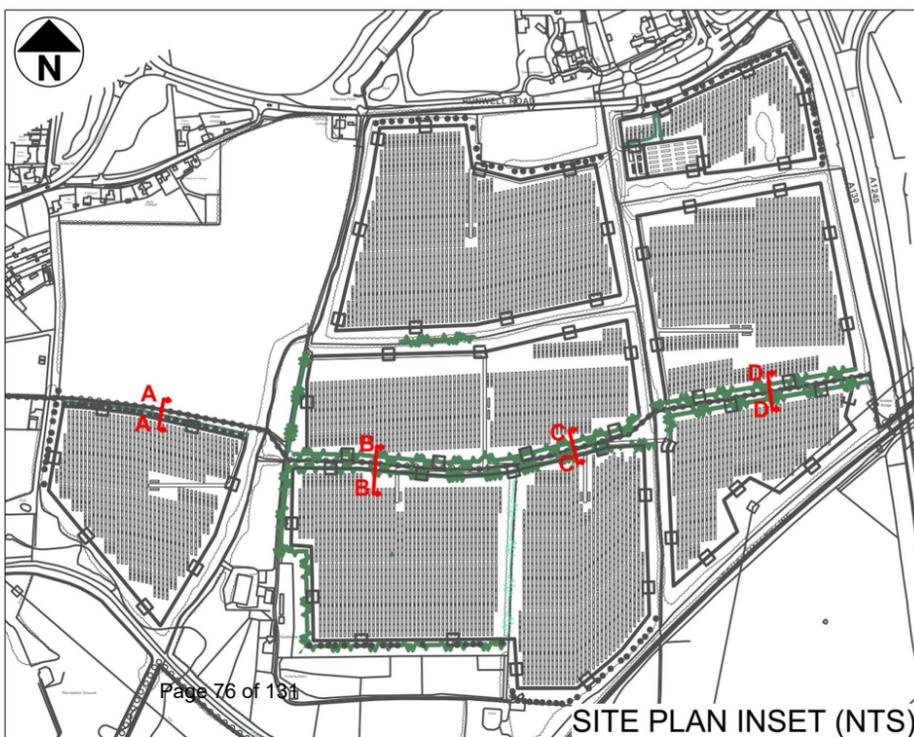
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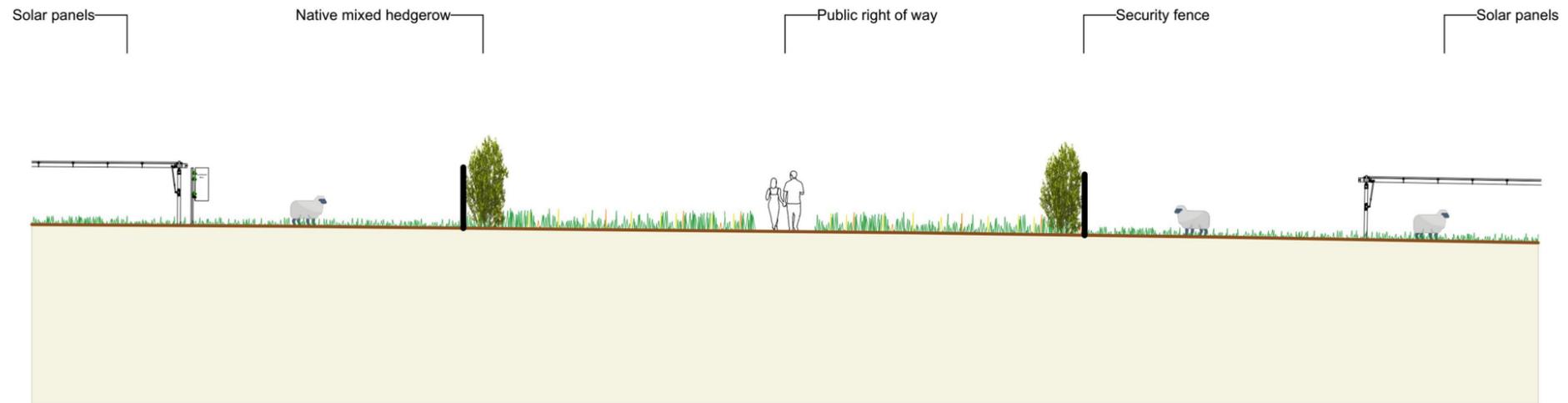
Illustrative Cross Sections

DRWG No: RC3-02-P17	Rev: -	Sht no: 3/4
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Scale: 1:200 @ A3	Date: 26/06/2023
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Section D-D

Revisions:
First Issue- 26/06/2023 JS

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Project Title:

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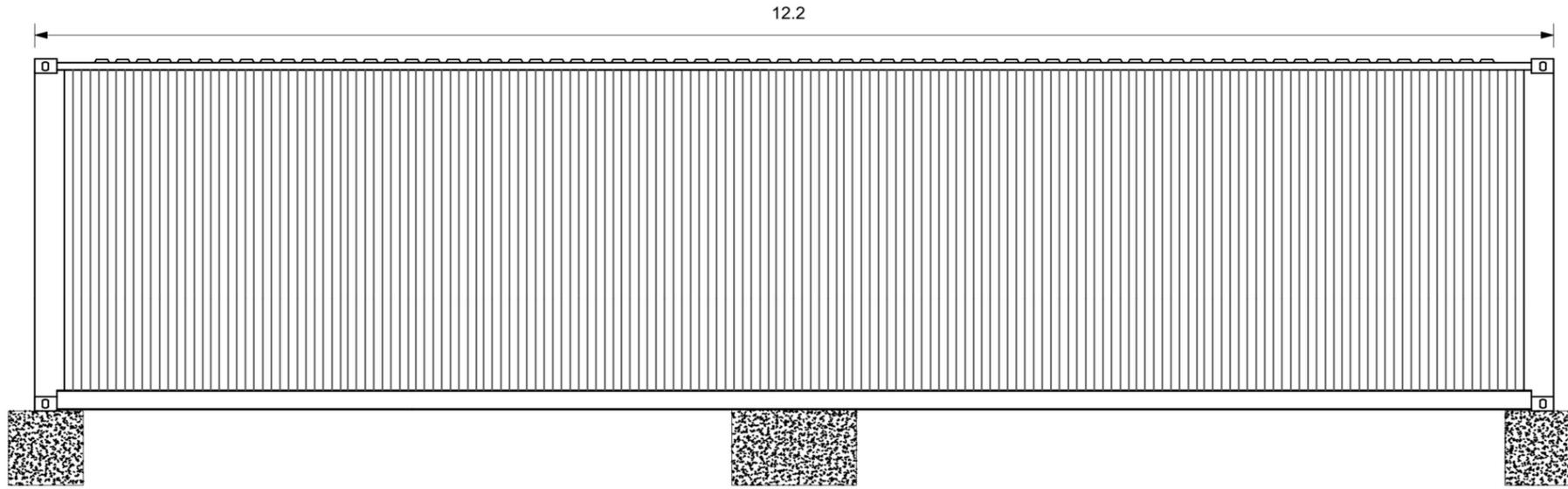
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Illustrative Cross Sections

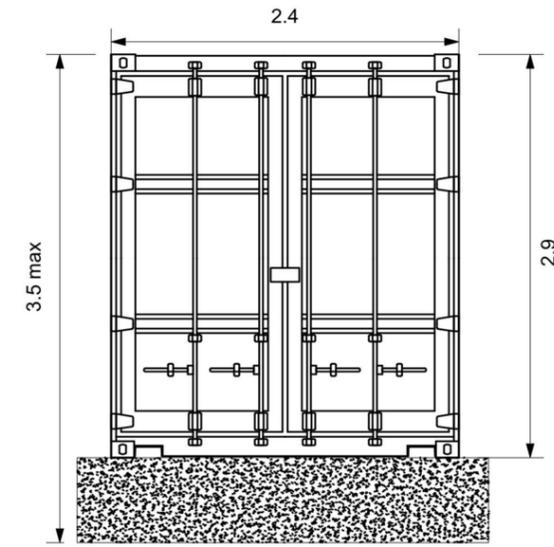
DRWG No: RC3-02-P17	Rev: -	Sht no: 4/4
Drawn by : JS	Checked by: RM	
Scale: 1:200 @ A3	Date: 26/06/2023	



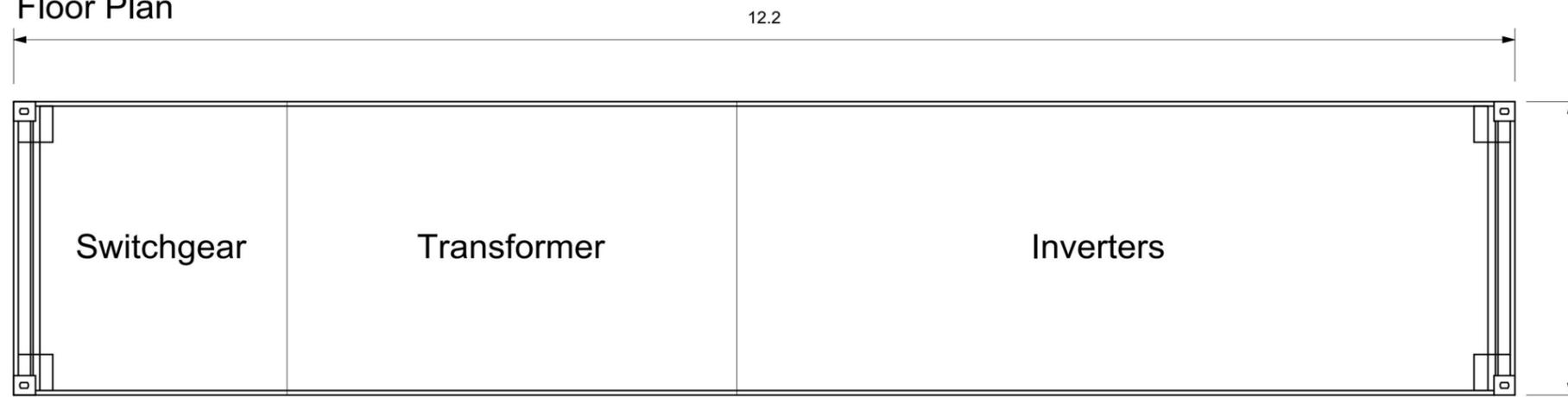
Side Elevation



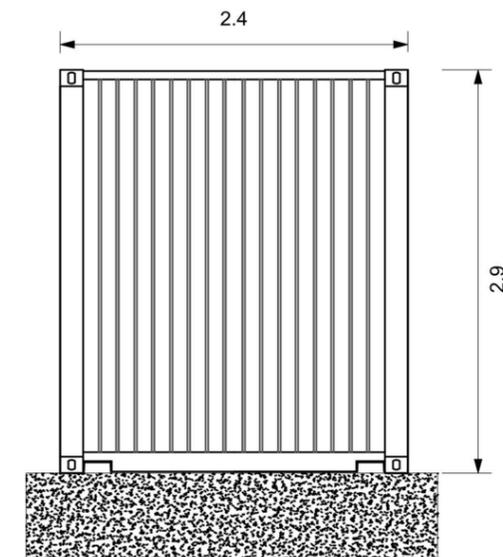
Front Elevation



Floor Plan

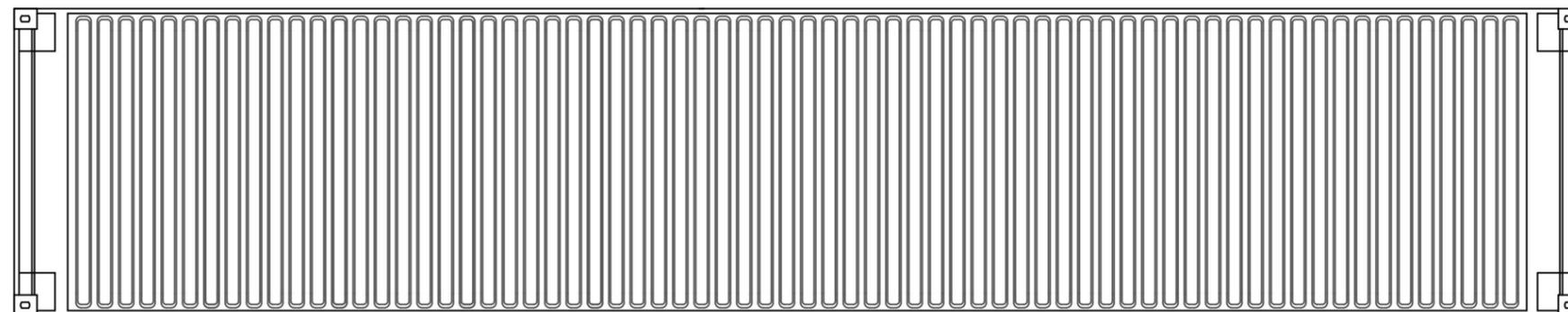


Rear Elevation



Revisions:
First Issue- 12/09/2022 JS

Roof Plan



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Project Title:
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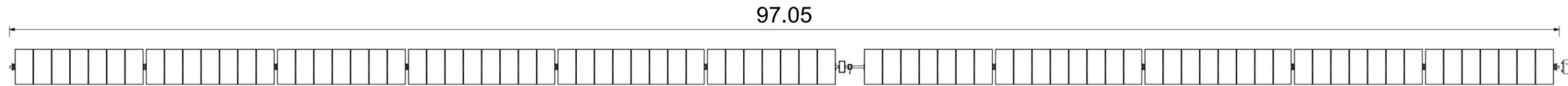
Drawing Title:
Inverter/Transformer Stations

GENERAL NOTES:

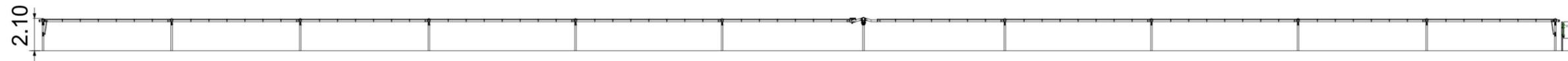
- 1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.
- 2) INVERTER STATIONS TO BE PAINTED RAL6005
- 3) FOUNDATIONS SHOWN INDICATIVELY ONLY. DIMENSIONS TO BE CONFIRMED BASED ON SITE CONDITIONS.



