

Planning Committee Agenda

8 October 2019 at 7pm

**Council Chamber
Civic Centre, Duke Street
Chelmsford CM1 1JE**

Membership

Councillor J A Sosin (Chair)

and Councillors

L Ashley, H Ayres, A Davidson, S Dobson, P Hughes, R J Hyland,
R Lee, G H J Pooley, R J Poulter, T E Roper, C Shaw,
R J Shepherd, M Springett and I Wright

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PLANNING COMMITTEE

8 October 2019

AGENDA

PART I

Items to be considered when members of the public are likely to be present

1. **CHAIR'S ANNOUNCEMENTS**
2. **APOLOGIES FOR ABSENCE**
3. **MINUTES**

To consider the minutes of the meeting held on 3 September 2019.

4. **PUBLIC QUESTION TIME**

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

If a number of people wish to ask substantially the same questions or make the same points on a matter, they are encouraged to appoint one or more spokespersons to do so on their behalf in order to avoid repetition.

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, those who spoke under public questions at the previous meeting may not repeat their questions or statements.

5. **DECLARATION OF INTERESTS**

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.

6. **SITE AT JUBILEE FARM, NEWNEY GREEN, WRITTLE, CHELMSFORD – 19/01149/FUL**
7. **154 CELEBORN STREET, SOUTH WOODHAM FERRERS, CHELMSFORD – 19/01304/FUL**

8. **MORELANDS INDUSTRIAL ESTATE, TILE WORKS LANE, RETTENDON - 19/00384/OUT**
9. **PLANNING APPEALS**

PART II (EXEMPT ITEMS)

NIL

MINUTES

of the

PLANNING COMMITTEE

held on 3 September 2019 at 7:00 pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, A Davidson, S Dobson, P V Hughes,
J Lardge, R Lee, G H J Pooley, R J Poulter, T E Roper,
R J Shepherd, M Springett and I Wright

Also present: Councillors W Daden, G B R Knight, M Steel and C Tron

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 R J Hyland and C Shaw. Councillor Shaw had appointed Councillor J Lardge as her substitute.

3. **Minutes**

The minutes of the meeting held on 6 August 2019 were confirmed as a correct record and signed by the Chair.

4. **Public Question Time**

Members of the public attended to ask questions and make statements on items 6 and 7 on the agenda. Details are recorded under the relevant minute numbers below.

5. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda. Those declared are referred to in the relevant minute numbers below.

6. **Little Waltham Cricket Club, the Street, Little Waltham, Chelmsford – 19/01138/FUL**

Councillor A Davidson declared a non-pecuniary personal interest in this item and left the meeting during consideration of the application.

The Committee considered a retrospective application for the retention of a 2.4-metre-high fence around the south eastern and southern boundaries of the Little Waltham Cricket Club's pitch in The Street, Little Waltham.

One member of the public, a representative of Little Waltham Parish Council and two ward councillors attended the meeting to speak against the application. All considered the presence of the fence to be detrimental to the amenity of the village, a view with which the Committee was in unanimous agreement.

RESOLVED that application 19/01138/FUL in respect of the Little Waltham Cricket Club, The Street, Little Waltham be refused for the reasons detailed in the report to the meeting.

(7.03pm to 7.24pm)

7. **Site at Jubilee Farm, Newney Green, Writtle, Chelmsford – 19/01149/FUL**

The Committee considered an application for the demolition of two existing dwellings and an equestrian centre on a site at Jubilee Farm, Newney Green, Writtle, and its redevelopment to provide six dwellings with associated landscaping, access, garages, parking and amenity space.

Three members of the public and a representative of Writtle Parish Council attended the meeting to speak against the application. Their concerns were largely the same as those expressed by local residents on the original application when it was considered by the Committee on 26 March 2019. Whilst the latest proposals indicated a slight reduction in the number of vehicle movements compared to the current use, the presence of six large executive houses would, in reality and in the opinion of the residents, generate a significant amount of traffic which would adversely affect the protected lane. They also questioned the methodology used in arriving at the number of vehicle movements. They argued that the large houses would have a greater visual impact on the Green Belt than the current buildings and would change the rural character of the area; that the development represented a 50% increase in the number of dwellings in Newney Green; and that it was unsustainable in view of the lack of local facilities and services and reliance on travel by car.

The agents for the applicant also attended the meeting and said that the present scheme addressed all the concerns expressed about the previous application, including those matters referred to at this meeting by the objectors.

In their discussion of the application several members felt that one of the grounds on which the original application had been refused, the increase in traffic and its impact on the protected lane, had been overcome. The representative of Essex County Council's Highways service explained that the methodology used to estimate the number of vehicle movements was nationally recognised and took into account the size and type of houses proposed.

The Committee was not persuaded, however, that the concerns in relation to the previous application about the effect of the development on the Green Belt and its lack of sustainability had been resolved. The openness of the site was not, in the opinion of some members, any different from that of the original scheme, and it remained intrusive in the Green Belt. The height of buildings remained a concern and there was still a large amount of development on the site. The lack of local services made the need for car travel inevitable and concerns about sustainability were likely to arise simply as a result of the site's location.

The Committee was told that no new reasons for refusal additional to those that were given in respect of the first application should be introduced at this stage. Members accepted that advice, but the majority felt that sufficient concerns about the original plans remained unresolved and were grounds for refusing this application.

RESOLVED that the Committee being minded to refuse application 19/01149/FUL in respect of the site at Jubilee Farm, Newney Green, Writtle, Chelmsford, consideration of it be deferred to the next meeting to enable officers to prepare detailed reasons for refusal based on the following concerns:

1. The fact that it would be contrary to policy CP1 and the objectives in the NPPF relating to sustainability in that it would be some distance from services and amenities. There was no public transport serving what would be a car-orientated development and there was a lack of street lighting in the lanes leading to the development site.
2. The development was in the Green Belt and would be contrary to policy DC1 and the NPPF. It would have a major impact on the hamlet of Newney Green by significantly increasing its size; would have an adverse effect on the openness of the Green Belt and the setting of Newney Green; and the scale of the buildings proposed would have a greater impact on the small rural community than the existing use.

(7.24pm to 8.25pm)

8. **Planning Appeals**

RESOLVED that the information on appeal decisions between 24 July and 23 August 2019 be noted.

(8.09pm to 8.10pm)

9. **Urgent Business**

There were no matters of urgent business brought before the Committee.

The meeting closed at 8.26pm.

Chairman

PLANNING POLICY BACKGROUND INFORMATION

DEVELOPMENT PLAN

Section 38 (6) of the Planning and Compensation Act 2004 Act states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

DEVELOPMENT PLAN DOCUMENTS

The Core Strategy and Development Control Policies Development Plan (DPD) was adopted by Chelmsford Borough Council on 20 February 2008. This contains Core and Development Control Policies (prefixed by CP or DC) which are applied Borough-wide. The Borough's area is covered by three further adopted development plan documents: Chelmsford Town Centre Area Action Plan (2008), North Chelmsford Area Action Plan (2011) and the Site Allocations DPD (2012). These development plan documents implement the Core Strategy by identifying land-use allocations, proposals and notations which are set out in their relevant Proposals Maps.

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

DEVELOPMENT PLAN DOCUMENT 2001 - 2021

- CP1** Core Policy CP1 Securing Sustainable Development - The City Council will promote and secure sustainable development by linking housing and employment needs and directing development to locations supported by effective transport provision, leisure, community and other essential services, whilst minimising damage to the environment and actively securing environmental enhancements. When considering development proposals the City Council will take a positive approach reflecting the presumption in favour of sustainable development contained in the NPPF.
- CP2** Core Policy CP2 The City-wide Spatial Strategy - All proposals for development will be considered in the context of the City-wide Spatial Strategy which sets out the City Council's vision for development growth in the Borough in the period up to 2021.
- CP4** Core Policy CP4 - Securing Infrastructure - The Council will require, through the use of planning contributions, that all new development meets the necessary on and off-site infrastructure requirements required to support the development and mitigates the impact of that development on existing community interests. Standard charges and/or standard formulae, as appropriate, will be imposed for payment of financial contributions towards infrastructure, works or facilities.
- CP5** Core Policy CP5 Containing Urban Growth - Urban growth will be contained by defining the physical limit of the urban areas of Chelmsford and South Woodham Ferrers and the Defined Settlements.
- CP10** Core Policy CP10 Protection from Flooding - The City Council will require that development is protected from flooding and that appropriate measures are implemented to mitigate flood risk and will work with the Environment Agency to put in place strategic flood defence measures.
- CP13** Core Policy CP13 Minimising Environmental Impact - The City Council will seek to ensure that development proposals minimise their impact on the environment and that they do not give rise to significant and adverse impacts on health, amenity including air quality, and the natural environment.
- CP18** Core Policy CP18 Providing New Community and Social Facilities in Major New Developments - The City Council will ensure that new community facilities are developed as an integral part of any proposals for major new residential development and will be accessible to all sections of the community.

- CP20** Core Policy CP20 Achieving Well Designed High Quality Places - The City Council will require the layout and design of all development to create well designed high quality successful places for living and working.
- DC1** Development Control Policy DC1 Controlling Development in the Metropolitan Green Belt - Planning permission for new buildings will be refused except where it is required for purposes directly related to agriculture, appropriate facilities for outdoor sport, outdoor recreation, nature conservation and cemeteries, affordable housing for local needs, residential infilling in villages, replacement of an existing building, limited infilling or redevelopment of previously developed sites where this would not have a greater impact on the openness of the Green Belt. These are subject to compliance with policies DC33, DC32, DC12, and DC11 respectively. Local transport infrastructure, extension or alteration of a building, the re-use of a building and development brought forward under a Community Right to Build Order are appropriate in the Green Belt provided that they preserve openness. , These are subject to compliance with policies DC47 and DC57 respectively. Inappropriate development is by definition harmful and should not be approved except in very special circumstances.
- DC4** Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.
- DC7** Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.
- DC13** Development Control Policy DC13 Site of Biodiversity and Geological Value - The City Council will seek to restore, maintain, and enhance biodiversity and geological conservation interests. Appropriate weight will be attached in respect of designated sites when determining planning applications.
- DC15** Development Control Policy DC15 Protected Lanes - Planning permission will be refused for development that would have an adverse environmental impact upon Protected Lanes as defined on the Proposals Map. Any proposals which would give rise to a material increase in the amount of traffic using Protected Lanes will not be permitted.
- DC21** Development Control Policy DC21 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.
- DC25** Development Control Policy DC25 Water Efficiency and Sustainable Drainage Systems - The City Council requires developments to incorporate measures that reduce the demand for water, and the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.
- DC26** Development Control Policy DC26 Contaminated Land - Planning permission will only be granted for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the City Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and that there will be no adverse impact on the quality of local groundwater or surface water quality.
- DC29** Development Control Policy DC29 Amenity and Pollution - Planning permission will be refused for development, including changes of use, which will or could potentially give rise to polluting emissions to land, air, and water unless appropriate mitigation measures can be put in place.
- DC31** Development Control Policy DC31 The Provision of Affordable Housing - The City Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites, subject to set criteria.
- DC35** Development Control Policy DC35 Specialist Residential Accommodation - Sets criteria for the provision and location of this type of accommodation.