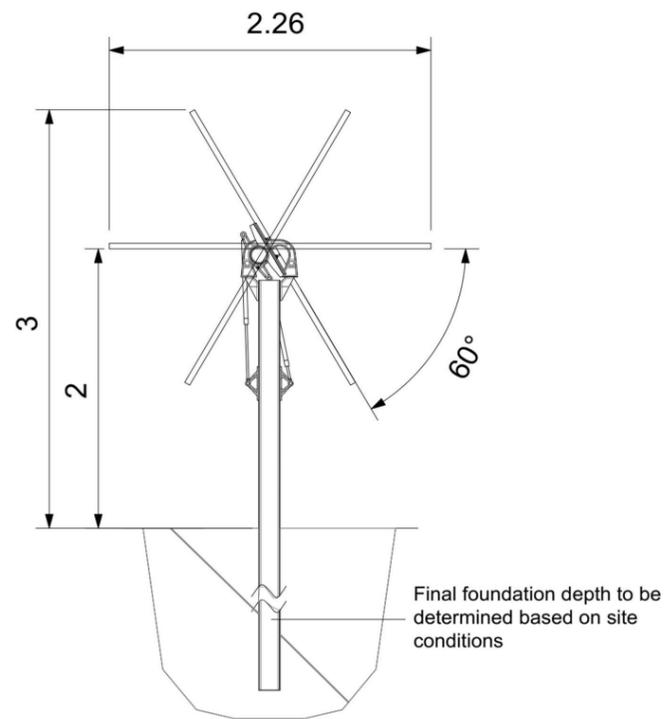
DRWG No: RC3-02-P04	Rev: -	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: 1:50 @ A3	Date: 12/09/2022	



PLAN VIEW (not to scale)



FRONT ELEVATION (not to scale)



SIDE ELEVATION (Scale 1:50)



GENERAL NOTES:

- 1) ALL DIMENSIONS ARE IN METERS UNLESS SPECIFIED.
- 2) FINAL DIMENSIONS MAY VARY DEPENDING ON MODULE TYPE

Revisions:
First Issue- 12/09/2022 JS



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Tel: 01452 764685 Email: enquiries@ensoenergy.co.uk

Project Title:
Southlands Solar Farm

Drawing Title:
PV Elevations

DRWG No: RC3-02-P03	Rev: -	Sht no: -
Drawn by : JS	Checked by: RM	
Scale: As noted @ A3	Date: 12/09/2022	



Planning Committee
5th December 2023

Application No	:	23/01193/REM Approval of Reserved Matters
Location	:	1 Brassie Wood Chelmsford Garden Community Chelmsford Essex CM3 3FP
Proposal	:	Application for the approval of reserved matters (access, appearance, layout, landscaping and scale) in relation to Condition 1 of outline planning permission 10/01976/OUT for the development of a two storey day nursery together with associated access, car parking, landscaping, enclosed garden to serve the day nursery and related works
Applicant	:	Ms Victoria Player L3 Property Limited
Agent	:	Mr S Stuart-Thompson
Date Valid	:	19th July 2023

Appendices:

Appendix 1 Consultations
Appendix 2 Drawings

1. Executive Summary

- 1.1. The application is referred to Planning Committee at the request of a local ward member who has raised concerns in relation to parking provision, the impact of the proposal on traffic flows within neighbouring streets and the effect of noise arising from the operation of the day nursery on residents.
- 1.2. The application relates to a parcel of land situated adjacent to an area of open space located within Phase 2 of the Channels residential-led development. The s106 Agreement forming part of the outline planning permission for Channels; 10/01976/OUT refers, required the provision of an early years and childcare facility within the development. Land for the early years and childcare facility was safeguarded under the reserved matters approval for the wider phase and was considered the most appropriate location for the nursery due to its central position within the Channels development close to existing bus stops and strategic footpath/cyclepath routes.
- 1.3. The proposal would deliver a two-storey day nursery catering for 76 pupils. Parents of children attending the day nursery would be able to use the existing visitor parking spaces adjacent to the day nursery; in response to resident concerns, it is proposed that these spaces would be subject to parking management controls through the provision of a traffic regulation order to limit the length of stay during the key morning drop off and afternoon pick up times associated with the day nursery.
- 1.4. The day nursery is of an acceptable scale, form and design and would integrate successfully with the Phase 2 development and the street scene. A noise management plan has been submitted, which satisfactorily demonstrates that there would be no adverse noise impacts or any other harm to the neighbouring residents.
- 1.5. Approval is recommended.

2. Description of Site

- 2.1. The application relates to a parcel of land of approximately 0.16 hectares, situated adjacent to an area of open space located within Phase 2 of the Channels residential-led development. Brassie Wood runs around the eastern and southern site boundaries and forms part of the bus route which routes in a clockwise direction north to south through the Channels development. The road is subject to parking restrictions in the form of double yellow lines. A residential street, known as Jigger Gardens, runs directly to the north of the site; this road would provide the primary means of access to the day nursery.
- 2.2. A three storey apartment block, which contains an architect's practice on the ground floor lies directly to the north of the proposed day nursery. Five unrestricted visitor parking spaces are located alongside the apartment block to the south, with a further two unrestricted visitor parking spaces located to the east. The spaces are to form part of the adopted public highway. Directly to the west of the application site are five further visitor spaces; these spaces fall within the ownership and control of the Channels Management Company.
- 2.3. Development to the east and south-west of the site, and adjacent area of open space, comprises residential dwellings forming Phases 1 and 2 of the Channels development; these properties are 2 – 2½ storeys in height.

- 2.4. The Beaulieu development is located to the south of the application site and can be accessed via footpath/cyclepath routes extending from Fairway Drive and Niblick Green.

3. Details of the Proposal

- 3.1. The application seeks reserved matters approval for the development of a two-storey day nursery with associated access, car parking, landscaping, and an enclosed garden. The outline planning permission reserved all matters for future determination. The submission therefore contains full details of the appearance, scale, and layout of the nursery building, means of access and landscaping.
- 3.2. The scheme would result in the creation of a day nursery that would cater for 76 children ranging in age from 0-4 years old with more children (24) in the older age bracket attending the site than other age groups. Internally the building would provide six separate rooms which would cater for the different age groups. The younger children would occupy rooms on the ground floor with the room for the older children located on the first floor. The nursery would have an internal area of approximately 633sqm. 21 full time staff would be employed.
- 3.3. A secure garden area of approximately 315sqm would be located to the rear of the nursery, capable of being directly accessed from the five ground floor rooms. The older children on the upper floor would have access to a secure outside terraced area. The garden area is proposed to be enclosed by a 1.5m high fence and landscaping.
- 3.4. A secure staff parking area comprising ten spaces would be located to the rear of the garden. The car park would be accessed from Jigger Gardens with secure access provided via a sliding gate. Three new drop-off visitor parking spaces are to be provided by the applicant along Jigger Gardens to the north of the nursery building.

4. Other Relevant Applications

- 4.1. Outline planning permission was granted for the Channels residential-led development in October 2012; 10/01976/OUT refers.
- 4.2. Reserved matters were approved for Phase 2 of the Channels development in March 2014; 14/00026/REM refers. Specifically, the approval was for 95 dwellings, 121sqm commercial floorspace and open space but also importantly, it secured the land for the early years and childcare facility forming part of this submission.
- 4.3. The Channels Phase 2 development has since been fully built out, save for the day nursery.
- 4.4. Planning permission was granted in 2016 (16/02132/FUL) for the change of use of the commercial unit from a restricted A1 (retail) use Class only to a mix of A1 (retail) and B1a (offices). The permission has been implemented and the unit is currently occupied by an architect firm's office.

5. Summary of Consultations

- 5.1. The following were consulted as part of this application:
 - Chelmsford Garden Community Council
 - CCC Recycling & Waste Collection Services

- CCC Public Health & Protection Services
 - South Essex Parking Partnership (SEPP)
 - Essex County Council Highways
 - ECC Historic Environment Branch
 - ECC Community Infrastructure Planning - Education
 - Essex County Council SuDs' Team
 - Essex County Fire & Rescue Service
 - Local Residents
- 5.2. The Chelmsford Garden Community Council have raised an objection to the application on the basis that there would be insufficient parking for the number of children to be accommodated within the day nursery leading to congestion on adjacent residential streets. The Council have also raised concerns about the impact of noise associated with the operation of the day nursery on residents.
- 5.3. Essex County Council Highways Authority has raised no objections to the proposal and would support the imposition of a Traffic Regulation Order (TRO) on the 12 visitor parking spaces. The TRO would be progressed by the Highway Authority as part of the highways works in relation to this application.
- 5.4. The Public Health and Protection Team have assessed the submitted noise management report and consider that the measures contained within it would be acceptable to mitigate noise impact. Further, they have also recommended a condition in relation to the hours of use of the day nursery.
- 5.5. The Essex County Council Infrastructure planning team noted that the original request was for the creation of a 56-place nursery on the site. They have indicated that the existing childcare sufficiency data from 2023 shows there has been an increased demand for childcare places since 2014 with demand likely to rise further with the planned increase in childcare funding which starts in 2024. The team has concluded that the 76 places proposed will help to meet the increased demand. They also note that the outside space is not overlooked by neighbouring properties wherever possible.
- 5.6. The site is located on land, which is contaminated. The matter is dealt with by a condition on the outline planning permission.
- 5.7. The County Archaeology and SuD's teams have raised no objections to the proposal.
- 5.8. The Essex Fire and Rescue Service have submitted advisory comments relating to compliance with the building regulations, the use of sprinkler systems and access to the site by the fire service.
- 5.9. The South Essex Parking Partnership (SEPP) has confirmed that should a TRO be imposed on the currently unrestricted visitor parking bays that are identified to be within the public highway, then they would be able to support and enforce the restrictions. The SEPP have recommended that any parking restriction period is for a limited waiting period of 15 minutes, with no return for two hours. The period would be operational between 7am-9.30am and 3.30pm-6pm to reflect the nursery opening hours.
- 5.10. Eight letters of objection have been received from residents; these have raised concerns relating to parking provision, traffic generation, overdevelopment of the site, scale of the building, loss

of outlook and issues associated with noise both in relation to the operation of the day nursery and during its construction.

5.11. Full details of the consultation responses are set out in Appendix 1.

6. Planning Considerations

Main Issues

6.1. The main issues for consideration are:

- Principle of Development
- Reserved Matters
 - Access including Parking
 - Layout
 - Scale
 - Appearance
 - Landscaping

Principle of Development

- 6.2. The outline planning permission for the wider Channels residential-led development granted permission for, amongst other matters, the provision of an early years and childcare facility. The s106 agreement for the outline planning permission included a requirement for an area of land of at least 0.13ha in size, to be safeguarded to deliver the early years and childcare provision.
- 6.3. Reserved matters were approved for Phase 2 of the Channels development in 2014; this included the land for the early years and childcare facility, which was confirmed and safeguarded for the future submission of this application.
- 6.4. The size of the safeguarded land for early years and childcare facility within the reserved matters approval measured 0.13ha in size and the land identified, was located immediately adjacent to the central area of local open space, which sits between Phases 1 and 2 of the Channels development. The approved site layout plan indicated that the nursery building would be two storeys in height.
- 6.5. Since the approval of the reserved matters for Phase 2, the overall area of the safeguarded early years site has modestly increased in size to 0.16ha due to minor and positive amendments to the position of the footpath/cyclepath routes through the adjacent area of open space. The change is considered acceptable and does not compromise the level of open space provided within the Channels development, which exceeded the policy requirement at the time.
- 6.6. The principle of a day nursery being provided within the Channels Phase 2 development is therefore firmly established by both the outline planning permission and the reserved matters approval for this phase.

Reserved Matters

Access

Means of Access

- 6.7. The principle means of access into the site would be via Jigger Gardens, which runs between the application site and the apartment block to the north. A new vehicular crossover leading onto this road would be required to provide access into the staff parking area.
- 6.8. The nursery building would be accessed by students and parents at its northern end. The staff car parking area and the additional visitor parking proposed as part of this reserved matters scheme would be located within this part of the site, to allow for ease and direct access into the nursery building.

Pedestrian Access

- 6.9. The nursery site is located centrally within the Channels development and would be easily accessible on foot. Footpaths run along both sides of Brassie Wood and along the eastern and southern sides of the application site. Several footpaths also run through the community garden to the west of the site.
- 6.10. The design and layout of the application acknowledges, and responds to the position of the existing paths, and proposes access points within the northeast corner and directly from the footpath to the east. The two access points would prevent children, or parents, having to walk along Jigger Gardens and provides separation from pedestrian routes and vehicle movements. A footpath to the north of the building linking with an existing route within the adjacent area of open space is also proposed; this would allow direct pedestrian access from the west without parents and their children encountering significant vehicular movement.
- 6.11. The location of the nursery would also make it attractive for residents in the adjacent Beaulieu development. Residents in Beaulieu would be able to walk their children to the nursery via the strategic footpath/cyclepath routes extending between the two developments, through the North-South Greenway. The footpath/cyclepath route connects with Brassie Wood south-east of the proposed day nursery. Parents would be able to safely walk along the path on the eastern side of the site to then access the nursery building.
- 6.12. The existing footpath and footpath/cyclepath links, together with the proposed enhancements to routes would enable safe and direct pedestrian access to the day nursery and should serve to encourage parents in both Channels, and the adjacent Beaulieu development, to walk their children to the facility as opposed to choosing to drive there.

Cycle Provision

- 6.13. The application will provide 14 cycle spaces for staff and children using the nursery. Eight spaces for children would be provided in a Sheffield style cycle stand located beneath the canopy entrance area. Secure staff cycle parking for up to 6 bicycles would be provided in a secure store within the western part of the building.
- 6.14. The overall cycle parking for both staff and children is considered acceptable to meet the needs of the future users.

Parking Provision

- 6.15. The Phase 2 reserved matters sought approval for amongst other matters, access and layout; as part of that approval full details of the number and location of the visitor parking spaces were provided. Careful consideration was given to the need to secure appropriate levels of parking provision given the mix of uses to be provided within Phase 2; residential, small retail unit and future day nursery. Twelve visitor parking spaces comprising of seven lay by spaces situated alongside the southern and eastern sides of the apartment block to the north of the proposed day nursery, together with a further five spaces located within an area to the west of the site, were included on the approved layout plan. The parking spaces were provided as lay-by spaces additional to the width of the road. The officer report for the Phase 2 reserved matters scheme specifically states that *'the level of visitor parking provision is considered sufficient to serve the apartment block and the retail unit and the early years and childcare facility where parking is likely to be for short periods of time and with a relatively high turnover of use'*. The spaces were shown within the approved adopted highway plan, which formed part of the reserved matters approval; these spaces were constructed by the developer of Phase 2, Bellway Homes, and are currently in place on the site. The level of parking provision was set against a background of all residential properties being provided with acceptable levels of on-plot parking with garages sized to accommodate larger vehicles.
- 6.16. Following the reserved matters approval planning permission was then granted for the change of use of the commercial unit from a retail to an office use; 16/02132/FUL. The retail unit had not previously been provided with dedicated parking for staff. The officer report at the time, clearly set out and acknowledged the position which had been reached in relation to visitor parking provision in 2014. The report noted that the relatively small floor area of the commercial unit would effectively dictate the size of an office-based business which could be accommodated, and those employed within the office would be expected to use public transport. Further the report went on to conclude that *'Visits to the office would principally occur during the daytime period'* and as such would be *'unlikely to coincide with the times when visits to the residential apartments or neighbouring properties might be at their highest, typically in the evenings and/or at weekends'*. All residential apartments and dwellings it was noted, had been provided with acceptable levels of parking provision in accordance with the Beaulieu and Channels Parking Standards. Further and in conclusion, the report stated that *'The use of the commercial floorspace as an office, pursuant to Class B1(a) would not have a materially greater impact on the uptake of the dedicated on-street parking spaces than the approved retail use.'*
- 6.17. The provision of visitor parking spaces was firmly established by the reserved matters approval and an acceptable number of spaces accommodated in appropriate locations to meet the needs of all visitors; on that basis it was not expected that the future reserved matters submission for the day nursery would need to provide additional visitor parking to meet its needs, other than staff parking provision.
- 6.18. A highway adoption plan did form one of the reserved matters approved drawings for Channels Phase 2. The plan indicated that all 12 visitor parking spaces, as constructed on site, would form part of the adopted highway. During consideration of this reserved matters submission, it came to light that the five spaces to the west of the nursery site had been removed from the highway adoption process with ECC Highways, upon their advice, and ownership and control of the spaces had since passed to the Channels Management Company.

- 6.19. Notwithstanding that the number and location of the visitor parking provision has been established and accepted in principle, and there is no requirement for the day nursery to provide additional visitor parking spaces, the applicant has proposed three off-street parallel parking spaces on the nursery site itself to accommodate the drop off and pick up of children from the day nursery. The spaces would be accessed via Jigger Gardens and would create additional drop off provision for parents. The decision is a positive one and a direct response by the applicant to seek to address resident concerns, despite there being no planning need for them to provide these spaces.
- 6.20. Having regard to the concerns raised by residents and following discussion with the South-East Essex Partnership and the County Highway Authority, officers have sought to negotiate a positive way forward, which would ensure that the visitor parking spaces are genuinely available for all visitors in the future. Specifically, it is proposed to introduce parking management of the previously approved visitor parking spaces by requiring the applicant to apply to ECC for a Traffic Regulation Order (TRO) to encompass the seven spaces which it has already been agreed by ECC Highways would form part of the adopted highway and the five spaces to the west of the proposed day nursery (subject to agreement from the landowner, the Channels Management Company). The TRO would introduce limited waiting periods in the morning (7am-9.30am) and in the afternoon (3.30pm-6pm) when parents would be dropping off and picking up their children; at all other times the spaces would be available for unrestricted visitor parking.
- 6.21. The Channels Management Company has been approached regarding inclusion of the five visitor parking spaces now within their ownership as part of the TRO. A response from the Management Company to confirm whether they would firstly be willing to include the spaces within the TRO and secondly whether they would wish to retain ownership of the spaces or relinquish ownership of the spaces and agree to their inclusion within the adoptable highway, had not been received at the time of preparing this report. The South-East Essex Parking Partnership have indicated that should the Management Company agree to include the spaces within the TRO, whilst retaining ownership, then they would be willing, and able to enforce, the limited waiting restrictions with their formal written agreement.
- 6.22. Should they wish to do so the Channels Management Company could also request that the five spaces within their ownership are reinstated within the adopted public highway. The Highways Authority has indicated that they would support the re-inclusion of these spaces within the highway and absorb the associated costs of doing so.
- 6.23. Should the Channels Management Company resolve not to include the spaces within the TRO, or as part of the adopted highway, then they would retain responsibility for their management. The parking spaces have been established as visitor parking spaces for resident's visitors, visitors to the commercial unit and for parents dropping off and picking up children from the day nursery by the reserved matters approval and would lawfully remain as such regardless of ownership. The management company would in such circumstances, need to arrange for a private parking enforcement company to maintain the five visitor parking spaces and the level of enforcement would arguably need to match that undertaken by the SEPP were the TRO to prove successful, to avoid displacement to those five spaces.
- 6.24. The imposition of a time limited TRO on the visitor spaces would ensure that there is appropriate parking for all visitors when required. The requirement for the applicant to apply for a TRO on the spaces forms the basis of a planning condition, however, it is accepted that the applicant is not in control of the outcome of the TRO consultation process and any

eventual decision in this respect. Condition 5, as such requires the applicant to (i) submit a valid application for a Traffic Regulation Order (TRO) to ECC to allow for the provision of parking restrictions on the seven visitor parking spaces within the adopted highway prior to the first use of the day nursery, (ii) subject to the successful outcome of the TRO to meet the full costs of all required works, including lining and signage associated with the TRO and (iii) in the event that the TRO is unsuccessful and no alternative scheme has been identified, or agreed by ECC, that the applicant be required to provide the local planning authority with a written statement explaining the reasons why it is not possible to introduce parking restrictions on the visitor parking spaces.

- 6.25. The approach which has been negotiated with the applicant and discussed with the South-East Essex Parking Partnership, the County Highway Authority and the Channels Management Company is considered to appropriately address visitor parking provision and ensure that spaces are available during nursery drop-off and pick-up times without compromising the ability for residents to have visitors park within the spaces outside of these hours, or at weekends. Similarly, the spaces would be available, unfettered outside the likely restrictive hours for visitors to the architect's practice; that is between 9.30am and 3.30pm.
- 6.26. The three additional visitor parking spaces provided by the applicant within the nursery site itself would be privately managed by the operator of the day nursery.
- 6.27. The reserved matters approval for Channels Phase 2 did envisage that staff parking would come forward as part of the reserved matters submission for the day nursery. The submission proposes inclusion of a staff parking area on the western side of the day nursery. The parking area would contain ten spaces for staff, including two electric vehicle spaces, and would be positioned behind a sliding gate which would restrict access. The staff parking provision is considered appropriate to serve the needs of the 21 full time staff many of whom will travel to the site by other means such as car sharing, bus or bicycle. The Highway Authority has raised no objections to the level of staff parking. Condition 4 requires the staff parking spaces and the three parallel drop-off spaces to be provided prior to first use of the day nursery.
- 6.28. Overall, it is considered that the parking provision for visitors and staff would be acceptable and would not result in adverse parking impacts on the surrounding streets. The scheme complies with Policies SPS9 and DM27 of the Chelmsford Local Plan.

Refuse Vehicle Access

- 6.29. An integrated refuse store is accommodated within the eastern side of the building easily accessible for refuse operatives who would be able to stop along Brassie Wood and use the paths to gain direct and level access to the bin store.

Layout

- 6.30. The two storey nursery building would be located within the eastern section of the site and would fill most of the depth of the plot from north to south. The building would have a rectangular footprint with a width of approximately 30m, including the covered walkway to the north, and a depth of approximately 16m. The building would have a gross external area of approximately 699.4sqm. A secure external play area measuring approximately 315sqm would be located to the rear of the building. The staff car park would sit within the north-eastern corner of the site located to the rear of the play area separated from it by a hedgerow. A vegetable patch would be located to the south of the building. A hard surfaced area located to

the north of the building would be used as a waiting and circulation area by parents and as pedestrian route to the entrance of the nursery.

- 6.31. Internally the building has been designed to cater for the different age range of children that the nursery would serve. Each age group is assigned its own room with the five youngest age groups on the ground floor and the oldest age group on the first floor. The ground floor rooms have been positioned on the western side of the building away from the footpath and would have direct access out onto the secure play area. The upper floor would have access onto a terrace of approximately 76sqm. A kitchen, office, laundry area and buggy store which would sit on the eastern side of the building are also provided at ground floor.
- 6.32. The ECC Early Years and Childcare team have assessed the proposal and are satisfied that the internal layout complies with the minimum size requirements for the different age groups and would more than meet the space requirement for 76 children. Further, they have also confirmed that the presence of the outdoor space meets requirements.

Scale

- 6.33. The nursery building would extend to a maximum of two storeys in height but comprises a series of elements which vary in height from single to full two storey. The different levels and heights also serve to breakdown the overall massing of the built form and create three different distinct and articulated sections to the building. The two outer sections would have mono pitched green roofs whilst the central element would have a flat roof with solar panels on the roof. The southern end of the building would be the lowest part of the building with a height of approximately 3.7m, this increases to a maximum height of 6.7m in the central part of the northern most section, where the building fronts the apartment block and where greater scale is best accommodated.
- 6.34. The Phase 2 residential parcel comprises dwellings of varying building heights. The apartment block directly to the north of the application site extends to three storeys in height.
- 6.35. The height and scale of the proposed nursery building is acceptable and would integrate successfully with the existing built form within the street.

Appearance

- 6.36. The nursery building with its sloping roof form would contrast with the traditional gable form of the residential dwellings within the area, however, the central location of the nursery building and its position adjacent to an area of open space and adjacent landscaped areas, allows for a different and unique design approach to be taken. Notwithstanding that mono pitched roof forms are not apparent within the wider development; it is considered that they would add an element of interest to the appearance of the building and the relationship with the street scene would be acceptable.
- 6.37. Differing materials are proposed on each of the three sections of the building to allow integration with the surrounding street scene. The materials proposed would reference the materials within the Phase 2 residential parcel and would help to differentiate each of the three sections whilst also assisting in breaking down the massing of the building.
- 6.38. The overall appearance of the building is considered acceptable.

- 6.39. The layout of the development, its scale and appearance are acceptable and compliance with Policy DM23 of the Chelmsford Local Plan is achieved.

Landscaping

- 6.40. A 1.5m fence would enclose the southern and western sides of the external play space. A hedgerow of the same height would sit in front of the fence to allow for screening. The fence and hedge would secure the play space and would prevent any views into the space from the footpath to the south. The external play area itself would be comprised of rubberised surfaces, artificial grass, and hard paved areas.
- 6.41. The eastern side of the building would be bordered solely by soft landscaping in the form of low-level shrubs; this side of the building incorporates the back of house elements so there would be no safeguarding issues.
- 6.42. The soft landscaping and new tree planting would help to create a pleasant environment and allow for successful integration of the development within the street scene, whilst also helping to soften the presence and appearance of the building. The scheme accords with Policy DM24 of the Chelmsford Local Plan.

Other Matters

Noise – Operation of the Day Nursery

- 6.43. Concerns have been raised by residents and the Garden Community Council regarding the impacts of noise generated by the nursery upon existing neighbouring residents. Nurseries are common use types within residential areas and in this case the principle of a nursery on this site has been accepted by both the outline planning permission and the Channels Phase 2 reserved matters approval.
- 6.44. The applicant has submitted a noise management plan, which seeks to respond to concerns raised by residents. The plan sets out the design measures which have been incorporated to control the noise produced by outdoor play; these include orientating the outdoor play areas to face the public open space and the use of hedging around the play area to provide a natural privacy screen for play. Operational measures would be employed to control the noise produced by outdoor play; these include the hours of operation, limitation of the garden area with play time staggered to fit with activities planned for each age group and close supervision of children. Drop off and pick up times would be staggered during the hours of 07:00-09:00 and 16:00-18:00. The nursery would be completely flexible to parents needs, meaning some children would be picked up and dropped off outside of these times, further spreading out vehicular arrivals and departures. The plan documents how residents could make complaints and how these would be responded to.
- 6.45. The noise management plan has been assessed by the Council's Public Health and Protection Team who are satisfied that it would minimise any noise disturbance to surrounding residents. Condition 3 requiring compliance with the plan is recommended; in addition, a condition to restrict the hours of use of the nursery to 7am – 6pm Mondays – Fridays is also proposed. On this basis the scheme accords with Policy DM24 of the Chelmsford Local Plan.

Noise – Construction of the Day Nursery

- 6.46. Concerns have been raised by residents relating to noise and dust impacts resulting from the construction of the nursery and at the potential length of the construction period.
- 6.47. The applicant would be required to submit a Construction Method Statement and a Construction Environmental Management Plan in accordance with Conditions 58 and 59 of the outline planning permission; these documents would set out how the nursery would be constructed and the measures to minimise any disruption including, but not limited to dust suppression, vehicle routing and road sweeping.
- 6.48. The applicant has confirmed that the construction period for the nursery would be 12 months.

Contamination

- 6.49. The Council's Public Health and Protection Team have noted that the site is situated on land which is contaminated. The matter is dealt with by a condition on the outline planning permission.

Neighbour Relationships

- 6.50. Concerns have been raised by residents that the construction of the nursery building would block views of existing residents. The right to a view is not a planning consideration. Notwithstanding, in any case it is noted that the principle of a day nursery has been accepted and the relationship between the day nursery and existing residential properties opposite is no different than exists between two storey properties either side of a street across this residential parcel. Further only a section of the building is fully two storey.
- 6.51. The proposal would cause no adverse impacts to the amenities of the neighbours.

Other Comments - Service Charge

- 6.52. Residents have also queried whether the proposed nursery would be expected to contribute to the Channels Estate service charge.
- 6.53. The applicant has confirmed that they have signed a Deed of Covenant with the Channels Management Company to enter into the estate service charge.

7. Community Infrastructure Levy (CIL)

- 7.1. The application is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1 Details – Compliance with Plans & Conditions

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

Condition 2 Hours of Operation

The use hereby permitted shall only take place between the following hours:

7am- 6pm Mondays - Fridays;

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

Condition 3 Noise Management Plan

The development shall only be carried out in accordance with the Noise Management Plan for the Proposed Channels Day Nursery subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

Condition 4 Parking Provision

The nursery building hereby approved shall not be occupied until the staff parking spaces and the three parallel drop off spaces shown on approved Drawing No. PA_03 Rev B – Proposed Site Plan have been laid out and are available for use; thereafter the spaces shall be kept available at all times for these uses.

Reason:

To ensure that sufficient parking is available to serve the development in accordance with Policy DM27 of the Chelmsford Local Plan.

Condition 5 Traffic Regulation Order

(i) Prior to the first use of the day nursery hereby approved the applicant shall have made a valid application for a Traffic Regulation Order (TRO) to Essex County Council to allow for the provision of limited waiting restrictions on the seven visitor parking spaces located in Jigger Gardens and Brassie Wood situated to the east and south of the apartment block, and the 5 visitor parking spaces located to the west of the day nursery (subject to an agreement being reached with the Channels Management Company) as shown on Drawing No. L636-004 Rev P – Proposed Highway Adoption Plan as approved under 14/00026/REM – Channels Phase 2.

(ii) Subject to the successful outcome of the Traffic Regulation Order(s) referred to in part (i) above, the provision and implementation of all required works, including lining and signage associated with the said Traffic Regulation Order(s) shall be met in full by the developer and at no cost to Essex County Council.

(iii) IN THE EVENT THAT the Traffic Regulation Order is unsuccessful, and no alternative scheme has been identified or agreed by Essex County Council, the applicant shall provide to the local planning authority a written statement explaining the reasons why it is not possible to introduce parking restrictions on the twelve visitor parking spaces located in Jigger Gardens and Brassie Wood as shown on Drawing No. L636-004

Rev P – Proposed Highway Adoption Plan as approved under 14/00026/REM – Channels Phase 2 and shall thereafter be released from the obligations imposed by this condition.

Reason:

To ensure the applicant makes all reasonable efforts to prevent on-street parking occurring as a consequence of development where parking would likely cause network delays and highway safety concerns.