- DC36** Development Control Policy DC36 Accessible and Adaptable Developments - All new developments, and particularly housing, shall be designed from the outset so as to promote inclusive design, and ensure that all measures needed to promote accessibility and adaptability are achieved in a visually acceptable manner.
- DC40** Development Control Policy DC40 Public Open Space for New Residential Developments - Outlines requirements for provision and, where appropriate, commuted sum payments.
- DC42** Development Control Policy DC42 Site Planning - Planning permission will be granted for development proposals where the site planning and design of building spaces arranges access points, routes within the site, public and private spaces, building forms and ancillary functions in an efficient, safe, workable, spatially coherent and attractive manner, incorporates existing site features of value and does not cause unacceptable effects on adjoining sites, property or their occupiers.
- DC43** Development Control Policy DC43 Promoting Public Art in New Development - The City Council will seek the provision of public art in association with all developments of 10 or more dwellings or for more than 1,000 square metres of floorspace or that have significant impact upon the public realm or a high degree of public access.
- DC44** Development Control Policy DC44 Private Amenity Space - All new dwellings will be required to have a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location.
- DC45** Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.
- DC47A** Development Control Policy DC47 Extensions to Buildings - Permission will be granted where the extension is acceptable in siting, form, scale, architecture, landscape design and materials and would not adversely affect the character, appearance or visual amenities of the area; and it would not adversely prejudice outlook, privacy or light enjoyed by neighbours; and off street parking is provided in accordance with the City Council's parking standards.

EMERGING CHELMSFORD DRAFT LOCAL PLAN

- LPCF2** Local Policy CF2 Protecting Community Facilities - The change of use of premises or redevelopment of sites that provide valued community facilities will only be permitted where the site cannot be used for an alternative community facility or where there is already an adequate supply of that type of facility in the locality or settlement concerned. Existing open spaces, sports and recreational buildings and land will also be protected.
- LPCO1** Local Policy CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas - Inappropriate development within the Green Belt will not be approved except in very special circumstances. Green Wedges will be protected and enhanced as valued and multi-faceted landscapes. The valued landscape character of the main river valleys where they extend into the countryside will be protected as Green Corridors. The intrinsic character and beauty of the Rural Area will be assessed and development will only be supported where it would not adversely impact on its identified value.
- LPCO2** Local Policy CO2 New Buildings and Structures in the Green Belt - New buildings in the Green Belt will only be permitted where they do not constitute inappropriate development except in very special circumstances. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- LPHE3** Local Policy HE3 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.

- LPHO2** Local Policy H02 Affordable Housing and Rural Exception Sites - The Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites which comprise 11 or more residential units or comprise a maximum floorspace of 1,000sq. Permission will be granted for affordable housing within Designated Rural Areas for local rural housing need subject to compliance with prescribed criteria.
- LPMP1** Local Policy MP1 High Quality Design - Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.
- LPMP2** Local Policy MP2 Design and Place Shaping Principles in Major Developments - The Council will require all new major development to meet the highest standards of built and urban design. Development should 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 on strategic scale developments.
- LPMP3** Local Policy MP3 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.
- LPMP4** Local Policy MP4 Design Specification for Dwellings - All new dwellings shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. All houses in multiple occupation shall also provide, amongst other matters, adequate cycle storage, parking and sound proofing.
- LPMP5** Local Policy MP5 Parking Standards - All development will be required to comply with the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended.
- LPNE1** Local Policy NE1 Ecology and 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.
- LPNE2** Local Policy NE2 Trees, Woodland and 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, 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.
- LPNE3** Local Policy NE3 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.
- LPPA1** Local Policy PA1 Protecting Amenity - 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
- LPPA2** Local Policy PA2 Contamination and 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 ground 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 - Sets out how the Council will apply guiding Spatial Principles to deliver the Strategic Priorities and Vision in order to underpin the Spatial Strategy.

- SPS2** Strategic Policy S2 Securing Sustainable Development - The Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Sustainable Development in Chelmsford will demonstrably contribute to the Local Plan Vision and Spatial Principles and will accord with the policies in this Local Plan and where relevant, Neighbourhood Plan policies
- SPS6** Strategic Policy S6 Conserving and 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.
- SPS9** Strategic Policy S9 The Spatial Strategy - New housing and employment growth will be focussed to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around Key Service Settlements outside of the Green Belt in accordance with the Settlement Hierarchy. New development allocations will be focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford, and South and East Chelmsford. Special Policy Areas will be used for mainly institutional uses within the countryside.
- SPS13** Strategic Policy S13 The Role of the Countryside - The general extent of the Green Belt is established and will be protected from inappropriate development. The main river valleys are identified as valued landscapes and are locally designated as Green Wedges and Green Corridors. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt, is designated as the Rural Area.

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 July 2018. 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.

Paragraph 213 in the implementation section of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).



Planning Committee

8th October 2019

Application No	:	19/01149/FUL Full Application
Location	:	Site At Jubilee Farm Newney Green Writtle Chelmsford
Proposal	:	Demolition of 2 existing dwellings and equestrian centre, and redevelopment to provide 6 dwellings with associated landscaping, access, garages, parking and amenity space.
Applicant	:	Mr Faberdean W Ltd
Agent	:	Strutt & Parker
Date Valid	:	4th July 2019

1. Introduction

- 1.1. This application was considered at the Planning Committee meeting on 3rd September 2019. The Planning Committee resolved not to agree the recommendation for approval, and indicated they were minded to refuse the application for the following two reasons:
 1. The site is not in a sustainable location
 2. The development would harm the Green Belt
- 1.2. In accordance with the Council's Planning Code of Good Practice the application was deferred until the following meeting to allow consideration of the wording of the reasons for refusal.

2. Consideration of concerns raised by the Planning Committee

The site is not in a sustainable location

- 2.1. Members were concerned that the site is not in a sustainable location as Newney Green has no facilities, no public transport connections, no pavements and no street lighting. The proposal would result in a car orientated form of development. Members were also concerned that there would be a danger to those walking on the lane and that there would be no public transport to schools. Members did not consider that this was outweighed by any other material planning considerations.
- 2.2. The thrust of the National Planning Policy Framework (NPPF) is to achieve sustainable development. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable

development; economic, social and environmental. This is about ensuring that the right types of development are located on the right places. Policy CP1 of the adopted Core Strategy and Development Control Policies Development Plan Document reflects the sustainability objectives of the NPPF.

- 2.3. In light of Members' concerns, refusal reason 1 sets out the reasons why the proposal does not comply with the objectives of the NPPF in relation to securing sustainable development and Policy CP1.

The development would be harmful to the Green Belt

- 2.4. The site is located within the Metropolitan Green Belt. Members raised concern that the proposal would have a greater impact on the openness of the Green Belt. Members felt that the proposal would have a major impact on the setting of Newney Green as it would be an entirely different form of development; replacing a rural equestrian use with a housing estate. There would be an increase in the amount of car parking within the site and the heights of buildings.
- 2.5. Members were of the view that the proposal would have a greater impact on the openness of the Green Belt and therefore would be inappropriate development. Members expressed concern in relation to resultant harm to the openness of the Green Belt though the nature of the development, scale and height of buildings, increased car parking and the impact on the small rural community of Newney Green.
- 2.6. Policy DC1 relates to the management of development in the Green Belt. This states that all development proposals must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Planning permission will be refused for development within the Green Belt except where it is for one of a number of criteria. Criterion A. vi) allows for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 2.7. Section 13 of the NPPF (2019) refers to protecting Green Belt land. Paragraphs 143-146 relate to development within the Green Belt. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt; exceptions to this are listed within the paragraphs. One of these exceptions (g) is for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
- 2.8. Paragraph 143 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 2.9. In light of Members concerns in relation to the harmful impact the development would have on the openness of the Green Belt, the second refusal reason sets out why the proposal does not comply with Policy DC1 and the objectives of the NPPF.

3. Recommendation

3.1. The following reasons for refusal are suggested:

Refusal Reason 1

The National Planning Policy Framework (NPPF) sets out the three objectives of sustainable development: economic, social and environmental. Policy CP1 of the adopted Core Strategy and Development Control Policies Development Plan Document reflects the sustainability objectives of the NPPF.

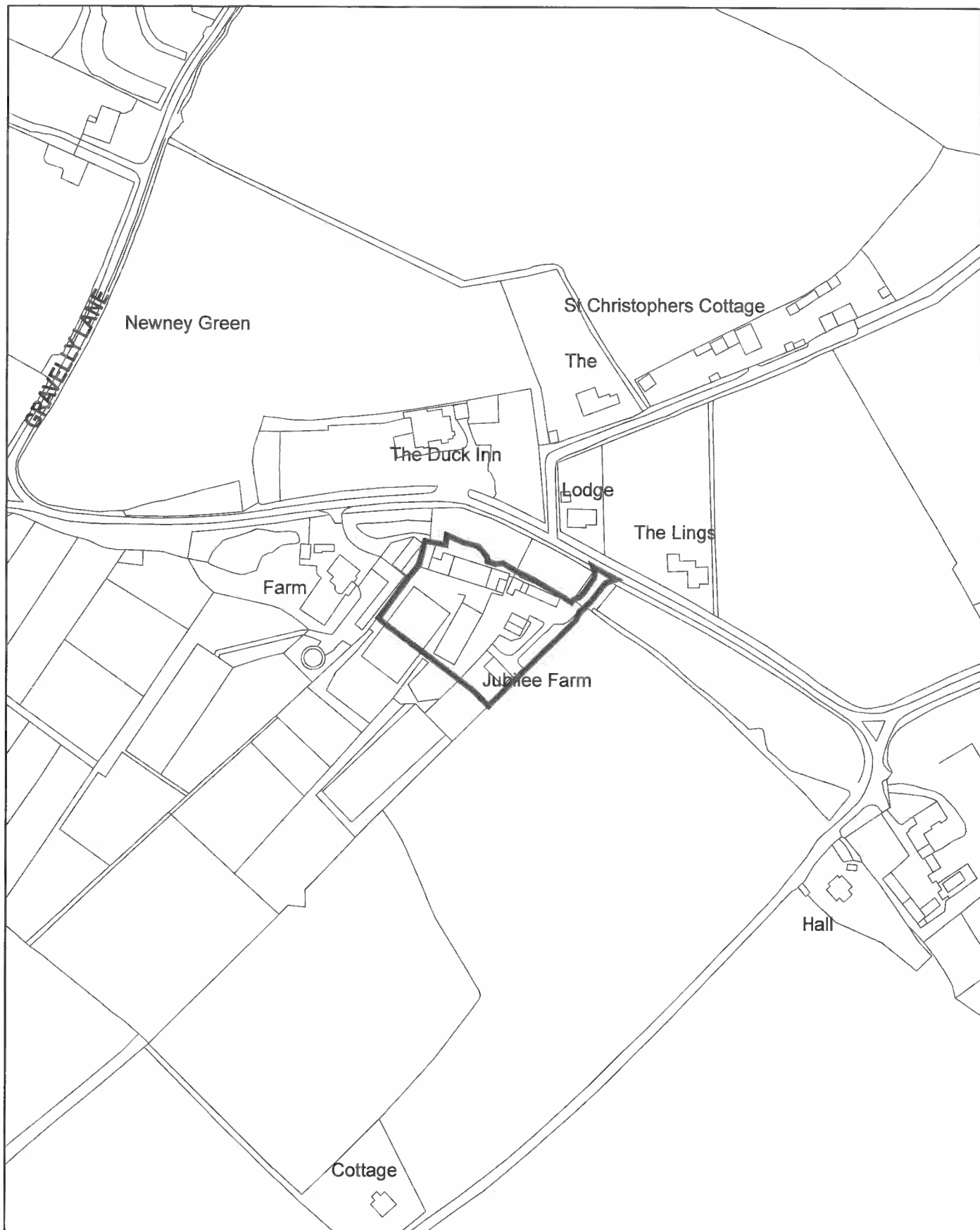
Newney Green hamlet is located along a single width rural road with no pavement and no street lighting. There are no essential services within Newney Green. Future residents would be reliant on private vehicles for accessing day to day needs. Such reliance is clearly at odds with the Framework's objectives to promote sustainable transport and a reduction in carbon emissions. This lack of choice would lead to a car orientated modal form of development which weighs significantly against the development. This is not outweighed by any other material planning considerations put forward.