Condition 6 Construction of New Vehicular Crossover

Prior to the first use of the day nursery, the construction of the new vehicular access to the site and associated highway works as shown in principle on Drawing No. PA_03 Rev B – Proposed Site Plan, shall be regulated by an appropriate legal agreement between the applicant and the Highway Authority, which will provide for but not be limited to the following:

- a. Provision of an 8m wide dropped kerb access into the staff car park from Jigger Gardens,
- b. Provision of 3m x 7m parallel parking bays adjacent to the Jigger Gardens carriageway,
- c. The existing lamp column affected by the parking bays to be relocated.

Reason:

To provide safe and suitable access to the proposed day nursery in the interests of highway safety.

Notes to Applicant

1 Hours of Work During Construction

In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy Work

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light Work

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at www.chelmsford.gov.uk/construction-site-noise

2 Contact ECC - Works Affecting the Highway

The Local Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are: Telephone: 0845 603 7631. Email: development.management@essexhighways.org.

3 Details of Vehicular Crossover - ECC

The Highway Authority (Essex County Council) must be contacted regarding construction details for the proposed vehicular crossover. Contact details are:

Development Management Team,
Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford
CM2 5PU.
Telephone: 0845 603 7631 Email: development.management@essexhighways.org.

4 **Liability**

The Highway Authority cannot accept any liability for costs associated with a developer's improvement; this includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required as security in case of default.

5 **Highway Works Costs**

The applicant will be responsible for all the costs associated with the stopping up of the existing public highway to facilitate the development and its associated highway works.

6 **Street Naming & Numbering**

This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at www.chelmsford.gov.uk/streetnaming. Enquires can also be made to the Address Management Officer by emailing Address.Management@chelmsford.gov.uk

7 **ECC Fire & Rescue Service Advice**

You are advised that additional water supplies for fire-fighting may be necessary to serve the development and you are advised to contact the Water Technical Officer at Essex County Fire & Rescue Service Headquarters in this respect, tel: 01376 576342.

The Service has advised that there is evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires; even when not required under the Building Regulations guidance, a risk-based approach to the inclusion of AWSS is strongly recommended. You are encouraged to use AWSS to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Your attention is drawn to ADB, B5 V1 Section 13. Detailed observations on access and facilities will be considered at the Building Regulation consultation stage.

8 **Discharge of Conditions Applications**

This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.

9 **Fees for Discharge of Conditions Applications**

This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.

Positive and Proactive Statement

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background Papers

Case File

Chelmsford Garden Community Parish

Comments
<p>13.10.23</p> <p>Chelmsford Garden Community Council objects to the application on the following grounds:</p> <ul style="list-style-type: none"> • Insufficient Parking Provision or Drop off Provision – The lack of parking provision would have a detrimental impact upon the residential area. The nursery intends to admit 76 children which would result in a high level of vehicle movements and although it states that drop off and collection would be staggered it is highly likely that most of the movements would be in a window in the morning thus creating congestion if provision is not made to accommodate these cars. • Five Parking Spaces - The Council understands that these spaces are not in fact available for drop-off and pick up as they are privately owned by Channels CIC and are used daily by residents and their visitors together with staff from a nearby commercial unit; without such parking provision it would create an unacceptable level of congestion in the area and create parking issues in a number of roads local to the nursery. <p>08.09.23</p> <ul style="list-style-type: none"> • Overdevelopment of the Plot – The development cannot be supported by the infrastructure within the area. • Vehicle Movements – The proposed nursery would accommodate 76 children so the number of vehicle movements within an established residential area would have a detrimental impact. • Need – Several other local nurseries exist; the Council questions whether there is a need for a nursery of the size proposed. • Parking – The level of parking is insufficient for the number of vehicles, which would visit the site; there would be a detrimental impact upon residents and traffic flow on Fairway Drive especially, which is on a bus route. • Noise – No noise control measures are contained within the application so there may be a detrimental impact upon residents. • Site Notices – Site notice put up in September therefore residents have not had the opportunity to comment upon the application.

CCC Recycling & Waste Collection Services

Comments
No response received

CCC Public Health & Protection Services

Comments
<p>21.08.23</p> <p>A condition should be imposed requiring the applicant to submit a scheme to assess and deal with any contamination of the site and not to bring the nursery into use until any remediation of the site, found to be necessary has been carried out, and a validation report submitted to the local planning authority for written approval.</p> <p>An informative regarding hours of working should be included on any grant of planning permission.</p>
<p>09.11.23</p> <p>The submitted noise management plan is acceptable.</p>

South Essex Parking Partnership

Comments
<p>21.11.23</p> <p>The South Essex Parking Partnership would be willing to support and be able to enforce any new proposed parking restrictions.</p> <p>Should a decision be made to implement a new Traffic Regulation Order, to include parking restrictions on the current unrestricted parking bays located on the identified areas to become adopted highway, the Parking Partnership would support a limited waiting parking restriction of about 15 mins with no return for 2 hours which would be operational between the hours of 7am to 9.30 am and 3.30pm to 6pm.</p> <p>The type of restriction can be effectively enforced and would ensure a high turnover of space at peak hours when dropping off and picking up from the nursery occurs.</p>

Essex County Council Highways

Comments
<p>22.11.23</p> <p>The principle of a nursery at the proposed location was determined within application 14/00026/REM for Phase 2 within Channels. The current application seeks to determine the detail of the nursery. The Phase 2 application outlined that the 12 unallocated visitor spaces, which run around the south and east of the flat block and to the west of the nursery site, would form part of the required visitor parking allocation within the phase as well as be utilised for parent drop off/pick up related to the nursery site, and for customers of the commercial unit.</p>

Subsequently, the commercial unit was changed to an office class use and the officers report states that staff would be expected to use public transport or available visitor spaces. Five of the spaces are privately managed and do not currently form part of the adopted highway.

A Traffic Regulation Order will be required, to limit waiting during the weekday morning and afternoon peaks, to be applied to all 12 visitor spaces, to ensure there is adequate parking provision available for drop off/pick up in relation to the nursery. For simplicity, the 5 spaces currently privately managed should be adopted by the Highway Authority, but this is subject to agreement with the Management Company, although adoption is not essential, it would guarantee the control of the spaces in perpetuity.

The TRO will be progressed by the Highway Authority as part of the highway works related to this application and the applicant will be required to pay the necessary costs related to this. The TRO should be extended to cover the proposed 3 bays within the nursery curtilage to ensure they are available for their intended usage.

The impact of the proposal is acceptable to the Highway Authority, subject to conditions to secure the following:

1. No development to take place, including any ground works, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period and shall provide for:
 - a. Construction vehicle access and routing,
 - b. Any temporary traffic management/signage,
 - c. Wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas,
 - d. Contractor and visitor parking clear of the highway,
 - e. Turning, loading and unloading of plant and materials, and
 - f. Hours of deliveries.
2. Prior to first occupation of the development, the construction of the new vehicular access to the site and associated highway works as shown in principle on Drawing No. 5872_PA_03_B – Proposed Site Plan shall be regulated by an appropriate legal agreement between the applicant and the Highway Authority, which will provide for, but not be limited to the following:
 - a. Provision of an 8m wide dropped kerb access into the staff car park from Jigger Gardens,
 - b. Provision of 3 x 7m parallel parking bays adjacent to Jigger Gardens carriageway,
 - c. The existing lamp column affected by the parking bays to be relocated.
3. The submission of a valid application for a Traffic Regulation Order to the Local Highway Authority to allow for limited waiting to be applied to the 12 visitor parking spaces and additional 3 spaces within the curtilage of the development, prior to the first use of the day nursery, subject to the successful outcome of the TRO, to meet the full costs of all required works and advertisements, including lining and signage associated with the TRO. In the event that the TRO is unsuccessful and no alternative scheme has been identified, or agreed by the Local Highway Authority, the applicant is required to provide the local planning authority within a written statement, explaining the reasons why it is not possible to introduce parking restrictions on the visitor parking spaces.

The following informatives to be included within any grant of planning permission:

1. All work within, or affecting existing and future highways is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant to be advised to contact the Development

Management Team by email at development.management@essexhighways.org

2. The Highway Authority cannot accept any liability for costs associated with a developer's improvement; this includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
3. The developer will be responsible for all of the costs associated with the stopping up of existing public highway to facilitate the development and its associated highway works.

ECC Historic Environment Branch

Comments

21.08.23

The proposed development site has previously been the subject of archaeological investigation, and no further archaeological work is required on this site. No further comments to make on this application.

ECC Community Infrastructure Planning (Education)

Comments

24.11.23

The original request for EY&C on this site was to create 56 places, it is noted that this application will be creating 76 full time places. ECC have looked at the latest childcare sufficiency data for the ward and can see that since the initial response was given back in 2014, the ward of Broomfield and the Walthams has seen demand for childcare places increase. Our latest date from the summer of 2023 reported that there were 11 places available in one nursery in Broomfield.

No places were available within the Channels development and coupled with the planned increase in childcare funding, which will start to be implemented from April 2024, ECC have concluded that these additional places will help to meet the expected rise in demand for childcare places.

ECC would like to note that wherever possible, the outside area of the proposed development is not overlooked by neighbouring properties.

Essex County Council (SUDS)

Comments

20.09.23

No objections.

Comments
<p>15.08.23</p> <ul style="list-style-type: none">• Access - Access for the Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. The applicant's attention is drawn to ADB, B5 V1 Section 13. More detailed observations on access and facilities will be considered at the Building Regulation consultation stage.• Building Regulations - The applicant is responsible for complying with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Planning Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire & Crime Commissioner Fire and Rescue Authority in accordance with 'Building Regulations and Fire Safety - Procedural Guidance'. Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc) Regulations 2010 (as amended).• Water Supplies - The applicant is reminded that additional water supplies for fire-fighting may be necessary for the development. The applicant is urged to contact the Water Technical Officer at Service Headquarters, tel: 01376 576344.• Sprinkler Systems - Clear evidence exists 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. ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, even when not required under Building Regulations guidance, which can substantially reduce the risk to life and property loss. Developers are also encouraged 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.

Local Residents

Comments
<p>8 letters of representation have been received which raise the following objections to the application:</p> <ul style="list-style-type: none">• Traffic Generation – Negative impact on the neighbourhood due to the amount of traffic generated by a 76 place nursery with potentially 70+ / 100 cars per day on Brassie Wood during narrow morning and evening time periods coupled with traffic associated with 21 staff. Number of places should be reduced by half. Scheme is ill thought out. Incredibly difficult to exit the estate onto Essex Regiment Way; following the opening of the relief road and with the proposed day nursery exiting Brassie Wood and Fairway Drive could be difficult. Cars parking in the road already cause significant congestion on the bus route.• Jigger Gardens – Position of the drop-off area would mean that traffic would route along Jigger Gardens, which is an unadopted road. 3 drop off spaces force traffic along Jigger Gardens.• Parking – Staff parking is inadequate and would lead to staff parking in the visitor parking area,

maintained and owned by residents, take up of parking spaces used by residents or parking in front of residential properties. ECC parking standards require 1 space per full time member of staff.

- Use – Building of a two storey day nursery was not in the original plans for the development.
 - Scale – Day nursery should be restricted to single storey. The assessment of size and scale was made over 10 years ago before establishing the local community.
 - Loss of Outlook – Unacceptable to introduce a two storey building on a small parcel of land; loss of view from existing residential properties.
 - Noise – Nursery play area is too close to existing housing and would create a noise nuisance. Acoustic fencing should be provided around the proposed play area. Query plans for noise, dust and disruption mitigation. Proposed roof terrace would be a major source of noise.
 - Play Area – Apartments would have a direct line of sight to the outside play area.
 - Construction – Query time period for construction to take place and working hours and how this would operate given existing double yellow lines on Brassie Wood.
-
- Service Charge – Query how much nursery providers would be contributing to the service charge.



0 10 20 40 Metres

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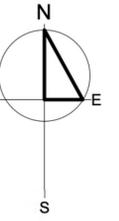


Planning Committee
23/01193/REM

Planning & Development Management
Directorate for Sustainable Communities

PO Box 7544 Civic Centre
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826



REVISION	DESCRIPTION	DATE	DRAWN	CHECK
A	Parking adjustment based on planning requests.	16/10/2023	sst	

5872 | **PA_04** | **A**

TITLE Site Block Plan

SCALE 1:500 SHEET SIZE A1

ISSUE DATE 22/06/2023

AUTHOR SST CHECK PB

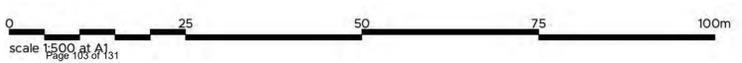
PROJECT Proposed Day Nursery School
1 Brassie Wood, Broomfield
Chelmsford, Essex, CM3 3FQ

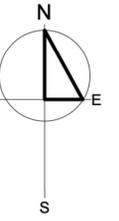
CLIENT Seymour House Ltd

STATUS **PLANNING**



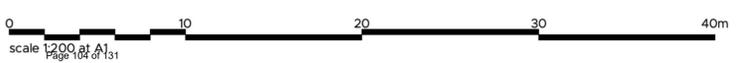
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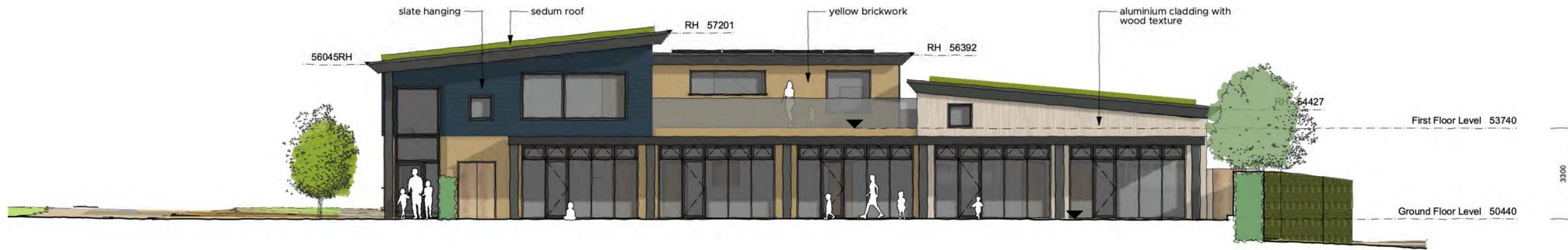
- existing 2.5m wide shared spaces
- secure sliding electric gate
- proposed 2.5m x 5.0m vehicle spaces
- EV Charging points
- remove estate railings beyond boundary line and 1m wide plant hedge with secure fencing behind.
- 1.5m high hedge and bow top green fence behind

- existing on street parallel parking 5nr
- drop off spaces
- existing lamp post relocated
- level access
- main entrance
- footpath connection to road
- emergency escape only
- low level shrub planting (no barrier at street edge)
- controlled staff access only



REVISION	DESCRIPTION	DATE	DRAWN	CHECK
A	Drop off bays changed to parallel, parking adjusted and cycle store labelled.	25/09/2023	sst	
B	Parking adjustment based on planning requests.	10/10/2023	sst	

PROJECT	5872	PA_03	B
TITLE	Proposed Site Plan		
SCALE	1:200	SHEET SIZE	A1
ISSUE DATE	05/06/2023		
AUTHOR	SST	CHECK	PB
PROJECT	Proposed Day Nursery School 1 Brassie Wood, Broomfield Chelmsford, Essex, CM3 3FQ Seymour House Ltd		
CLIENT	Seymour House Ltd		
STATUS	PLANNING		



1 Proposed West Elevation
Scale: 1:100



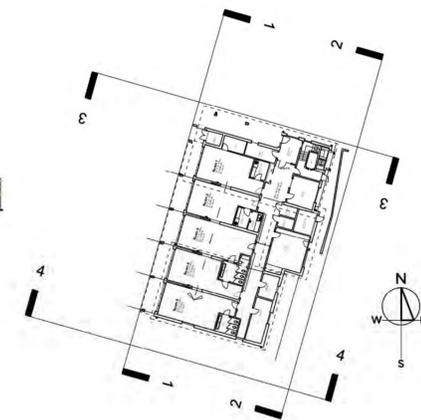
2 Proposed East Elevation
Scale: 1:100



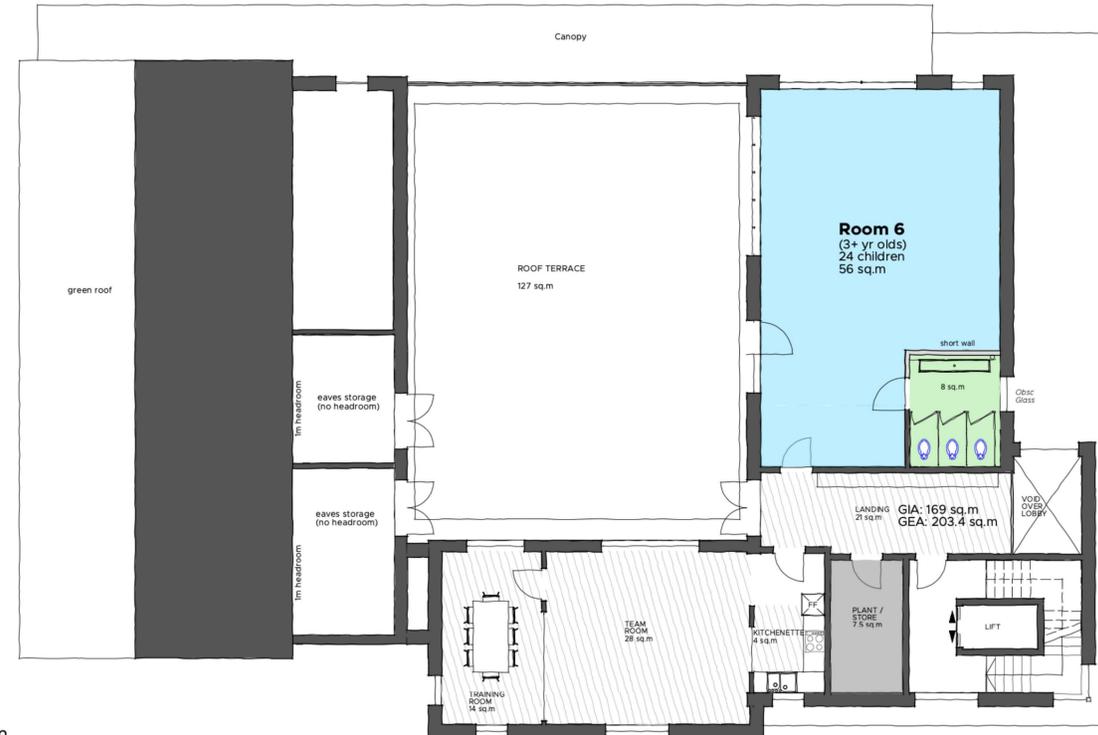
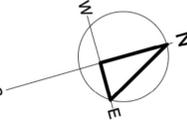
3 Proposed North Elevation
Scale: 1:100



4 Proposed South Elevation
Scale: 1:100



REVISION	DESCRIPTION	DATE	DRAWN	CHECK
JOB NO.	5872	DRAWING NO.	PA_06	REVISION
TITLE	Elevations			
SCALE	1:200	SHEET SIZE	A1	
ISSUE DATE	05/06/2023	AUTHOR	SST	CHECK
			PB	
PROJECT	Proposed Day Nursery School 1 Brassie Wood, Broomfield Chelmsford, Essex, CM3 3FQ			
CLIENT	Seymour House Ltd			
STATUS	PLANNING			



Proposed First Floor Plan
Scale: 1:100

AREA SCHEDULE

Gross Internal Area (GIA)		
Ground	464 sq.m	4994 sq.ft
First	169 sq.m	1819 sq.ft
Total	633 sq.m	6813 sq.ft

Gross External Area (GEA)		
Ground	496 sq.m	5339 sq.ft
First	203.4 sq.m	2189 sq.ft
Total	699.4 sq.m	7528 sq.ft



Proposed Ground Floor Plan
Scale: 1:100

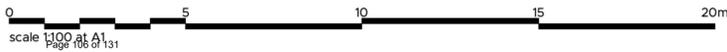
REVISION	DESCRIPTION	DATE	DRAWN	CHECK
A	Parking adjustment based on planning requests.	16/10/2023	sst	

5872 | **PA_05** | **A**

TITLE	Floor Plans
SCALE	1:100
ISSUE DATE	05/06/2023
AUTHOR	SST
CHECK	PB
PROJECT	Proposed Day Nursery School 1 Brassie Wood, Broomfield Chelmsford, Essex, CM3 3FQ
CLIENT	Seymour House Ltd
STATUS	PLANNING



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210800m

210700m

210600m



572300m

572400m

572500m



scale 1:1250 at A4

REVISION	DESCRIPTION	DATE	DRAWN	CHECK



► TITLE Site Location Plan

► PROJECT Proposed Day Nursery School
1 Brassie Wood, Broomfield
Chelmsford, Essex, CM3 3FQ

CLIENT Seymour House Ltd

► STATUS **PLANNING**

► SCALE 1:1250 SHEET SIZE A4

AUTHOR SST CHECK PB ISSUE DATE 05/06/2023

JOB No. **5872** DRAWING No. **PA_01** REVISION

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Planning Committee
5th December 2023

Application No	:	23/01281/FUL Full Application
Location	:	Hen Cottage North Hill Little Baddow Chelmsford Essex CM3 4TQ
Proposal	:	Proposed replacement dwelling
Applicant	:	Mr J Attfield
Agent	:	Mr Paul Ellwood
Date Valid	:	14th August 2023

1. Executive summary

- 1.1. This application is referred to planning committee at the request of a local Ward Member (Councillor Scott) due to concerns that the proposal would have an adverse impact on the intrinsic beauty and character of the countryside, local character and adjacent heritage assets.
- 1.2. The proposal is for the demolition of the existing dwelling and detached outbuilding and the construction of a replacement dwelling. The new dwelling would be taller and more substantial than the existing bungalow, however, it would be well-designed and appropriate in scale in comparison to contextual built form. The proposal would not be harmful to the setting of adjacent designated heritage assets; would not adversely impact the intrinsic beauty of the countryside or the rural context of the site; and would not have an adverse impact on neighbouring amenity.
- 1.3. Approval is recommended.

2. Description of site

- 2.1. Hen Cottage is located within the Rural Area, outside of any defined settlement. It is a detached bungalow set within a large site, accessed by an unmade track on the western side of North Hill, Little Baddow. The dwelling is one of three properties located on the unmade track.
- 2.2. There is a considerable change in levels, with land sloping upwards westerly from North Hill – the change in levels is represented in the Topographical Survey, which forms part of the application material. Despite being located outside of the defined settlement of Little Baddow,

the site is within an established residential area. Contextual development is low-density with a mixed vernacular but are generally large, two-storey detached dwellings set within large, verdant plots.

- 2.3. Hen Cottage is of little heritage interest, but the site sits between two listed buildings: Cock Farm (C18, grade II listed) and Pilgrims (C17, grade II listed).

3. Details of the proposal

- 3.1. The application proposes the demolition of the existing dwelling and outbuilding within the site and the construction of a replacement dwelling.
- 3.2. The replacement dwelling is proposed to have five bedrooms. It would be sited largely on a similar footprint to the existing bungalow albeit further west. The dwelling would be two-storey in form, but site levels would be split by a full storey with the building form and scale relating to that split. The main section of the house would be set on the level of the existing bungalow. This section would have a projecting front gable element and two traditional pitched roof dormers. The lower section would also be two-storey but would tie into the ground floor of the higher section making use of existing lower land levels on the eastern side of the plot. This section is part two-storey, part-single storey, with roofs pitching away from the adjacent neighbour. An integral garage is proposed within the single-storey element.
- 3.3. Access would remain as existing, off an unmade track from North Hill to the east. Off-street parking would be provided within the site.

4. Other relevant applications

22/01411/FUL - Application Withdrawn 19th October 2022
Proposed replacement dwelling

5. Summary of consultations

Public Health & Protection Services: Residential development should provide EV charging infrastructure.

Essex County Council Highways: The impact of the proposal is acceptable to the Highway Authority – construction management condition recommended.

Little Baddow Parish Council: Object to the application on the grounds that the new building is disproportionately large for the plot and would have a detrimental impact on the intrinsic rural nature of the area.

Local residents: 25 objections received; 2 comments received in support. Concerns raised:

- No reference in submission to the Little Baddow Neighbourhood Plan (LBNP).
- LBNP hopes to form a Conservation Area in this section of Little Baddow.
- Unmade track is not capable of construction traffic and additional traffic caused by development.
- Excavation and change in land levels could affect adjacent buildings.
- Appear overbearing to occupiers of Cock Farm.
- Traffic on North Hill during construction phase.
- Out of keeping with surrounding development.
- Overlooking to neighbours.

- Should be subservient to neighbouring listed buildings.
- Impact on the unique and historic heritage of this part of Little Baddow.

6. Planning considerations

6.1. The main issues to be considered as part of this application, and therefore addressed below, are:

- (a) Principle of Development in the Rural Area
- (b) Design and Character
- (c) Heritage
- (d) Neighbour Amenity
- (e) Access

Design, Character and Rural Area

6.2. Policy DM8 of the Chelmsford Local Plan relates to new buildings in the Rural Area. The Policy states that planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside.

6.3. Part C of Policy DM8 relates to replacement buildings and sets out the criteria proposals are required to meet to obtain planning permission. Planning permission will be granted for the replacement of a building provided that:

- i. the existing building being replaced is of permanent and substantial construction; and
- ii. the new building is in the same use as the existing; and
- iii. the new building would not be out of keeping with its context and surroundings and does not result in any other harm.

6.4. The existing building is of permanent and substantial construction. The replacement dwelling would also be in the same use as the existing property. As such, the remaining consideration in Policy DM8(C) is whether the new building would be out of keeping with its context and surroundings and whether there is any other harm.

6.5. Policy DM23 states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.

6.6. A large portion of the concern from residents relates to the design and scale of the proposed development. The neighbour objections state that the replacement building would be much larger than the one it is replacing, and its design as incongruous to the established context of the area.

6.7. Hen Cottage occupies a large plot off North Hill, set back from the highway behind Cock Farm. Despite the wider area being scattered with dwellings, it retains a rural character as a result of large plots, mature trees and dense landscaping/woodland.

- 6.8. There are not any restrictive policies in terms of the size and scale of replacement dwellings in the Rural Area. Proposals are considered on a site-by-site basis and replacement buildings in the Rural Area must be compatible with the surrounding context.
- 6.9. The existing property is a large bungalow which sits at the front of the large plot. There is also a detached flat roof garage to the east of the bungalow. The natural ground level of the site slopes downwards from west to east. The proposed replacement dwelling would be sited in a similar position to the existing bungalow. The existing change in levels across the site would be utilised and added to, so that natural ground level would be lowered in some places affording scope for a larger property with moderated visual impact. The overall design of the replacement dwelling is broken down in to separate elements, using varying heights and depths. This results in an articulated scheme where the visual bulk of the building would be reduced overall and views met with a range of scales, all of which are consistent with local properties and follow the existing gradient.
- 6.10. In terms of visual impact, the proposed replacement dwelling would have a greater impact than the existing bungalow, however, it would only be 1.8 metres taller than the existing. Considering that the site is set back from North Hill and largely shielded by Cock Farm, as well as dense natural landscaping features to the north and north-west, views of the property would be glimpsed from the local highway network and this impact would not be over-dominant or intrusive.
- 6.11. The design of the proposed replacement property would reflect the existing character of the street scene. It would have low eaves to retain its rural character and two storey gabled roof elements. Although the property would have an increased height and depth to the existing property, the proposed replacement dwelling has been designed to break up massing to good effect. The proposed scheme, on balance, would result in no material harm to the character and appearance of the surrounding area.
- 6.12. Conditions are recommended to cover matters such as boundary treatments, materials and landscaping. This would ensure that the development would be well-integrated into its rural surroundings.
- 6.13. The proposal would not adversely impact the intrinsic beauty of the countryside and would not harm the rural context of the site. The proposal complies with Policies DM8 and DM23 of the Chelmsford Local Plan.

Heritage

- 6.14. Policy DM13 of the Chelmsford Local Plan relates to Designated Heritage Assets and states that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development.
- 6.15. The Little Baddow Neighbourhood Plan was adopted on the 18th of August 2023 and forms a material planning consideration to this proposal. Policy LBNP10 relates to the protection of Designated Heritage Assets, and relevant to this proposal is point (1) which states that proposals for development shall preserve and enhance designated heritage assets and their setting.

- 6.16. Hen Cottage is a single storey timber framed building dating from the mid twentieth century. It has some modest character but is of no heritage interest.
- 6.17. The application site sits between two listed buildings - Cock Farm (C18, grade II) to the east and Pilgrims (C17, grade II listed) to the west. The application site forms part of the setting to the listed buildings and the rural context contributes to their significance.
- 6.18. The new house would use a variety of additive, articulated forms to give the appearance of a phased evolution and a mixture of traditional materials. The slope of the site is used, with a two-storey element to the east. The overall height is c.1.8m higher than the existing building and c.0.9m lower than previously withdrawn proposals (22/01411/FUL refers).
- 6.19. The new building would be more visible within the setting of the listed buildings, particularly the significant view from North Hill where the current building forms a backdrop to Cock Farm. However, its split level form and articulation mean that it would not be unduly intrusive or dominant. There would be no harm to the setting of the listed buildings, in accordance with Policy DM13 of the Chelmsford Local Plan and Policy LBNP10 of the Little Baddow Neighbourhood Plan.