The principles of sustainable development are not fulfilled and the development does not amount to sustainable development of the purposes of the Framework and Policy CP1.

Refusal Reason 2

The National Planning Policy Framework (NPPF) and Policy DC1 of the adopted Core Strategy and Development Control Policies Development Plan Document seek to preserve the openness of the Green Belt. New buildings within the Green Belt are regarded as inappropriate development except where they fall within one of the prescribed purposes. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF and Policy DC1 list the forms of development that are not considered to be inappropriate. These include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt than the existing development.

The proposed development would have a greater impact on the openness of the Green Belt than the existing development. It would be inappropriate development in the Green Belt. The scale, height, and appearance of the development, the car parking proposed within it, and the impact it would have on the small rural community of Newney Green would be harmful to the openness of the Green Belt. Such harm is afforded substantial weight and is not outweighed by very special circumstances or other considerations. The proposal is contrary to Policy DC1 of the Core Strategy and Development Control Policies Development Plan Document and objectives of the NPPF.



0 10 20 40 Metres

1:2,500



**Planning Committee
19/01149/FUL**

**Planning & Development Management
Directorate for Sustainable Communities**

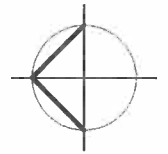
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PUBLIC HOUSE

FITZPATRICK FARM





Planning Committee

8th October 2019

Application No	:	19/01304/FUL Full Application
Location	:	154 Celeborn Street South Woodham Ferrers Chelmsford Essex CM3 7AW
Proposal	:	Demolition of existing garage and construction of front extension with 3 side facing dormers and rooflights and construction of new car port. Two storey front bay extension, Rear single storey glass box extension. Fenestration changes to the front of the property and left hand side chimney corbelled.
Applicant	:	Mr Neil Frend
Agent	:	Mr Brendon Robins
Date Valid	:	24th July 2019

Contents

1. Executive summary	2
2. Description of site	2
3. Details of the proposal	2
4. Other relevant applications.....	3
5. Summary of consultations.....	3
6. Planning considerations	4
7. Community Infrastructure Levy (CIL)	6

Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. This application is referred to planning committee at the request of a local ward member because of concerns raised by neighbours regarding the height and width of the front extension, the roof form of the extension, the proposed car port and the four rooflights in the roof.
- 1.2. The site is located within South Woodham Ferrers Urban Area where the principle of constructing extensions is acceptable
- 1.3. The existing pitched roof garage at the front of the property would be demolished and would be replaced with a garage which would be 1m taller and longer and would provide first floor living accommodation. The existing turret feature on the front elevation would be removed and replaced with a two-storey bay window. A single storey glass box extension would also be added to the rear of the house. The proposal would not appear out of keeping in the varied street scene. The proposal would also maintain an acceptable relationship with the neighbouring properties at Nos 152, 156 and 123 Celeborn Street.
- 1.4. Approval is recommended

2. Description of site

- 2.1. The site lies within the South Woodham Ferrers Urban Area, where the principle of development is acceptable.
- 2.2. The property is a large three storey detached house set within a narrow but long plot.
- 2.3. The street scene is staggered and characterised by large detached properties with varying sizes and designs. There is no distinct character in the street with hipped and gable roofs present in the varied street scene.
- 2.4. Detached garages to the front of properties are common place in the street. No 154 was built with an attached single storey garage that projects to the front. The garage was extended closer to the road by approximately 2m in 1990 (application 90/1461 refers).
- 2.5. There are numerous other examples of two storey front projections in the street.

3. Details of the proposal

- 3.1. The proposal includes a number of different elements:
 - i) Demolition of the existing garage and construction of a front extension providing a replacement garage with a room above served by 3 dormers and rooflights
 - ii) Construction of a carport on the roadside elevation of the new garage
 - iii) Removal of existing turret feature and construction of two storey front bay
 - iv) Rear single storey glass box extension
 - v) Alterations to the fenestration

4. Other relevant applications

90/1461 - Approved 22nd October 1990
Extension to garage

17/00598/FUL - Refused 25th May 2017
Loft conversion with addition of a second floor rear dormer with balcony and a new rooflight to the front. Two storey front extension with single storey car port. Single storey rear and side flat roof extension with balcony. Other external alterations.

18/00220/FUL - Refused 27th March 2018
Single storey rear extension with roof terrace and first floor canopy above. Rear facing dormer window with balcony. Three front roof lights. Decking to rear and other external alterations.

18/00822/FUL - Application Withdrawn 2nd July 2018
Two storey front extension with single storey car port, raised ridge for existing garage.

18/00815/FUL - Approved - Committee Decision- 4th September 2018
Single storey rear extension, first floor balconies with canopy above, rear facing dormer window with balcony, three front rooflights, decking to rear and other external alterations.

5. Summary of consultations

5.1. The following were consulted as part of this application:

- South Woodham Ferrers Town Council
- Public Health & Protection Services
- Essex County Council Highways
- Local residents

5.2. South Woodham Ferrers Town Council strongly objected to the planning application due to it being overbearing and not in keeping with the street scene. They are also concerned the height increase will result in overlooking impacts to the neighbours and affect their privacy.

5.3. Public Health and protection made no comments

5.4. Essex County Council raised no objections to the proposal as the existing vehicular access would be utilised. Some alterations to land levels are required to accommodate the car port and altered garage. Adequate room is retained onsite for vehicular turning to allow vehicles to enter the highway in a forward gear.

5.5. Seven letters of objection were received from five neighbours. These raised concerns in relation to: impact on amenity through overlooking and overbearing and impact on the character of the area.

5.6. Full details of consultation responses are set out in appendix 1.

6. Planning considerations

Main Issues

6.1. The main issues are whether:

- The extended property would fit within the character of the street scene
- Harm would be caused to the neighbouring properties through overlooking or overbearing impacts.

Character of the area

- 6.2. Celeborn Street is a residential street which is characterised by large detached properties located within long and narrow plots. Most of these houses were built as individual plots in the 1980s. There is no distinctive house type in the street with the dwellings all having varying sizes, designs and forms and a staggered building line.
- 6.3. No. 154 Celeborn Street is a large detached house. It was originally built with an attached single storey pitched roof projecting garage which had a depth of 8m. A further extension of approximately 2m was added to the garage in circa 1990. The existing garage projects forward of the main front elevation by approximately 10m. It has a height of approximately 4.9m.
- 6.4. The application proposes to demolish the existing garage and, in its place, construct a front extension that would re-provide a garage, with bedrooms in the roof. The front extension would have three dormers which would face over the applicant's driveway and four rear rooflights facing towards no 152 Celeborn street. The extension would have an overall depth of 14.1m and a height of 5.8m.
- 6.5. The Town Council and local residents have raised objections that the proposed garage extension would be out of keeping in the street scene.
- 6.6. There are numerous other examples within the wider street scene of two storey front extensions which includes Nos. 158, 146, 138 and 126 Celeborn Street. The street is also characterised by detached front garages which sit close to Celeborn Street.
- 6.7. The proposed garage would have the appearance of a single storey garage with rooms in the roof. The small increase in length and height of the garage, compared to the existing, would not materially alter its visual appearance and it would still be well related to the host dwelling and would not appear out of place within this very varied street scene.
- 6.8. There would be a car port attached to the roadside elevation. It would be a minor feature at the end of the garage. It would be partially obscured behind the existing foliage along the front boundary and would not appear out of place within the urban street. It would be an acceptable feature.
- 6.9. The two storey front bay extension would replace the existing turret feature on the front of the dwelling. It would remain as an incidental feature on the house and in the street scene. It would be an acceptable addition.
- 6.10. The rear glass box extension would not be visible from the street scene and would cause no harm to the character of the area.

Neighbour Relationship

152 Celeborn Street

- 6.11. No. 152 Celeborn Street is located to the west of the application site. The neighbour is concerned that the larger garage will be detrimental to their outlook and would be an overbearing feature. They are also concerned that the rooflights would result in overlooking into their property and have requested that these are fitted with obscure glazing.
- 6.12. The enlarged garage would be visible from the neighbouring property, as is the current garage. It would be slightly longer and taller than the existing, but the outlook from No 152 would not be materially different to the existing situation. It is considered that the proposed front projection would not be overbearing to the neighbour or reduce the light to their habitable rooms.
- 6.13. Four rooflights are proposed to the rear of the garage. The rooflights would be positioned approximately 1.8m above finished floor level. It is acknowledged that whilst the windows are stated to be obscure glazed and are high level, they could still be openable, and this could allow views up towards the neighbour's bedroom particularly from the two central rooflights which serve a bedroom and a sitting room. To prevent any harmful views of the neighbour a condition can be attached to the decision requiring that all four rooflights are obscure glazed and that the two central windows are also non-openable. A condition can also be attached preventing the installation of any further windows in this roof slope.
- 6.14. The neighbour has also raised comments regarding the lowering of ground levels to provide space for a car port and how their property would be protected from subsidence. It is noted that a retaining wall is included as part of the proposal and would prevent subsidence. This matter is not a planning matter but a matter covered by the Building Regulations.
- 6.15. Overall the relationship between the application property and No. 152 is considered to be acceptable.

156 Celeborn Street

- 6.16. No. 156 Celeborn Street is located to the east of the application property. The proposed dormer windows within the front garage extension would face towards this property.
- 6.17. The dormer windows would serve a bedroom, en suite and dressing room and would be located more than 8.5m from the common boundary with No 156. The neighbour's garage is positioned along the common boundary and would limit any views from the two southern most dormers. Limited views would be possible from the northern most dormer which serves the en suite bathroom.
- 6.18. Given the positioning of the neighbour's garage and the distance between the dormers and the boundary it is considered that the dormers would cause no adverse impacts to the neighbour's amenities.
- 6.19. The neighbour has raised concerns regarding the eastern side window on the projecting front bay extension. The large side window would face towards the neighbour and is shown on the submitted drawing to be obscure glazed. A condition can be attached requiring that this window is obscure glazed.
- 6.20. The enlarged house would maintain an acceptable relationship with No. 152 Celeborn Street.

123 Celeborn Street

- 6.21. No. 123 Celeborn Street located on the opposite side of the road to the application site. The neighbouring property is positioned more than 24.m away from the front of the proposed garage.
- 6.22. The neighbour has objected to the proposal as they are concerned that it would harm their privacy. They are concerned that the front windows on the garage and the Velux windows in the roof of the house would look into their bedroom windows. They are also concerned that the front of the bay extension would look directly into their lounge.
- 6.23. The front window on the enlarged garage would serve the en suite. This window would be fitted with obscure glazing. It would also be obscured behind the boundary foliage.
- 6.24. The bay window would replace the existing turret projection and would be located more than 30m away from the neighbour's house. Clear glazed windows in the turret already face towards the neighbour. The relationship between the bay window and the neighbour would not materially alter.
- 6.25. The three rooflight windows in the roof of the main house were approved under previous application 18/00815/FUL. They do not form part of this application.
- 6.26. Given the significant distance between the application site and the neighbour it is considered that no overlooking and subsequent loss of privacy would be caused to the neighbour at No. 123 Celeborn Street.

Other Matters

- 6.27. Comments have also been made regarding the increased gradient of the drive and the inability to turn on the driveway and leave the site in a forward gear. The Highways Authority have been consulted as part of this proposal and raised no objections to the proposal as it would still be possible for the applicants to enter the site, turn and leave in a forward gear. There would therefore be no harm to Highway Safety.

7. Community Infrastructure Levy (CIL)

- 7.1. This application is not CIL liable

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

The first floor window in the eastern side elevation of the front bay window and shown on approved Drawing No L12B shall be:

- a) obscured (minimum Level 3 obscurity level) and
- b) of a design not capable of being opened below a height of 1.7m above finished floor level and shall remain so obscured and non-openable.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DC4 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 4

The four rooflights in the western roof elevation of the garage and shown on approved Drawing No L12B shall be:

- a) obscured (minimum Level 3 obscurity level) and shall remain so obscured and;
- b) the two central rooflights shall be fixed shut and shall remain non-openable.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DC4 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 5

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 windows or other openings other than those expressly authorised by this permission shall be constructed or inserted within the western roof wall of the garage development hereby permitted.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DC4 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Notes to Applicant

- 1 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

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

Essex County Council Highways

Comments
<p>A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.</p> <p>The proposal retains the existing vehicle access. Some alterations to the levels within the site are required to accommodate the addition of the car port and the altered garage. Two parking spaces are retained in the altered garage and a new parking space is provided in the car port. Adequate room is retained onsite for vehicle turning to enable vehicles to enter the highway in a forward gear, therefore:</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:</p> <p>1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.</p> <p>Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.</p> <p>The above condition is 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> <p>Informative:</p> <p>' The applicant should be advised that appropriate measures should be provided to ensure mud/debris is not deposited onto the highway during the construction works.</p> <p>' 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.</p> <p>' The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:</p>

South Woodham Ferrers Town Council

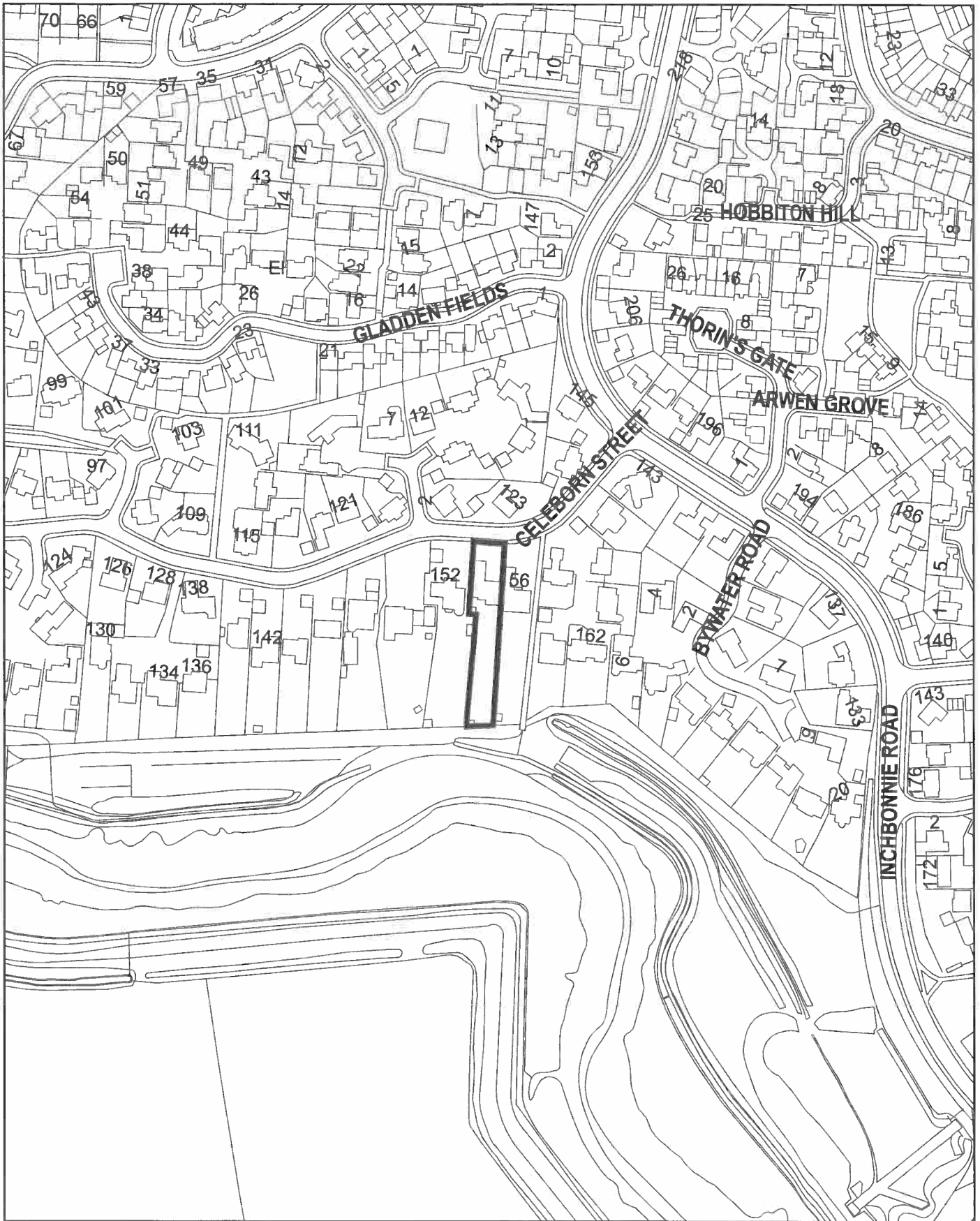
Comments
<p>South Woodham Ferrers Town Council strongly object to this planning application, despite previous refused applications and pre planning advise the recommendations have not been incorporated planning application and subsequent amendments. The Town Council still object on the ground that the proposed development is overbearing and not within keeping with the street scene, there are additional concerns with regard to the 1m height increase and the impact this will have with neighbouring properties with regard to overlooking and privacy</p>

Public Health & Protection Services

Comments
No PH&PS comments with regard to this application.

Local Residents

Comments
<p>Throughout the lifetime of the application seven letters of objection were received. The comments raised the following matters:</p> <p><i>Character of the area</i></p> <p>Extension is not in keeping with the property and more than doubles the size of what is already a large dwelling.</p> <p>Front extension would be close to the main road. It would be huge and out of keeping with the other neighbouring properties which sit further back from the road.</p> <p>Out of keeping in the street scene, particularly the carport which is completely out of context. Would result in an 80% increase in the area of the built construction and mass when compared to the original.</p> <p>The reliance on a previous bin store to make the 1m extension acceptable should not be allowed as the bin store was demolished many years ago.</p> <p><i>Amenity</i></p> <p>Direct overlooking of neighbour opposite the site from the front Velux rooflights and the full panel front bay extension.</p> <p>Overbearing and intrusive to the neighbouring property.</p> <p>The four Velux windows should be fitted with obscure glazing.</p> <p><i>Highways and parking</i></p> <p>Carport would remove the turning facility to the front of the garage. Not be possible to turn around.</p> <p><i>Other matters</i></p> <p>Carport would require excavation to accommodate lowering of ground levels. No indication by which means the neighbours garden will be protected from subsidence.</p> <p>The amended Design and access statement is incorrect and misleading.</p> <p>Ignoring advice given during PE stage and does not comply with Officer advice.</p> <p>Covenants on the site from the original sale of the property.</p>