Neighbouring Amenity

- 6.20. Policy DM29 of the Local Plan states that development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing.
- 6.21. Concern has been raised from the occupiers of Cock Farm to the east of the application site, that the replacement dwelling would have an adverse impact on their residential amenity, in terms of overbearing and overshadowing.
- 6.22. Cock Farm does have a lower land level than that of the application site. The new building would be larger and slightly taller than the existing dwelling and the proposal includes a drop in levels to accommodate a basement (lower ground floor) on the eastern side, adjacent to Cock Farm. At its maximum extent, this would result in the building being two-storeys in scale. The submitted plans show a pitched roof to both the single-storey and two-storey elements on the eastern side of the proposed dwelling, sloping away from Cock Farm. There would be no windows facing towards Cock Farm. Additionally, the garden of Cock Farm is quite extensive and only a small patioed area would be adjacent to the proposals.
- 6.23. In comparison to the previous proposal, the replacement dwelling has been repositioned, 12.6 metres away from Cock Farm, and the bulk and massing has been significantly reduced on the side closest to this neighbour. The built form closest to this neighbour would comprise a single-storey element, located further away from the boundary than the existing single-storey garage. The two-storey element would be roughly 10 metres away from the boundary with this neighbour. Although there is a considerable change in levels across the two sites, the changes made to the scheme create an acceptable neighbour relationship with Cock Farm.

- 6.24. For all these reasons, there would be no overbearing or overshadowing impacts arising from the proposed development even taking into account the lower ground level of Cock Farm. Therefore, there would be no significant loss of outlook for neighbouring occupiers. In conclusion, the scale, size, height and bulk of the building would not have a harmful impact on the living conditions of the occupiers of Cock Farm.
- 6.25. The occupants of Pilgrims, the adjacent neighbour to the west, who own and run a B&B from the premises have also registered an objection, stating that the new house would overlook their site. Pilgrims, owing to the existing topography in the locale explained earlier, are set on a higher land level to the site at Hen Cottage. The replacement dwelling would not have any first-floor windows in a walled elevation facing Pilgrims. There would therefore be no loss of privacy to this neighbour. Further, due to the differences in levels and the minor increase in height exhibited by the replacement dwelling, the proposal would not appear overbearing to Pilgrims. Natural screening exists between the two sites and this would not be impacted by the development. The owners of Pilgrims B&B have sited that the new dwelling could have negative impact on their business, however, this is unevicenced, and in any event, is not a material planning consideration. Overall, taking into account the comments raised, the proposed development would maintain an acceptable relationship with the occupants/business use at Pilgrims.
- 6.26. Other concerns from neighbours have been raised but owing to separation distances and window placements, the proposal would not have an adverse impact on neighbouring amenity.
- 6.27. The proposal complies with Policy DM29 of the Chelmsford Local Plan.

Access and Parking

- 6.28. Local objection has raised concern regarding the acceptability of the access road to serve the new dwelling.
- 6.29. The Local Highway Authority have been consulted on the application and have recommended that the proposal will not alter the exiting access arrangements to the local highway network and that the new dwelling will retain sufficient off-street parking.
- 6.30. The objection appears to relate to the narrow, unmade nature of the access track and residents are concerned about traffic impacts during the construction phase of the development. To manage any resultant impacts, a condition shall be attached to the permission, requiring a Construction Management Plan to be submitted to and approved by the local planning authority. This will ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

Other Matters

- 6.31. The proposed replacement dwelling would have sufficient internal and external amenity provision, in accordance with Policy DM26 and Appendix B of the Chelmsford Local Plan. Chelmsford Local Plan Policy DM25 requires all new dwellings to incorporate sustainable design features. These are that the dwellings shall meet the Building Regulations optional requirement for water efficiency of 110litres/person/day and that Electric Vehicle charging point infrastructure of 1 charging point per unit shall be provided. These details are controlled by planning conditions attached to this permission.

- 6.32. Conditions have been attached regarding the removal of permitted development rights for extensions, outbuildings, and alterations to the roof, as these works could result in harm and detract from the historical value or character and appearance of the adjacent listed buildings, contrary to Policy DM13 of the Chelmsford Local Plan.
- 6.33. Concern has been raised regarding the proposed excavation and change in land levels, and the impact that this could have on surrounding development, in terms of soil displacement. As this is not a material planning consideration, this has not been taken into account in the assessment of the planning application. This would be reviewed at Building Control stage.
- 6.34. Local objection raised that the surrounding area around North Hill is proposed to form a new Conservation Area, as part of the Little Baddow Neighbourhood Plan. Although the LBNP does include reference to this (pg. 64), this has not yet been formalised so cannot be considered. In any regard, the Council's Heritage Officer has reviewed the application and has found that the proposal would be acceptable in terms of heritage impacts.

7. Community Infrastructure Levy (CIL)

- 7.1. The proposal may be CIL liable, and a CIL charge may be payable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

Condition 3

Prior to their use, samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the listed buildings in accordance with Policy DM13 of the Chelmsford Local Plan.

Condition 4

Prior to their installation large scale drawings shall be submitted to and approved by the local planning authority showing details of the following :-

- (a) windows
- (b) doors
- (c) eaves
- (d) verge
- (e) plinth
- (f) chimneys
- (g) dormers
- (h) rooflights

The development shall then be carried out in accordance with the approved details.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the listed buildings in accordance with Policy DM13 of the Chelmsford Local Plan.

Condition 5

All new brickwork shall be constructed to give the appearance of Flemish bond, with either a flush or recessed mortar joint.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the listed buildings in accordance with Policy DM13 of the Chelmsford Local Plan.

Condition 6

a) Details of the proposed treatment of all boundaries, including drawings of any gates, fences, walls, railings or piers, shall be submitted to and approved in writing by the local planning authority.

b) The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to safeguard the residential living environment of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policy DM29 and Policy DM23 of the Chelmsford Local Plan.

Condition 7

Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;

e) Management details and a five year maintenance plan.

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan.

Condition 8

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no outbuildings or enclosures shall be built or erected within the curtilage of the dwellinghouse without the grant of an additional planning permission by the local planning authority.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the setting of the heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

Condition 9

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no roof alterations, windows or other openings shall be inserted or occur to any roof slope or elevation of the dwelling without the grant of an additional planning permission by the local planning authority.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the setting of the heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

Condition 10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling shall not be enlarged or extended without the grant of an additional planning permission by the local planning authority.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the setting of the heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

Condition 11

Prior to the first occupation of the dwelling hereby permitted, charging infrastructure (minimum one charging point) for electric vehicles shall be installed and retained.

Reason:

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

Condition 12

The new dwelling unit as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).

Reason:

To ensure the development reduces water dependency in accordance with Policy DM25 of the Chelmsford Local Plan.

Condition 13

No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.

Reason:

To avoid displacement of loose material onto the highway in the interests of highway safety.

Condition 14

The area/s of hardsurfacing hereby permitted shall be constructed using a permeable surface or shall include drainage to prevent discharge of surface water onto the Highway.

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

Condition 15

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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 underbody washing facilities.
- v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site (from North Hill and Holybread Lane) and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason:

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

Notes to Applicant

1 Hours of work during construction

In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy work:

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work:

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at www.chelmsford.gov.uk/construction-site-noise

Party Wall Act

The Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

- 2 The proposed demolition in the scheme should not be carried out until you have given notice to the Chelmsford City Council (Building Control Manager) of your intention to do so pursuant to Section 80 of the Building Act 1984.

Notice should be in writing and accompanied by a block plan (e.g. 1/500) clearly identifying the building(s) to be demolished.

- 3 The Local Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are: Telephone: 0845 603 7631. Email: development.management@essexhighways.org.
- 4 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.chelmsford.gov.uk/cil, and further information can be requested by emailing cilenquiries@chelmsford.gov.uk. If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 5 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.

Positive and Proactive Statement

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background Papers

Case File

Public Health & Protection Services

Comments
<p>24.08.2023 - Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is not allocated).</p> <p>24.08.2023 - Any asbestos encountered during demolition or construction phases must be removed by an appropriately licenced and experienced specialist contractor and disposed of at an approved facility (duty of care documentation must be provided).</p>

Essex County Council Highways

Comments
<p>05.09.2023 - As far as can be determined from the details submitted, the proposal will not alter the existing access arrangements to the local highway network and will retain adequate parking within the site.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:</p> <p>1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;</p> <p>i. the parking of vehicles of site operatives and visitors,</p> <p>ii. loading and unloading of plant and materials,</p> <p>iii. storage of plant and materials used in constructing the development,</p> <p>iv. wheel and underbody washing facilities.</p> <p>v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site (from North Hill and Holybread Lane) and where necessary ensure repairs are undertaken at the developer expense where caused by developer.</p> <p>Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.</p> <p>The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.</p>

Informative:

i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

Little Baddow Parish Council

Comments

11.09.2023 - Little Baddow Parish Council considered this application at its meeting on September 7, 2023 and objected to the proposal. Council was concerned that the new building was disproportionately large for the plot and would have a detrimental impact on the intrinsic rural nature of the area.

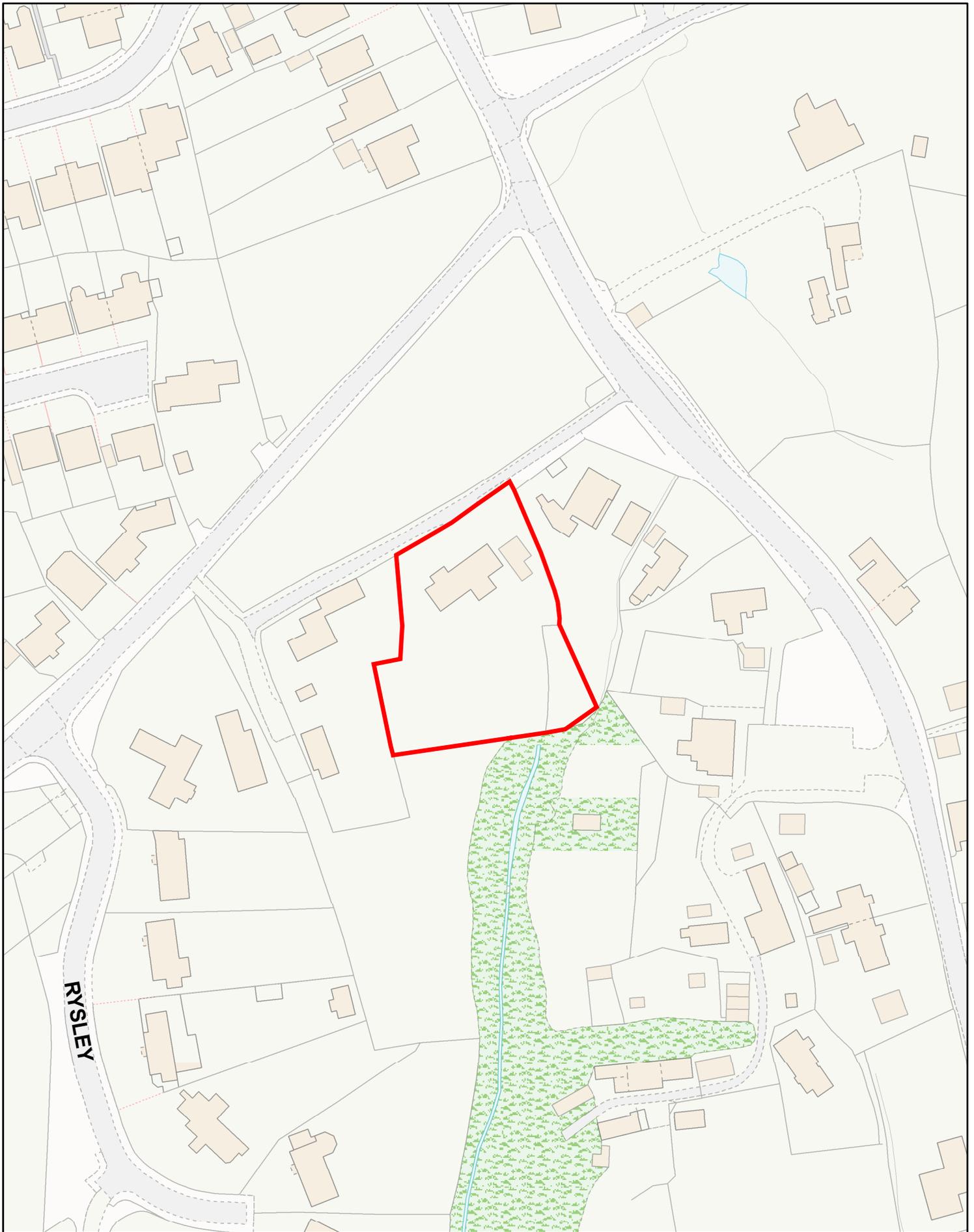
Local Residents

Comments

25 objections received; 2 comments received in support. Concerns raised:

- No reference in submission to the Little Baddow Neighbourhood Plan (LBNP).
- LBNP hopes to form a Conservation Area in this section of Little Baddow.
- Unmade track is not capable of construction traffic and additional traffic caused by development.
- Excavation and change in land levels could affect adjacent buildings.
- Appear overbearing to occupiers of Cock Farm.
- Traffic on North Hill during construction phase.
- Obtrusive proposed building.
- Out of keeping with surrounding development.
- Overlooking to neighbours.
- Should be subservient to neighbouring listed buildings.

- Impact on the unique and historic heritage of this part of Little Baddow.