0 10 20 40 Metres

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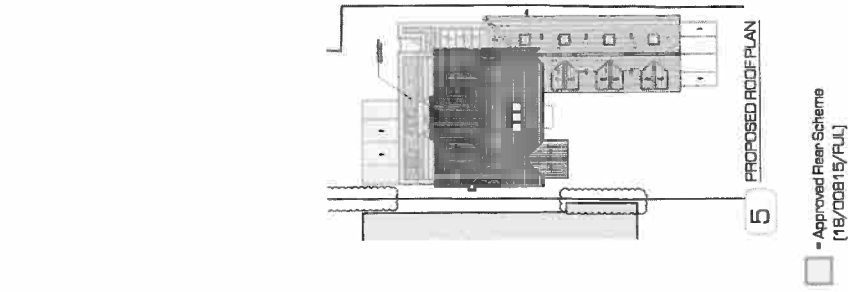
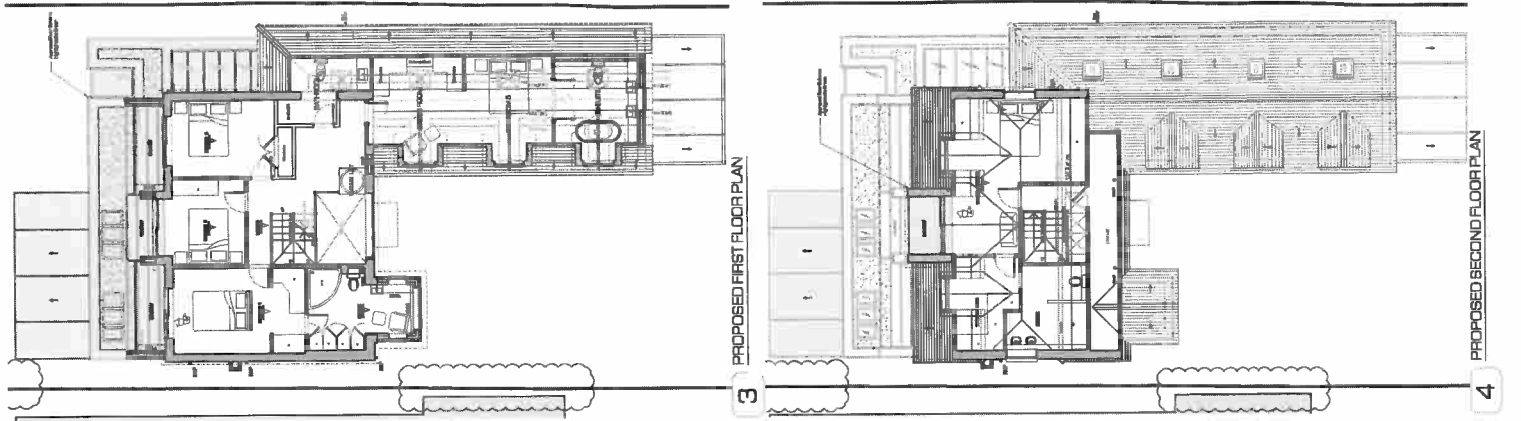
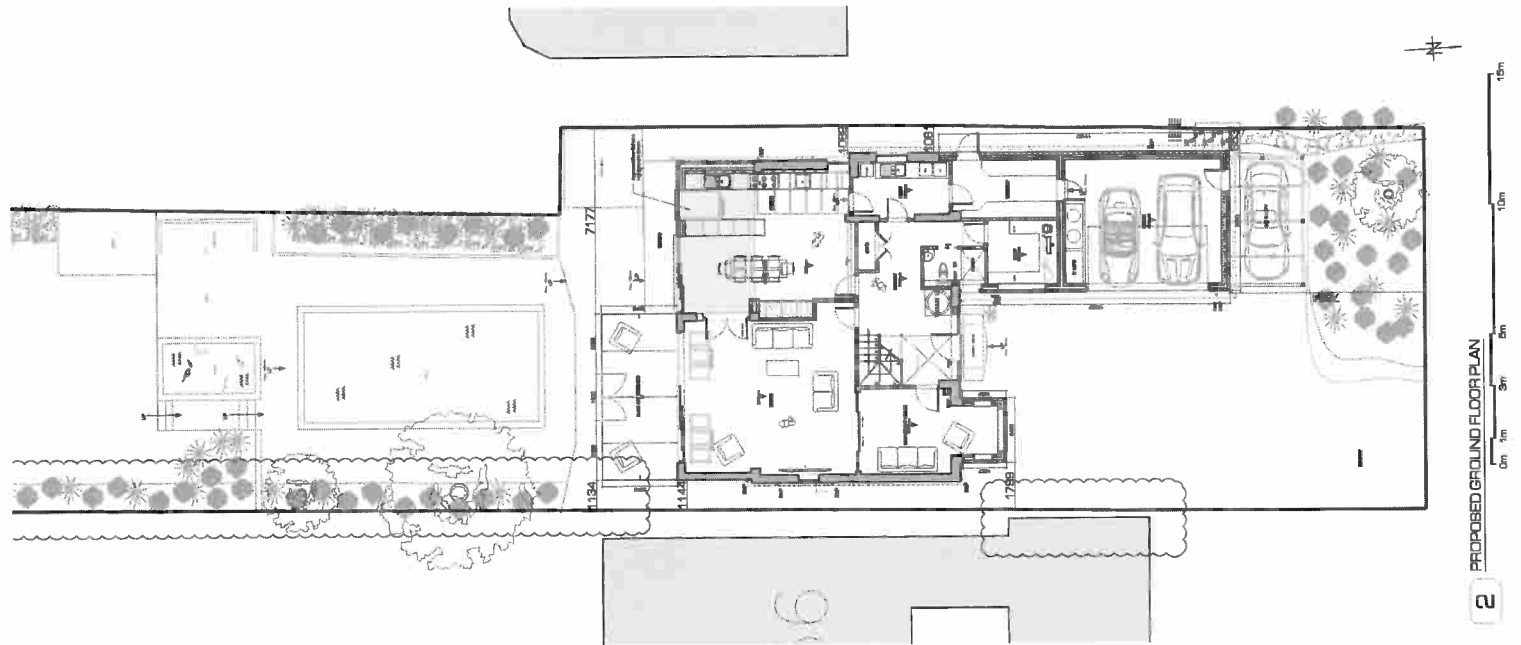
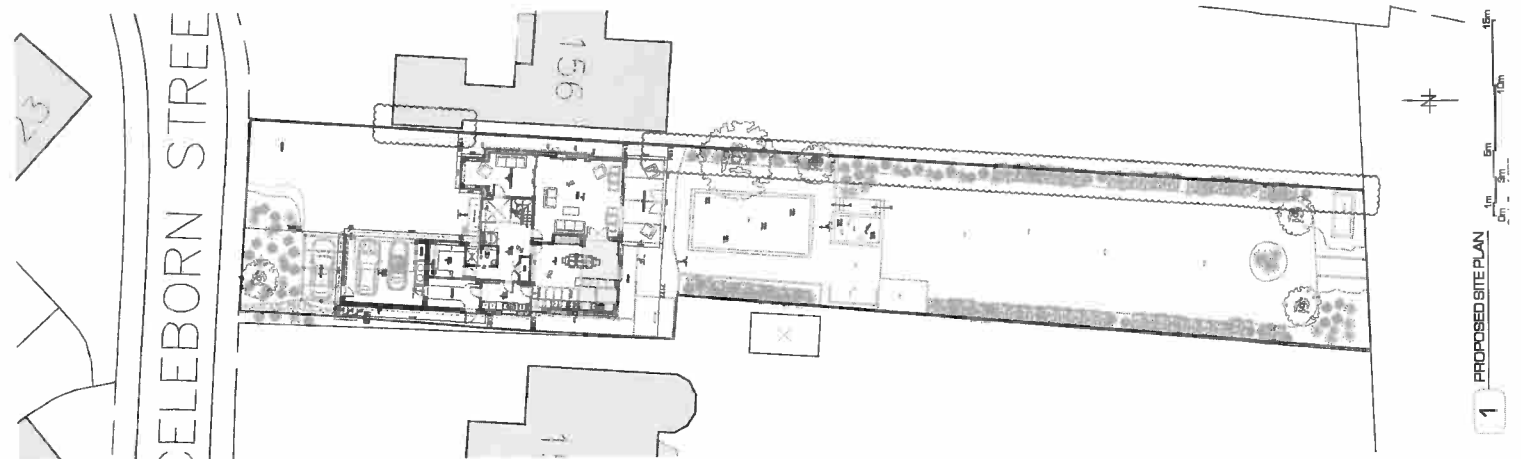
Planning Committee
19/01304/FUL

Planning & Development Management
Directorate for Sustainable Communities

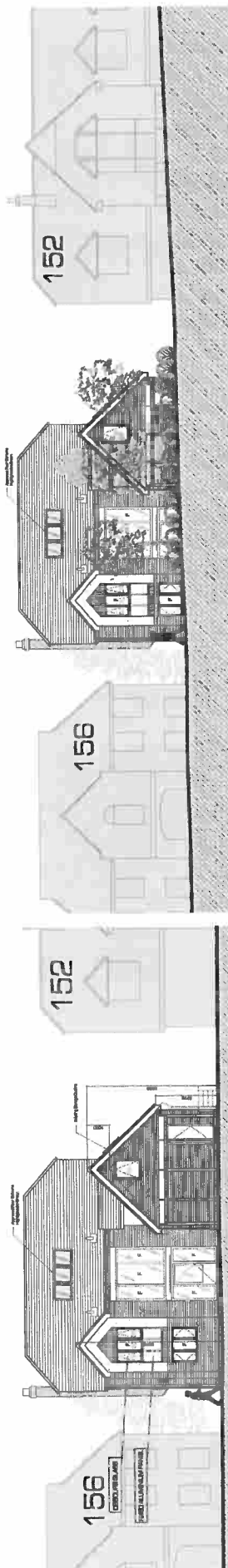
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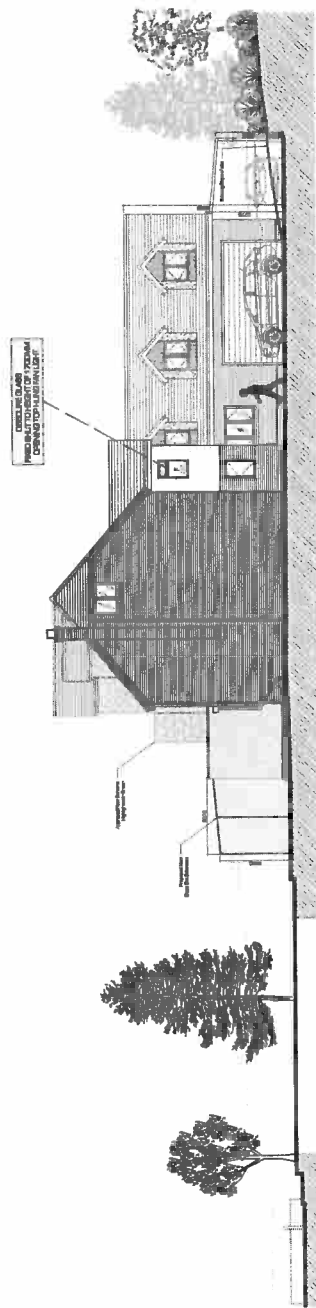


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(18/00815/RL)

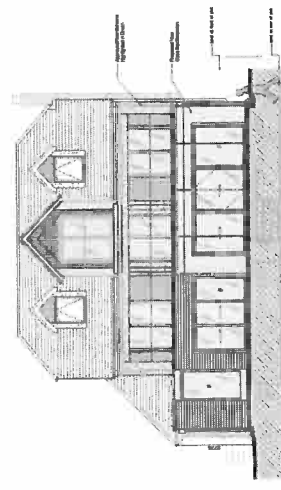


1 PROPOSED FRONT/NORTH ELEVATION

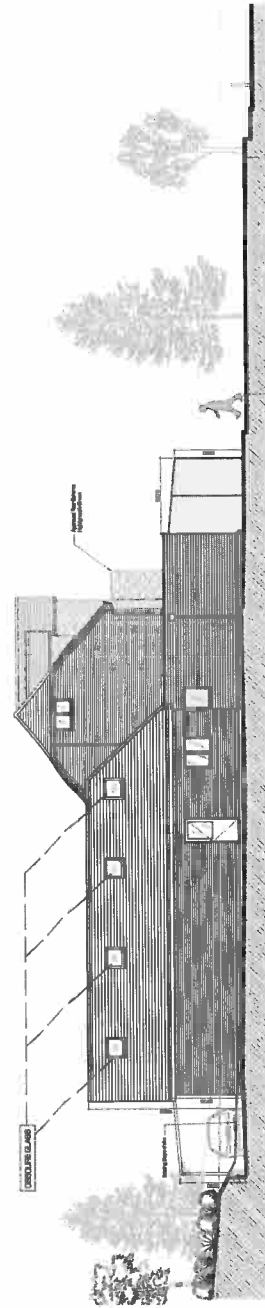
2 PROPOSED FRONT/NORTH ELEVATION STREET LEVEL



3 PROPOSED SIDE/EAST ELEVATION



4 PROPOSED REAR/SOUTH ELEVATION



5 PROPOSED SIDE/WEST ELEVATION



Planning Committee

8th October 2019

Application No	:	19/00384/OUT Outline Application
Location	:	Morelands Industrial Estate Tileworks Lane Rettendon Chelmsford Essex
Proposal	:	Outline planning application for demolition of existing buildings and residential development of up to 92 dwellings with public open space and landscaping with all matters reserved except for the access into the site from Tile Works Lane. Relocation of existing bund to west side of A130 road.
Applicant	:	Mr Castle Castle Homes SPV5 Ltd
Agent	:	
Date Valid	:	15th March 2019

Contents

1.	Executive summary.....	2
2.	Description of site.....	3
3.	Details of the proposal	3
4.	Other relevant applications	3
5.	Summary of consultations	4
6.	Planning considerations	6
7.	Community Infrastructure Levy (CIL).....	14
8.	Conclusion	15
9.	Consultation with the Secretary of State	16

Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. This application has been referred to the Planning Committee because the proposal does not accord with the provisions of the Local Development Plan and approval is being recommended.
- 1.2. The site comprises of 5.8ha of land known as Morelands Industrial Estate located off Tile Works Lane, Rettendon. It was historically a Tile Works but now it is used for a variety of industrial purposes including vehicle storage and repair, car breaking and a container rental business, operated a by a variety of tenants on the site.
- 1.3. The site is Allocation 16 in the Site Allocations Document (SAD) 2012 - Major Developed Site in the Green Belt which forms part of the adopted Local Development Framework. However, the application site includes land outside of the area of the allocation. The northern section falls outside and predominantly consists of open storage of vehicles. As such, the site is a legacy site originating from the Site Allocations Document and the Council's objective of having a planned solution to the removal of Morelands and its activities.
- 1.4. The application is for outline permission for the construction of up to 92 dwellings with public open space and landscaping with all matters reserved for subsequent approval with the exception of access which would be via Tile Works Lane.
- 1.5. The proposal is for the redevelopment of up to 92 dwellings. As indicatively shown on the submitted site plan, this capacity provides a policy compliant scheme (with the exception of full affordable housing provision) that would also be viable. A viability appraisal has been submitted to support the application. This has been assessed by the independent assessor, the Valuation Office which has instructed by the Council and have concluded that the scheme is unviable.
- 1.6. The application is considered in two parts - the development within the site allocation boundary and the development outside of the boundary to the north.
- 1.7. Notwithstanding the visual and environmental harm caused by the existing use, within the site allocation boundary, the proposed use is likely to cause harm to the openness of the Green Belt through the permanency and scale of the residential development. However, the development can be considered in the context of whether it would cause 'substantial harm' as set out in paragraph 145(g) of the National Planning Policy Framework by virtue of the applicant making a commuted affordable housing sum. When carefully considering the existing and proposed uses it is considered, on balance, the proposal would not cause substantial harm.
- 1.8. The area outside of the allocation boundary is not previously developed land and development in this location is considered inappropriate. However, Very Special Circumstances exist to allow development on the northern section of the site in order to facilitate the complete cessation of all activities and uses on site, remediation of the land and bringing forward a more appropriate land use for the locality.
- 1.9. The site is not in a wholly sustainable location. However, it is currently used for a variety of industrial purposes which have visual, environmental, amenity, activity and movement implications. The proposal seeks to remove all the current activities, remediate the land and bring forward a more compatible use for the locality.
- 1.10. Taking into account the benefits of the scheme, including the contribution of the proposal to delivering housing, remediating a contaminated site, improving environmental, visual and living

conditions, it is considered that any harm arising from the development does not demonstrably outweigh its benefits.

- 1.11. Approval is therefore recommended.

2. Description of site

- 2.1. The site comprises of 5.8ha of land known as Morelands Industrial Estate located off Tile Works Lane, Rettendon, via South Hanningfield Road.
- 2.2. The site was historically a Tile Works where clay tiles were manufactured but for many years it has been used for a variety of industrial purposes including vehicle storage and repair, car breaking and a container rental business, operated a by a variety of tenants on the site. Some of these uses are lawful and some are unauthorised.
- 2.3. A large earth bund runs along the northern and eastern boundaries.
- 2.4. Access is via Tile Works Lane which was adopted in relation to a previous planning consent, application 14/01657/OUT but, which was never implemented.
- 2.5. The site is Allocation 16 in the Site Allocations Document (SAD) 2012 - Major Developed Site in the Green Belt. However, the site as a whole does not fall within the allocation. The northern section (still within the confines of the earth bund) falls outside. This area predominantly consists of open storage of vehicles.

3. Details of the proposal

- 3.1. The application is outline permission for the construction of up to 92 dwellings with public open space and landscaping with all matters reserved for subsequent approval with the exception of access which would be via Tile Works Lane.
- 3.2. The proposal also includes relocation of the existing earth bund. The bund would be screened to remove any unacceptable material and moved to the west side of the A130 on land within the applicant's ownership.
- 3.3. The proposal is for the redevelopment of the whole site, including the area which falls outside of the site allocation boundary.

4. Other relevant applications

- 4.1. There are various historic planning applications relating to the tile works and various industrial uses on site. There are also extant enforcement notices on the land within the northern section of the site outside of the site allocation boundary.
- 4.2. Outline planning permission was granted under application 14/01657/OUT for the demolition of existing buildings and earth bund and the construction of 24 new dwellings, a new paddock, public open space and access. Similar to the current application all matters were reserved apart from access. The application was granted permission on 26th May 2015 but has now expired.

5. Summary of consultations

- ✦ *ECC Minerals & Waste Planning* - No comments
- ✦ *Anglian Water Services*

Wastewater Treatment

The foul drainage from this development is in the catchment of South Woodham Ferrers Water Recycling Centre which has available capacity for these flows.

Used Water Network

The development will lead to an acceptable risk of flooding downstream and Anglian Water will need to plan effectively for it. Condition required for phasing plan and an on-site drainage strategy.

- ✦ *Essex and Suffolk Water* - No comments
- ✦ *Essex County Council (SUDS)* - No objections subject to conditions
- ✦ *Police - Designing Out Crime* - No apparent concerns with the layout. Secured by Design will achieve a safe and accessible environment as indicated by the applicant.
- ✦ *Essex County Fire & Rescue Service* - Access for Fire Service appears satisfactory. More detailed observations on access and facilities for fire services will be considered at Building Regulations stage. Additional water supplies for fire fighting may be necessary for this development.
- ✦ *ECC Historic Environment Branch* - The accompanying archaeological desk-based assessment indicates the potential for archaeological remains and the survival of some of the former brickworks buildings. A condition for an investigation scheme and recording work is requested.
- ✦ *Environment Agency* - No objections subject to conditions including additional site Investigations and non-material in the bund removed and disposed of prior to relocation.
- ✦ *Public Health & Protection Services* - Condition relating to contamination requested. Concerns expressed on bund relocation.
- ✦ *H.S.E East Anglia Area* - Site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- ✦ *Essex County Council Highways* - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions including the improvement of public bridleway no. 9 to an all-weather surface to allow pedestrian access to the bus stops on South Hanningfield Road.
- ✦ *ECC Economic Growth and Development* - Request for S106 contributions to mitigate the impact on school transport - development is more than the statutory walking distance from the nearest primary and secondary schools and ECC is obliged to provide free transport.

- ◆ *Ramblers Association* - No comments
- ◆ *East Hanningfield Parish Council* - Supports development but has concerns on sustainability.
Suggest:
 - Improvements to Footpath 6
 - Safe access to Rettendon Bell and Rettendon village for pedestrians and cyclists
 - Works to cycle path between Rettendon equestrian centre and village which has deteriorated
 - Provision of play equipment on recreation areas
- ◆ *Rettendon Parish Council* - Supports application
- ◆ *Natural England* - Development falls within 'Zone of Influence'. The necessary measures must be secured to mitigate the effects arising from new residential development
- ◆ *Local residents* - Five letters received and summarised as follows:
 - Siting of the development is ill-considered
 - Site should remain industrial to accommodate small businesses
 - Support removal of industrial site and replacement with high quality housing
 - Houses 1,2,3 and 4 will overlook 'Foxley End'
 - Houses 5-16 will overlook 'Retreat'
 - Would like Landscape Strategy to be conditioned
 - Appropriate foul and surface water drainage required
 - Main sewer connections should be available new and existing properties in Tile Works Lane
 - Developer should consult neighbours on removal of boundary tree or fences
 - New development should respect rural surroundings
 - Tile Works Lane should be landscaped and resurfaced
 - Improvements required to Old Barn Lane to accommodate increase in traffic
 - Prefer fewer bigger houses
 - Road network should remain rural
 - New footpath/bridleway to north required to Canon's Barn Bridge
 - New footpath/bridleway required along South Hanningfield Road connecting Chalk Street and Old Barn Lane to the Main Road bridleway
 - Increase in peak time car journeys due the location of Bromfords School and Sandon and limited public/school transport provisions

6. Planning considerations

6.1. The following matters will be considered as part of this report;

- a) Green Belt policy and the principle of development
- b) Specialist Residential Accommodation
- c) Contamination, flooding, Sustainable Urban Drainage, earth bund
- d) Ecology and habitat mitigation
- e) Highways, site and internal access
- f) Education
- g) Sustainable development

Green Belt policy and the principle of development

Background

6.2. Morelands Industrial Estate has an extensive history. A number of unauthorised activities have operated on site over the years resulting in enforcement action, refused Lawful Development Certificates and more notably the degradation of the site and its environmental quality.

6.3. The southern part of the site is Allocation 16 in the Site Allocations Document (SAD) - Major Developed Site in the Green Belt. The allocation boundary reflected what the Council considered at the time the extent of area which broadly contained the historic activities and uses on site, some which were covered by planning permissions. Not all the uses were authorised, but the proposed allocation boundary represented a consolidated area of uses/activities where the Council considered that a planned solution was required to secure their removal for the benefit of the Green Belt. As such, the site is a legacy site from the Site Allocations Document, allocated for reasons including the need to improve the environmental quality of the site caused by historic activities.

6.4. The area to the north beyond the boundary but still within the confines of the earth bund did not have the same established history of activity/development and was therefore excluded from the allocation. It is also subject to extant enforcement notices.

6.5. The Morelands allocation as shown in SAD was supported by the Inspector at the SAD Examination who stated in his Inspector's report:

'Existing uses of the site and its surroundings, only some of which are lawful, include storage and dismantling of vehicles, and there is no doubt that the site is in need of significant environmental improvement. The allocations for general and specialist housing would help to address these issues and ensure that there would be no greater impact on the openness of the MGB than the existing uses. Development is subject to a number of requirements that would protect the MGB and improve visual and other amenities in the surroundings. This location is relatively remote from services and facilities but balancing all of the above, the beneficial effects of the allocation would clearly outweigh any harm in Green Belt policy or other terms.'

6.6. The reasons for the site's allocation continue to hold true today. There are a number of activities operating at the site and in some areas vehicles and containers are stacked one and two-storeys high. The environmental and visual quality of the area is poor and conflicts with the wider

surrounding area of open countryside to the north, east and west and the small cluster of residential properties along Tile Works Lane all of which are located in the Green Belt.

- 6.7. Application 14/01657/OUT for outline permission was granted permission in May 2015 for 24 residential dwellings. The dwellings were located in the area of the site allocation and whilst outline permission, parameter plans were conditioned to control scale, building footprints, form/appearance and landscaping to ensure the development was acceptable for its Green Belt location. The remainder of the site which falls outside of the allocation (but where historically industrial uses have been carried out) was to be turned into a paddock used either for the keeping of horses or an informal field.
- 6.8. The 2014 application was never implemented although the requirement for Tile Works Lane to be adopted by the Highways Authority, the subject of a S106 legal agreement, was successfully secured.
- 6.9. There have been a number of pre-application enquires in the years since the 2014 application looking to increase the number of units at the site on the basis that 24 units is unviable.

National and local policy

- 6.10. Notwithstanding that part of the site is allocated for development, the site is located in the Metropolitan Green Belt and paragraph 133 of the National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is preserve urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
- 6.11. Paragraph 144 of the NPPF 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.
- 6.12. Paragraph 145 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt. There are a limited number of exceptions to this and include;
 - h) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 6.13. Policy DC1 of the adopted Core Strategy and Development Control Policies Development Plan Document broadly reflects national policy. As does policies CO1 and CO2 of the emerging Local Plan although limited weight can be afforded to these policies at this time.

Principle of development

- 6.14. The application should be considered in two parts. The area of the site allocation boundary is considered to be previously developed land (PDL). The land outside of the boundary to the north

which has had intermittent open storage over the years and extant enforcement notices is not considered PDL.

Existing use vs proposed use within the site allocation boundary

- 6.15. The 2014 planning application, the allocation in the Site Allocations Document and the provisions of national and local Green Belt policy for redevelopment of 'brownfield sites' indicates that residential development may be acceptable at this site. However, for the proposal to be considered appropriate development, it should not have a greater impact on the openness of the Green Belt than the existing use.
- 6.16. Within the allocation boundary there are an assortment of buildings, storage containers, workshops, scrap, tyres etc. The activities, the containers and the structures, some which are in a poor state of repair, are inappropriate for this countryside location and conflict with the purposes of Green Belt policy. They impact on the openness of the Green Belt and also cause visual harm.
- 6.17. The cessation of all the existing activities, removal of structures, buildings, hardstanding etc. and the redevelopment of the site for residential purposes, a use more compatible with the surrounding locality, with landscaping and open space would represent a significant environmental, landscape and visual improvement to the locality and more in line with Green Belt purposes, particularly in assisting in safeguarding the countryside from encroachment.
- 6.18. The applicant has submitted a site plan indicating how 92 dwellings is achievable whilst meeting policy requirements on garden size, open space, internal access, parking and landscaping. This is indicative only and would not form part of any approval - permission is only sought for the principle of up to 92 dwellings and with the exception of access all other matters are reserved. The scale, layout, appearance etc. of dwellings would be subject to further applications to ensure the design and quality of the development is appropriate to its surroundings.
- 6.19. However, notwithstanding the indicative nature of the layout plan, it does indicate that residential development at the site would represent a more coordinated and consolidated land use as opposed to the different businesses and activities currently operating. And through conditions restricting permitted development and subsequent reserved matters applications there are mechanisms to controlling the future use and development of the site to ensure that it is more compatible with its Green Belt surroundings. Therefore, there would be environmental and visual benefits to the proposal.
- 6.20. On openness, the provision of up to 92 dwellings, when comparing it to the 2014 planning application for 24 units is a far greater number of dwellings. Furthermore, it requires development beyond the allocation boundary. The applicant's justification for this, which is addressed further below, is that up to 92 dwellings is required to make the development viable due to the abnormal costs associated with decontaminating the site.
- 6.21. Whilst indicative, the site plan shows that approximately 65 of the 92 units would be accommodated in the allocation boundary. These would be permanent buildings of likely to be of 1-2 storeys with associated on plot parking, visitor parking, internal road and garages. In comparison, the existing structures, buildings and containers on site are single storey. The site also has open vehicle storage, some stacked on top of each other, car breakage, vehicle parts etc. Although environmentally damaging, these uses can vary in intensity at different times, increasing and diminishing openness as seen from the Council's aerial photos of the site over the years.