0 12.5 25 50 Metres

1:1,250



Planning Committee
23/01281/FUL

Planning & Development Management
Directorate for Sustainable Communities

PO Box 7544 Civic Centre
Duke Street, Chelmsford, CM1 1XP

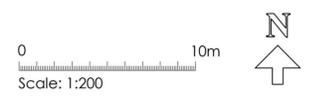
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Rev B: 21/08/2022
- Contextual amendments

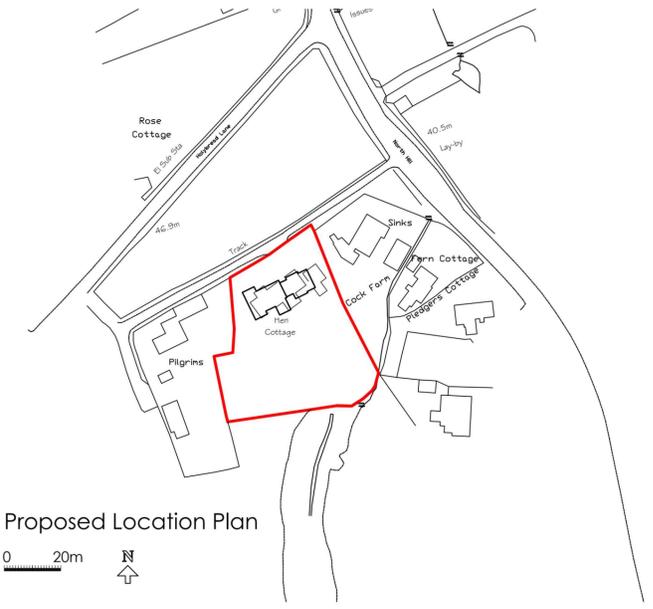
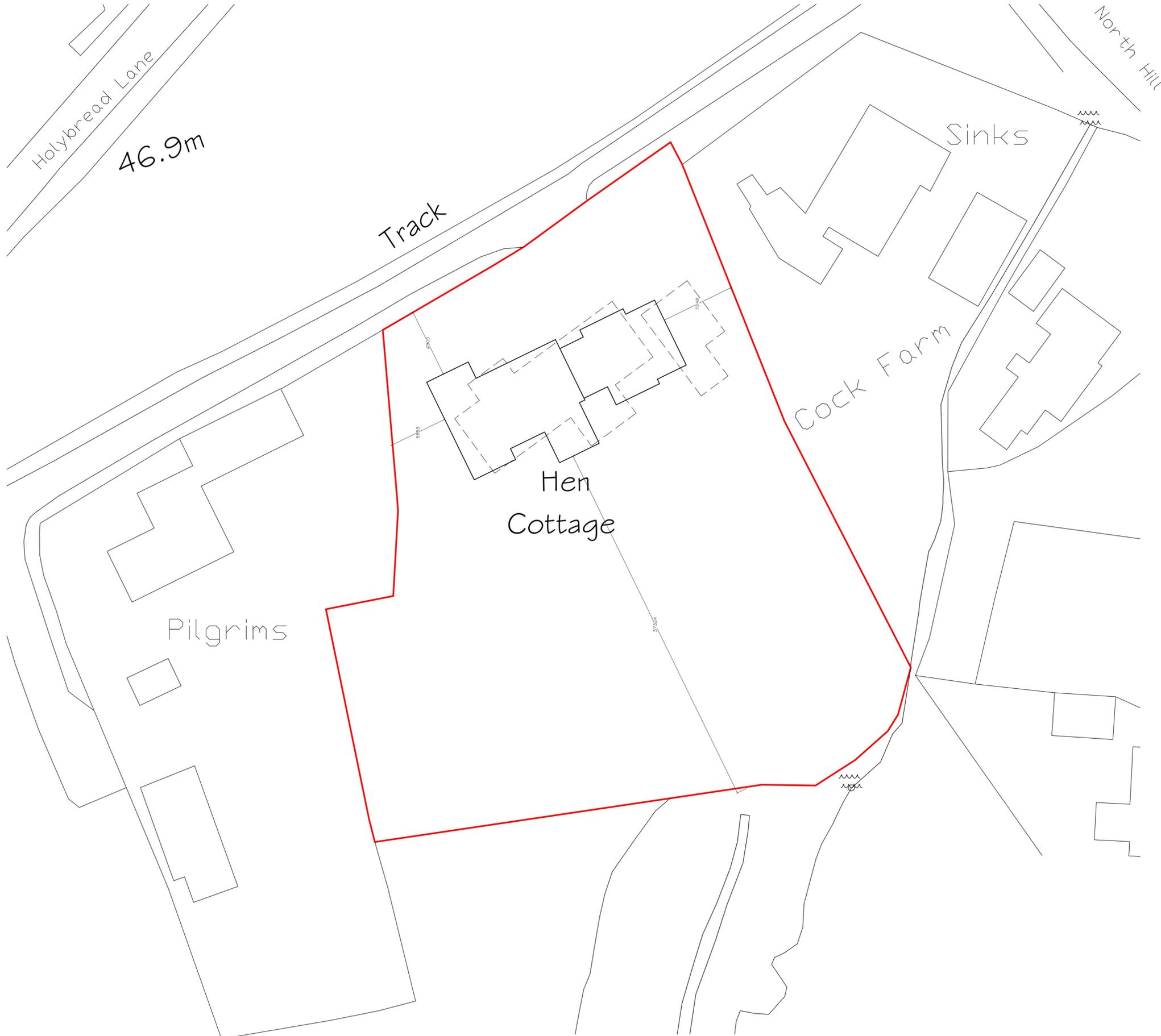


Client	Mr & Mrs. J. Attfield
Proposed replacements dwelling at:	Hen Cottage, North Hill, Little Baddow, Chelmsford, Essex, CM3 4TQ
Drawing Title	Existing Site & Location Plans

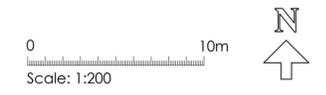
e + m design partnership
Architects and Planning Consultants
26/28 The Square, West Street, Rochford, Essex SS4 1AJ
Tel: (01702) 549588 Fax: (01702) 547983

Scale	Date
Aug 2022	
Orig No	Rev
2961/01	B

EXISTING SITE PLAN



Proposed Location Plan
0 20m N



PROPOSED SITE PLAN

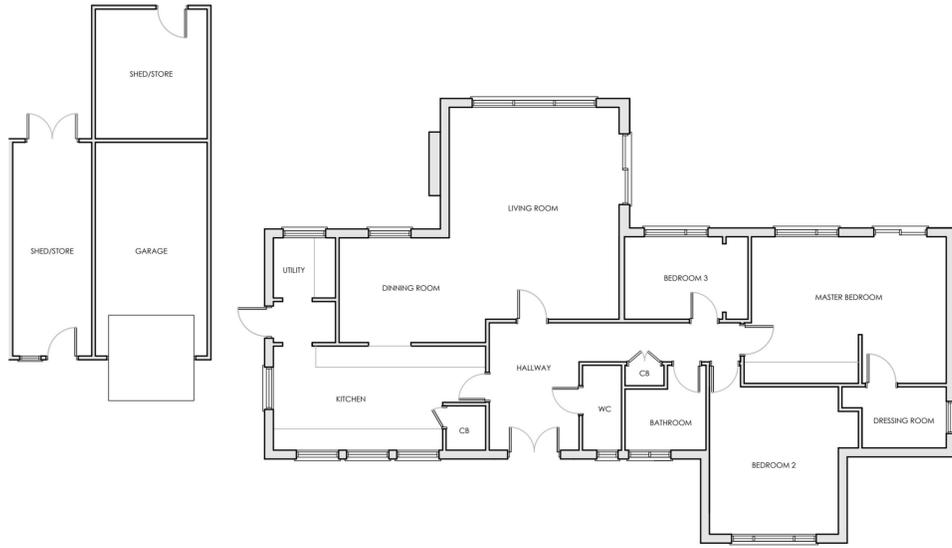
Client
Mr & Mrs. J. Attfield

Proposed replacements
dwelling at: Hen Cottage,
North Hill, Little Baddow,
Chelmsford, Essex, CM3 4TQ

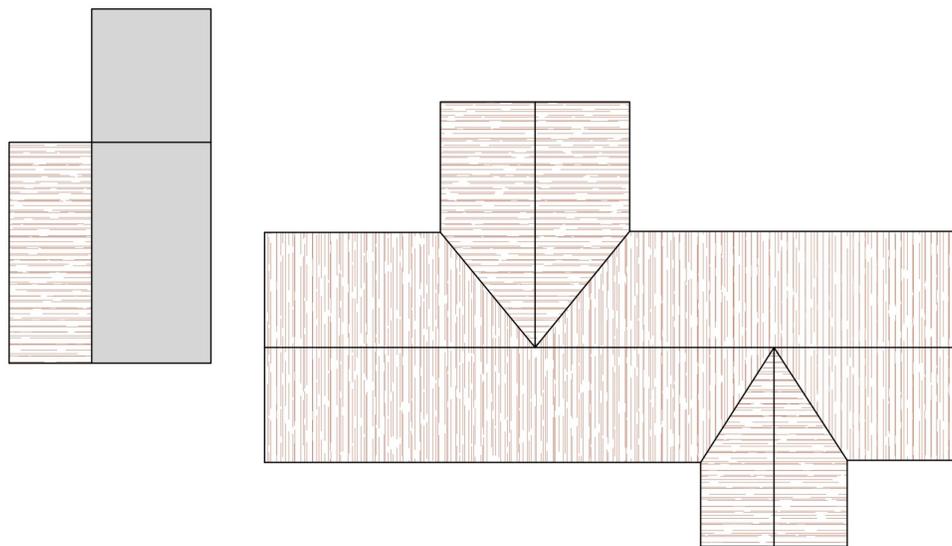
Drawing Title
Proposed Site & Location
Plans

e + m design partnership
Architects and Planning Consultants
Studio 5, Grays Industrial Estate,
Chelmsford, Essex CM2 8RF Tel: (01702) 549588

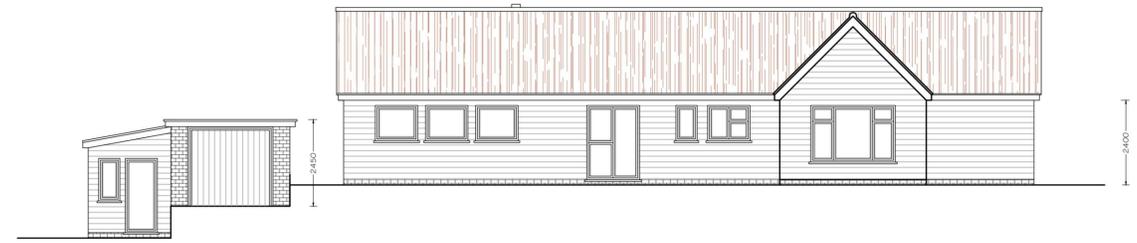
Scale	Date
	Aug 2023
Dwg No	Rev
2961/ 12	-



EXISTING FLOOR PLAN



EXISTING ROOF PLAN



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION



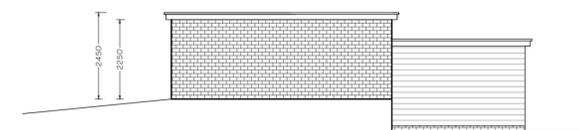
EXISTING SIDE ELEVATION - DWELLING



EXISTING SIDE ELEVATION - DWELLING



EXISTING SIDE ELEVATION - GARAGE/SHEDS



EXISTING SIDE ELEVATION - GARAGE/SHEDS

NOTES

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DO NOT SCALE. WORK TO FIGURED DIMENSIONS ONLY.

AMENDMENTS & ALTERATIONS

Client
Mr & Mrs. J. Attfield

Proposed replacements
dwelling to: Hen Cottage,
North Hill, Little Baddow,
Chelmsford, Essex, CM3 4TQ

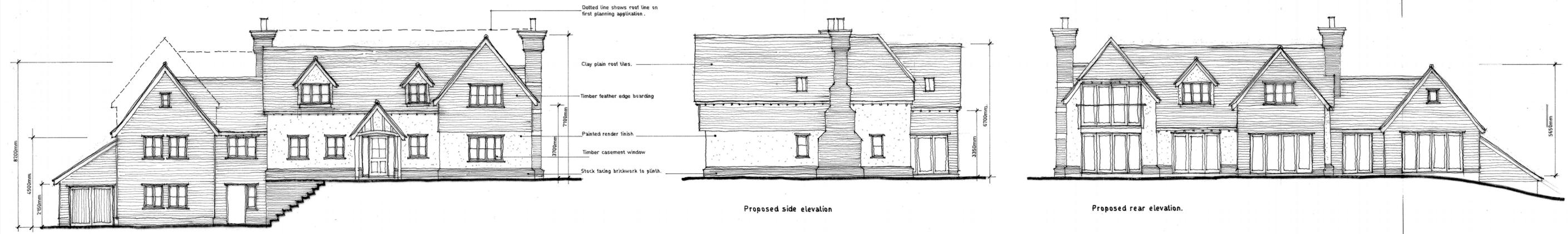
Drawing Title
Existing Plans &
Elevations.

e + m design partnership
Architects and Planning Consultants
26/28 The Square, West Street,
Rochford, Essex SS4 1AJ
Tel : (01702) 549588
Fax : (01702) 547983

Scale 1:100 & 1:1250 @A1 Date July 2022

Drg No 2961 / 02 Rev A

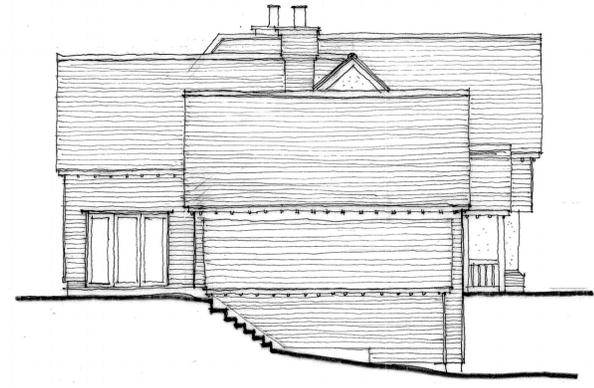
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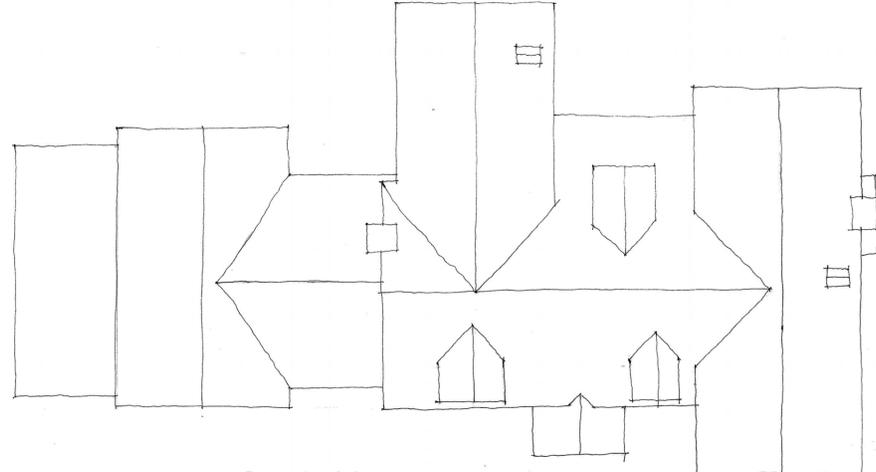
Proposed front elevation

Proposed side elevation

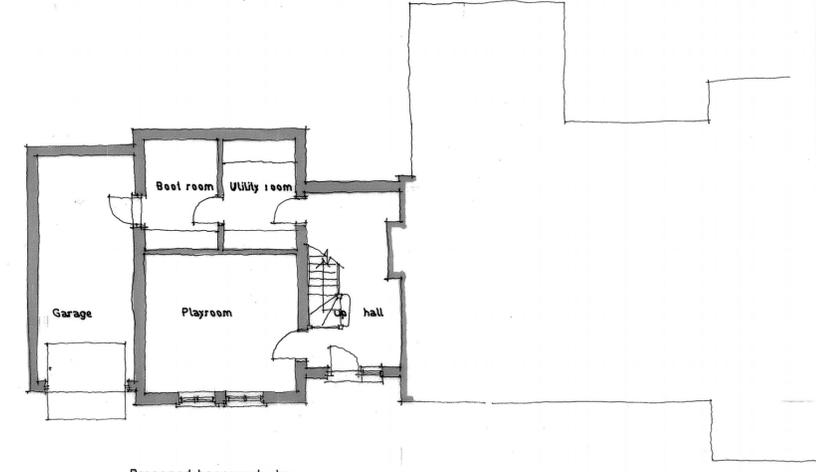
Proposed rear elevation.