- 6.22. When comparing the existing and proposed uses, given the low rise nature of the existing buildings, structures, containers and the intermittency of the open storage and activities against the permanency of potentially 65 residential dwellings and associated works, the proposal is likely to have a greater impact upon openness than the site's existing use. Therefore, there would be harm to the Green Belt.
- 6.23. However, the applicant has submitted a viability appraisal detailing the costs associated with this site, which given its historic use, would require substantial decontamination works. This is not unexpected as such discussions were taking place with a potential developer and the Council during the time of the SAD Examination and the environmental condition of the site was a point raised by the Inspector in his report (paragraph 6.5 refers). In essence, Morelands is a legacy site and is not, for example, like the emerging Local Plan allocations which have been viability tested ('*Local Plan Viability Study including CIL Viability Review, January 2018*' available at <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/evidence-base/>) The Council, therefore, accepted the submission of a viability appraisal with the knowledge that the environmental conditions of the site could result in abnormal costs above normal development costs.
- 6.24. The applicant's viability appraisal has been assessed by the VOA, an independent assessor employed by the Council. They have concluded the following:
- ◆ The methodology adopted by the applicant is sound
 - ◆ The assumptions and inputs adopted by the applicant are broadly reasonable. In some instances the Council's assessor has not adopted the same inputs and have explained their reasoning
 - ◆ Their assessment of the scheme using their inputs (as stated above some vary from the applicant's) result in a deficiency of £493,021. This deficiency takes account of Section 106 requirements which have arisen through the application consultation process and are addressed further in the report
 - ◆ Based on the above, the scheme is unable to support the delivery of on-site affordable housing or a contribution in lieu.
- 6.25. Notwithstanding the scheme's deficiency, the Council has been in discussions with the applicant who have offered a commuted affordable housing sum of £60,000. Payment would be secured through a S106 and would be used for purposes of meeting Local Housing Need in Chelmsford's administrative area.
- 6.26. Whilst the commuted sum does not meet the requirements of local policy DC31 of 35% affordable housing provision, it does represent a contribution to affordable housing need.
- 6.27. Paragraph 145 (g) subsection 2 of the NPPF advises that the redevelopment of previously developed land is appropriate development in the Green Belt where the proposal '*would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*'
- 6.28. 'Contribution' in the context of paragraph 145(g) is not defined either in the National Planning Policy Framework or the Planning Practice Guidance. That is, there is no indication that any contribution must be commensurate to local authorities' policy requirements. Therefore, in absence of this, it is difficult for the Council to argue that the scheme cannot be reasonably

considered in the context of whether it would cause 'substantial harm' to the Green Belt as per paragraph 145(g) of the NPPF by virtue of the proposed commuted sum.

- 6.29. Substantial is defined as 'to a great or significant extent'. As established, the site comprises a mix of industrial uses and buildings spread across the area of the allocation boundary. These buildings and uses impact upon openness not only through their physical presence but the activities associated with them. Comparatively, the proposal, which would result in permanent buildings and works of a greater scale, would also include areas of openness through the local open space, public landscaped areas and domestic gardens. When carefully considering the existing and proposed uses it is considered, on balance, the proposal would not cause substantial harm.
- 6.30. It is therefore concluded that the proposal within the limits of the site allocation boundary is appropriate development. It would not result in any other harm - as established there are environmental and visual benefits to the cessation of existing activities and control over the future development of the site.

Development outside of the site allocation boundary

- 6.31. Paragraph 144 of the NPPF advises 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.
- 6.32. Due to costs arising from decontaminating the site, the proposal extends outside of the allocation boundary on land to the north. This area is not considered to be previously developed land and therefore development in this location is considered inappropriate and, by definition, harmful to the Green Belt. Only where Very Special Circumstances (VSC) exist should development be approved.
- 6.33. Whilst outside the site allocation boundary, the land in question lies within the confines of the site. Although not authorised, open storage and similar uses are carried out in this area, with, in some cases, vehicles stacked two-storeys high. The visual appearance and openness of the Green Belt is therefore impacted upon.
- 6.34. The proposal represents an opportunity to fully remediate the site and removed the site's contaminates, uses and structures and bring forward a more compatible use for the locality.
- 6.35. As demonstrated through the submitted viability appraisal the construction of residential development is not possible without further development outside of the boundary. That is, the proposal as a whole is only deliverable if both the area within the site allocation boundary and the area to the north are developed. The cessation of the existing uses and the decontamination of the site are reliant on the site being developed in its entirety.
- 6.36. Again, whilst indicative, the layout plan shows that the development of the site as a whole enables the proposal to meet policy requirements such as open space, garden sizes, car parking with a scheme that could reasonably reflect its local environs. Were the proposed 92 dwellings constrained to the boundaries of the allocation is likely to result in a high density, urban development which is unacceptable for its Green Belt location. It would also result in two conflicting uses (were the land to the north remain undeveloped) and an uncoordinated

approach to the complete redevelopment and decontamination of an environmentally and visually damaging site in the countryside.

- 6.37. A planned solution to the removal of Morelands has been a long-term objective of the Council and one which was supported by the Inspector of the Site Allocations Examination. Without redevelopment, the site could continue to operate under the current conditions to the detriment of the local environment and surrounding Green Belt. Therefore, in light of the reasons set out above, it is considered that there are Very Special Circumstances in allowing the development of the northern section of the site to facilitate the complete cessation of all activities and uses, remediation of the land and bring forward a more appropriate land use for the locality.
- 6.38. In addition to the above, the applicant owns significant areas of additional land to the north and east of the application site. The developer has indicated a willingness to contribute to the Council's evolving greening agenda by making part of this land available for new tree planting and for this to be secured through the s.106 agreement. Further details on this will be available at the Committee.
- 6.39. Therefore, on balance, for the reasons set out including Very Special Circumstances, the principle of development of up to 92 dwellings is considered acceptable.

Specialist Accommodation

- 6.40. The proposal does not include Specialist Residential Accommodation (SRA) which is included as an allocation requirement in SAD. SRA includes older persons' accommodation and accommodation for groups that require specialist social support.
- 6.41. The non-provision of SRA was accepted for the 2014 application on the basis that the site is unsuitable due to its remote location and poor access to public transport for staff and visitors on a 24/7 basis. This was supported by letters from local providers confirming this and Essex County Council, the commissioning body, confirming they would not encourage the development of schemes for vulnerable people if they are remote and/or have limited access to local facilities

Contamination, flooding, Sustainable Urban Drainage, earth bund

- 6.42. There are higher than normal levels of contamination on site however various assessments have been carried out to establish potential risk. Both the Council's Environmental Services and the Environment Agency do not object to the development subject to the imposition of a number of conditions that address on site contamination.
- 6.43. On the earth bund, whilst the Council's Environmental Services expressed concerns on its relocation, the Environment Agency is content on its relocation providing any unacceptable waste material is removed and suitably disposed of. The area of relocation as shown on the submitted site location plan extends some 800m adjacent to the A130. Whilst the quality of this area is diminished by virtue of this road, a condition will be imposed on details of the bund relocation to preserve the visual amenities of the locality.
- 6.44. Following the submission of additional information, the principles of appropriate surface water management can be demonstrated for the development. A condition is required by Anglian Water for an on-site drainage strategy to prevent downstream flooding.

Ecology and habitat mitigation

- 6.45. An ecological appraisal and a subsequent addendum have been submitted with the application to demonstrate there would be no unacceptable harm to protected species within or immediately adjacent to the site. The reports set out design/mitigation measures during construction to mitigate the potential impact of the development. These have been conditioned accordingly.
- 6.46. Outside the confines of the site, the process of relocating the bund on land adjacent to the A130 would mean entering into areas of high quality habitat identified by the ecological appraisal. The new location of the bund is also immediately adjacent to edge habitats which are highlighted as optimal habitat. Habitat surveys were therefore requested by the Council during the life of the application to establish the presence of otherwise of reptiles.
- 6.47. The surveys are complete and no reptiles have been found. The ecological impacts of the development are acceptable.
- 6.48. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. It is the Council's policy for all new residential development to contribute £122.30 per dwelling unit to fund mitigation measures as required under the Habitat Regulations. This would be secured through a S106.

Highway, site and internal access

- 6.49. The Highway Authority raise no objections to the proposal. The current use generates a high number of Ordinary Good Vehicles (OGV) (rigid vehicles with four or more axles and all articulated vehicles) trips and these have a greater impact upon the operation of the junction at Old Barn Lane/South Hanningfield Road than standard vehicles associated with residential development. In addition, access to the site is acceptable. Tile Works Lane was adopted by the Authority in July 2015.
- 6.50. The vehicle movements associated with the current use versus the proposed use is a point to note. Whilst the proposed development would be car-led, the vehicle movements would have a lesser impact than those currently occurring particularly the lorry movements and the various vehicle movements associated with the individual businesses/operations on site.
- 6.51. A number of conditions are suggested by the Highway Authority however those relating to the internal estate road and car parking are not necessary at outline application stage. These are matters for reserved applications and would need to be in line with the adopted standards at time of their submission.
- 6.52. However, a condition is recommended to upgrade 152m of the existing public bridleway no. 9 to the south west of the site to an all-weathered surface to allow all year-round pedestrian access to South Hanningfield Road. Approximately 165m east of the public footpath on South Hanningfield Road are two bus stops located south and north of properties 'Burleigh' and 'The Thatchers'. It is considered this is reasonable and would go some way to addressing the site's sustainability credentials given the site's distance to existing services and facilities. This would be secured via condition.

- 6.53. On the internal access road, whilst indicative, a tracking plan for a refuse vehicle has been submitted and this demonstrates that waste and recycling collection within the site is achievable. Equally, based on the indicative site plan Essex Fire and Rescue has advised that it appears access for emergency vehicles would be achievable. These demonstrate that the proposed use and site can reasonably meet these requirements.

Education

- 6.54. The Education Act 1996, (as amended) places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school. Walking distance are defined at two miles for under-eights and three miles for those who have attained eight years.
- 6.55. Essex County Council Infrastructure Planning Team (ECC) has advised that the development is more than the statutory walking distances from the nearest primary and secondary schools thereby triggering the need for ECC to provide free transport.
- 6.56. Notwithstanding that the site is allocated, it is accepted that it is a distance away from services and facilities, including schools. Similar to the footpath upgrading works, to increase the site's sustainability credentials and to ensure no public financial costs are incurred by the development, it is reasonable to seek S106 contributions from the developer for the cost of school transport. These costs are unlikely to be incurred were it not for the development therefore, is a reasonable requirement that is related and site specific to the development.
- 6.57. As set out the ECC Developers' Guide to Infrastructure Contributions 2016, developer contributions are sought to fund provision for a minimum of seven years for primary pupils and five years for secondary pupils.