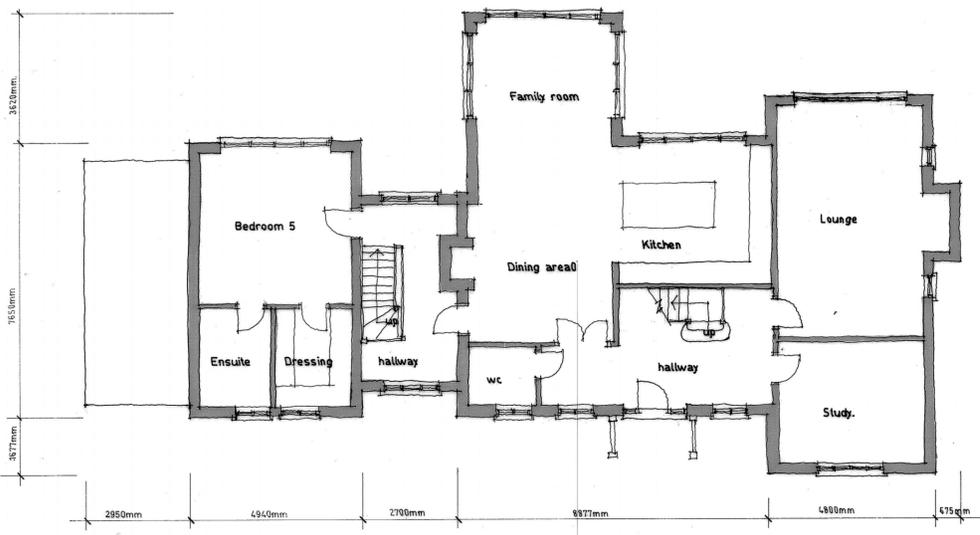
Proposed side elevation.



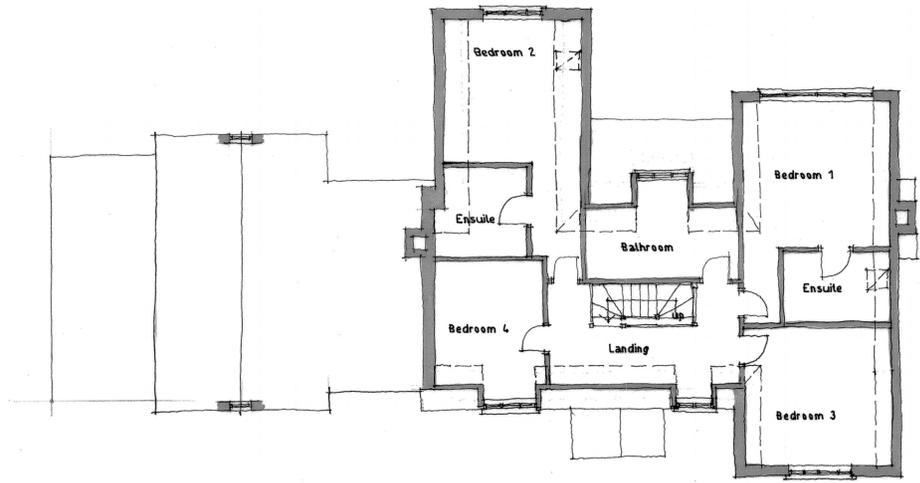
Proposed roof plan.



Proposed basement plan



Proposed ground floor plan.



Proposed first floor plan.

Revision

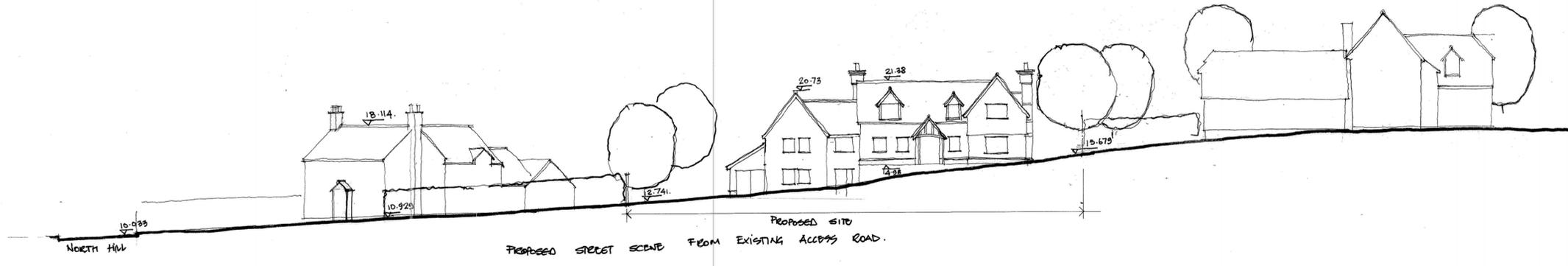
Client	Mr & Mrs J. Attfield
Project	Proposed replacement dwelling at : Hen Cottage, North Hill, Little Baddow, Essex.
Drawing Title	Proposed floor plans and elevations.

e + m design partnership
 Architects & Planning Consultants
 26/28 The Square, West Street,
 Rochford, Essex SS4 1AJ
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 Fax : (01702) 547983

Scale	1:100 at A1	Date	July 2013.
Drg No	2961/10.	Rev	C.



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Revision
 REV A, OCT 2023, LEVEL ADDED TO DRAWING
 ON STREET SCENE & BLOCK PLAN.

Client
 MR & MRS J. ATTFIELD.

Project
 PROPOSED REPLACEMENT DWELLING AT:
 HEN COTTAGE,
 NORTH HILL,
 LITTLE BADDOW
 ESSEX.

Drawing Title
 REVISED SITE PLAN & PROPOSED
 STREET SCENE.

e + m design partnership
 Architects & Planning Consultants
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 Rochford, Essex SS4 1AJ
 Tel : (01702) 549588
 Fax : (01702) 547983

Scale 1:200 eA1.	Date MARCH 2023
Dwg No 2361/11.	Rev A.

NOTE:

LEVELS IN METRES RELATED TO DATUM LEVEL AS SHOWN

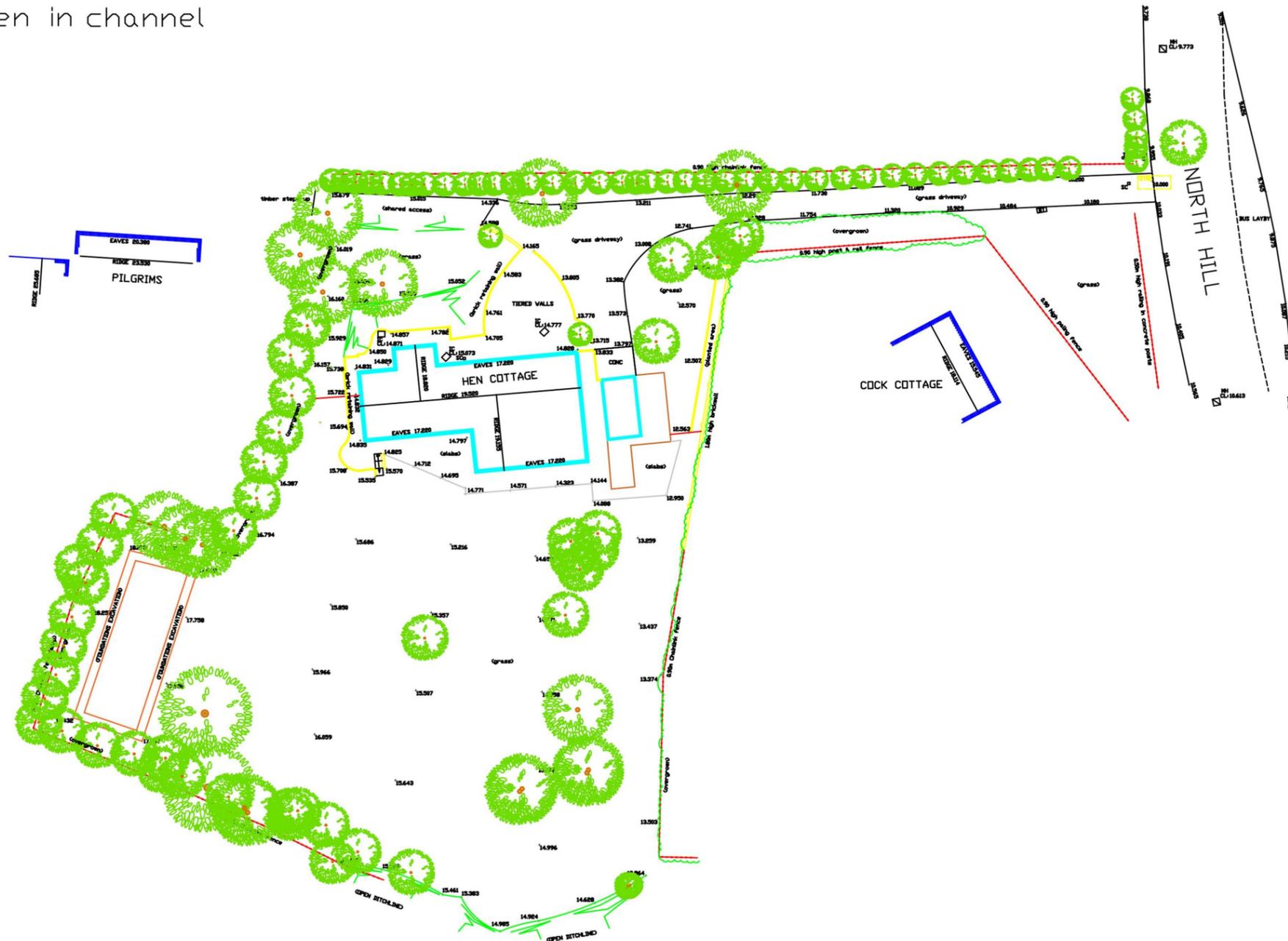
10.000m

NOTE:

SURVEYED ON LOCAL GRID

NOTE:

Road Levels
taken in channel



DATE	AMENDMENT	REV

**NESTUDA
SITE SERVICES**

ENGINEERING AND TOPOGRAPHICAL SURVEYORS
 bill.topesurv@gmail.com
 mob:07514664391

CLIENT:

MR JAMES ATTFIELD

PROJECT:

**HEN COTTAGE
NORTH HILL
LITTLE BADDOW
ESSEX**

TITLE:

**TOPOGRAPHIC
SURVEY**

SURVEYOR: WJW

DRAWN BY: WJW

DATE: 06.05.20

SCALE: 1:1

Appeals Report

Appeal Decisions received between 21/10/2023 and 21/11/2023

PLANNING APPEALS

Total Appeal Decisions Received	5	
Dismissed	4	80%
Allowed	1	20%
Split	0	0%

Written Reps

Land North East Of Bumpsteads Cottage Buildings Margaretting Road Writtle Chelmsford Essex

Reference	22/00923/FUL
Proposal	Demolition of existing dwelling and garage and construction of a replacement dwelling, new access and garage and the use of land for temporary occupation of a residential motorhome during the construction of a new dwelling.
Appeal Decision	Appeal Dismissed - 16/11/2023
Key Themes	inappropriate development in the Green Belt, harmful effect on the openness, character and appearance of the Green Belt, no very special circumstances exists.
Agreed with CCC on	inappropriate development in the Green Belt, harmful impact on the openness, character and appearance of the Green Belt/area No very special circumstances to justify the proposal.
Disagreed with CCC on	n/a
Costs Decision	None

Village Nursery 56 Well Lane Stock Ingatestone Essex CM4 9LZ

Reference	22/01265/OUT
Proposal	Outline application for the construction of a residential dwelling on land at 56 Well Lane. All matters reserved.
Appeal Decision	Appeal Dismissed - 25/10/2023
Key Themes	- whether the development would be inappropriate development in the Green Belt ; - the effect of the development on the openness of the Green Belt; - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.
Agreed with CCC on	- the development would not result in limited infilling under the requirements of the LP Policy DM9; therefore- the development would be inappropriate development in the Green Belt ; and - the development would harm the openness of the Green Belt; and - no very special circumstances were detected to justify the proposal.
Disagreed with CCC on	- none.
Costs Decision	None

Land South West Of Rivaside Maltings Road Battlesbridge Wickford Essex

Reference	22/00483/FUL
Proposal	Retrospective application for the retention of a mobile home for residential occupancy. Alterations to existing entrance gates.
Appeal Decision	Appeal Dismissed - 06/11/2023
Key Themes	dm6, dm10, - GREEN BELT HARM to openness dm16 - RAMs dm18 - Flooding riskdm23 - design of the gates
Agreed with CCC on	loss of openness, unacceptable within the flood zone,
Disagreed with CCC on	appearance of the gates. no comments on RAMs as the appeal has been upheld for other reasons of inappropriateness.
Costs Decision	None

Householder**Ewer Farm Damases Lane Boreham Chelmsford Essex CM3 3AL**

Reference	22/02294/FUL
Proposal	Demolition of existing side and rear extensions. Construction of two storey side extension. Two storey rear extension. Internal alterations.
Appeal Decision	Appeal Dismissed - 20/11/2023
Key Themes	The main issue is the effect of the development on the character and appearance of the host dwelling and surrounding area, with particular reference to the building as a non-designated heritage asset.
Agreed with CCC on	Inspector agreed that the proposed development would be harmful to the character of the area and to the significance of the Non-Designated Heritage Asset.
Disagreed with CCC on	None.
Costs Decision	None

50 Hopping Jacks Lane Danbury Chelmsford CM3 4PJ

Reference	23/00836/FUL
Proposal	Retrospective planning application for front boundary fencing and electric gates
Appeal Decision	Appeal Allowed - 09/11/2023
Key Themes	Harmful to character of the street, highway safety and represents poor design.
Agreed with CCC on	None
Disagreed with CCC on	Not harmful to character of the street, highway safety and does not represent poor design.
Costs Decision	None

TREES APPEALS

Total Appeal Decisions Received	1	
Dismissed	0	0%
Allowed	0	0%
Split	1	100%

Householder

49 Broughton Road South Woodham Ferrers Chelmsford CM3 5YP

Reference	22/05057/TPO
Proposal	Oak (T3) - Crown reduction by 5m - Reason - The tree blocks out sunlight from our garden and in our opinion is too tall for where is is situated, lower branches over hanging into other garden
Appeal Decision	Appeal Split Decision - 26/10/2023
Key Themes	TPO work, light impacted
Agreed with CCC on	TPO works excessive
Disagreed with CCC on	Lesser TPO works recommended, harmful light loss
Costs Decision	None