Sustainable development

- 6.58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.59. The NPPF is a material consideration to planning decisions. It sets out the presumption in favour of sustainable development which is achieved through the positive engagement of the three overarching objectives of sustainable development; economic, social and environmental.

Economic

- 6.60. Although a relatively generic benefit, the proposal has an economic role in supporting/creating jobs during the construction stage of the scheme.
- 6.61. In addition, the new dwellings would offer homes to residents who would contribute to the labour supply, some of whom would be likely to be local.
- 6.62. The delivery of housing evidently has an economic benefit in boosting housing supply. However, it is recognised that the growth needs of the Council's administrative area are being realised primarily through the Council's current development plan and Spatial Strategy. The Council can demonstrate five years' worth of specific deliverable sites such that the Strategy and the identified areas for growth are robust.

Social

- 6.63. The delivery of housing also has a social role in supporting the local and wider community in providing a mixed range of housing supply which is a needed both nationally and locally.
- 6.64. The proposal, through conditions, includes upgrading footpath no. 9 to all year-round pedestrian access to the South Hanningfield Road where bus stops are located. Whilst the scheme would have a higher ratio of private car ownership due to its location, the proposed works would allow reasonable access to nearby public transport.
- 6.65. The proposal also includes public open space, an area of enjoyment for the future residents of the development.
- 6.66. The proposal would also bring improvements to local living conditions through cessation of all industrial activities and bringing forward a more appropriate land use.

Environmental role

- 6.67. The environmental quality of the existing site is substantially degraded through the existing and historic uses which have operated on the site. The site is decontaminated and the activities and development on site clearly conflict with the surrounding locality which is agricultural fields interspersed with a small number of residential properties. The site and its operations conflicts for the purposes of Green Belt policy in safeguarding the countryside from encroachment.
- 6.68. The proposal represents an opportunity to for all the activities and uses on site to cease completely, remediation of the land and a more appropriate land use for the locality to the benefit of the surrounding environment.

7. Community Infrastructure Levy (CIL)

- 7.1. Introduced on 2 June 2014, the Community Infrastructure Levy (CIL) allows the Council to raise funds from developers who are undertaking building projects in their area. The funds raised will be used to provide infrastructure, such as health and education provision, which is needed in order to support the growth of an area.
- 7.2. As CIL Charging Authority, CIL monies collected by the Council could be used for any infrastructure requirements arising from this development.
- 7.3. This application is CIL liable and an informative advising the submission of additional CIL information at reserve matters stage is attached to the permission.

S106

- 7.4. Policy CP4 of the Core Strategy and the Development Control Policies Development Plan Document sets out the requirement for planning obligations to provide for infrastructure works, services or facilities that are made necessary by and are directly related to development. This is delivered through a S106 Agreement which sets out requirements for site specific mitigation of the impact of the development.
- 7.5. Identified through the life of the planning application, including the consultation process, the following Draft Heads of Terms for the S106 Agreement necessary for the proposed development are:

- ◆ Cost of primary and secondary school transport
- ◆ Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) contributions
- ◆ Local Open Space Specifications, maintenance and management
- ◆ Affordable Housing commuted sum
- ◆ Land outside the application site but in control of the applicant to be secured for tree planting

8. Conclusion

Overall balance and conclusion

- 8.1 The proposed development is for up to 92 dwellings and part of it would lie outside of the site allocation boundary in the Green Belt where national and local policy advise development would be inappropriate. There would also be harm to the openness of the Green Belt through the scale and permanency of the development in comparison to the existing uses on site.
- 8.2 However, the development includes a contribution to affordable housing need and therefore can be considered in the context of whether it would cause 'substantial harm' to the Green Belt as set out in paragraph 145(g) of the NPPF. Against the existing uses and activities on site it is not considered that the proposal would cause substantial harm to the Green Belt.
- 8.3 In addition, Very Special Circumstances exist in redeveloping the site as a whole to facilitate the complete cessation of all activities and uses, remediation of the land and bringing forward a more appropriate land use for the locality.
- 8.4 The site is currently environmentally and visually degraded and there are benefits to removing all activities on site and bringing forward development that would contribute to the Council's housing supply. However, notwithstanding that the site is allocated, the Council can already demonstrate five years' worth of specific deliverable sites.
- 8.5 The site is located away from existing services and facilities and the development would be car-led. However, the existing use does already generate a high number of vehicle movements, including lorries, associated with the individual business/uses. The development includes the upgrading of footpath no. 9 to an all-weathered surface which would allow access to public transport along South Hanningfield Road. The S106 Draft Heads of Terms also includes contributions to primary and secondary transport which help improve the proposal's sustainability credentials and ensure that there is no public financial burden arising from the development.
- 8.6 The National Planning Policy Framework sets out a presumption in favour of sustainable development. It is acknowledged that the site is not in a wholly sustainable location. However, it is currently used for a variety of industrial purposes which has visual, environmental, amenity, activity and movement implications. The proposal seeks to remove all the current activities, remediate the land and bring forward a more compatible use for the locality. Taking into account the benefits of the scheme, including the contribution of the proposal to delivering housing, it is considered that any harm arising from the development does not demonstrably outweigh its benefits such that the proposal is recommended for approval.

9. Consultation with the Secretary of State

- 9.1 Certain categories of development must be referred to the Secretary of State (SoS) for consultation if an LPA is minded not to refuse them and before they can grant permission. This is set out in The Town and Country Planning (Consultation) (England) Direction 2009. Amongst those categories is development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted Local Plan and consists of or includes the provision of buildings where the floor space to be created is 1,000 square metres or more. This application falls within that category (Articles 3 and 4).
- 9.2 If the Committee is minded not to refuse permission it will therefore be necessary to consult the SoS. The SoS then has to notify the Council of receipt of all the relevant material and then has 21 days to notify the Council either that he does or does not propose to intervene.
- 9.3 In the event the SoS issues a Direction to recover the application for determination the matter is taken out of the Council's hands and will be dealt with by the SoS.
- 9.4 In the absence of a response or an indication of not wishing to intervene the Council can proceed to determination.
- 9.5 The officer's recommendation reflects this position.
- 9.6 The full Direction can be viewed at:
<https://www.gov.uk/government/publications/the-town-and-country-planning-consultation-england-direction-2009-circular-02-2009>

RECOMMENDATION

1. **The Committee resolves that being minded not to refuse the application it refers it for consultation with the Secretary of State as required by Articles 9 and 10 (as development covered by Article 5) of The Town and Country Planning (Consultation) (England) Direction 2009**
2. **That for the purposes of Article 10 (e) this Report constitutes the Statement of the material considerations which this Council consider indicate this departure application should be determined otherwise than in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004.**
3. **That upon the expiration of the 21 day period in which the Secretary of State has to respond from the date on which she confirms receipt of the material required under Article 10, or upon notification that SoS does not intend to intervene (if received sooner than the 21 day period) the Director of Sustainable Communities be authorised to grant the application subject to an agreement, as indicated in the report presented to the Committee, being entered into by 8 April 2020 pursuant to the Town and Country Planning Act 1990 and the following conditions:-**

Condition 1

Application for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.

Reason:

In order to comply with Section 92(2) 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 take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason:

In order to comply with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 3

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason:

The particulars submitted are insufficient for consideration of the details mentioned.

The condition does not prevent the demolition of buildings and site clearance but excludes the undertaking of groundworks.

Condition 4

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 5

Prior to commencement of development, a Phasing Plan and timetable shall be submitted to and approved in writing by the local planning authority. This plan should identify the following:

- (i) The screening and relocation of the existing earth bund
- (ii) Site levelling
- (iii) Construction of the dwellings
- (iv) Implementation of Public Open Space.

The condition does not prevent the demolition of buildings and site clearance but excludes the undertaking of groundworks.

Reason:

To ensure a high quality and coherent development in the context of the historic use of the site and associated contaminates. In addition, to clarify how the site is to be phased to assist with the phased removal of the existing earth bund to ensure the satisfactory development of the site in accordance with Policy DC42 of the Core Strategy and Development Control Policies Development Document and to ensure that the development does not give rise to unacceptable visual impact or heavy vehicle movements. This information is needed prior to commencement of works because it establishes the construction programme for the benefit of LPA understanding.

Condition 6

a) No development shall take place until a scheme to assess and deal with any contamination of the site has been submitted to and approved in writing by the local planning authority.

b) Prior to the occupation or first use of the development, any remediation of the site found necessary shall be carried out, and a validation report to that effect submitted to the local planning authority for written approval and the development shall be carried out in accordance with that scheme.

Reason:

This information is required prior to the commencement of the development because this is the only opportunity for contamination to be accurately assessed. This is to ensure the development does not give rise to problems of pollution or contamination in accordance with Policies DC26 and DC29 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 7

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the local planning authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the local planning authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- run-off from the site restricted to a maximum of 24.5l/s for all events up to the 1 in 100 inclusive of climate change (40%) storm event.
- infiltration testing across the site area, in accordance with bre 365, to support the suds hierarchy.
- control of all surface water run-off generated within the development for all events up to and including the 1 in 100 year event inclusive climate change (40%).
- an appropriate amount of treatment in line with the ciria suds manual c753.
- final detailed modelling of the whole drainage network on site.
- a drainage plan highlighting final conveyance and exceedance routes, location and sizing of storage features, discharge/infiltration rates and outfall/s from the site.

Reason:

The National Planning Policy Framework paragraph 163 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Condition 8

No development shall take place, including any works of ground clearance or site preparation, until a scheme to minimise offsite flooding caused by surface water run-off and groundwater during construction works and measures to prevent pollution has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be adhered to throughout the construction period for the development.

Reason:

In the interests of highway safety.

Condition 9

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Condition 10

a) No demolition, development or preliminary ground works shall take place within the site until a written scheme of investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.

b) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

Reason:

This information is required prior to the commencement of the development because this is the only opportunity for archaeological investigation work to be undertaken. These works are required to ensure that adequate archaeological records can be made in respect of the site in accordance with Policy DC21 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 11

Prior to the commencement of the development hereby approved a Construction Environmental Management Plan (CEMP) and Ecological Landscape Management Plan (ELMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation value as detailed in the biodiversity impact assessment shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/ELMP the following information shall be provided:

- o A habitat creation and enhancement plan
- o Descriptions and mapping of all exclusion zone (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on areas to be utilised for habitat creation;
- o Details of the current soil conditions for any areas designated for habitat creation and detailing of what improvements and conditioning must occur to the soil prior to the commencement of habitat creation works;
- o Details of species composition and abundance where all proposed planting is to occur;
- o Proposed management prescriptions for all habitats for a period of no less than 25years
- o Assurances of achievability
- o Timetable of delivery for all habitats
- o A timetable for future ecological monitoring to ensure that all habitats achieve their proposed management condition. All ecological monitoring and all recommendations for the maintenance and amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be completed and thereafter maintained in accordance with the approved CEMP and ELMP

The condition does not prevent the demolition of buildings and site clearance but excludes the undertaking of groundworks.

Reason:

To ensure that no harm is caused to protected species in accordance with Policy DC13 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 12

Prior to any construction works, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 13

Prior to construction works full details of soft landscaping works including structural tree planting and tree screen planting shall be submitted to and approved in writing by the local planning authority. The details shall include the area designated as Public Open Space.

The accompanying plans and statements shall include:-

- (i) Full details of planting plans to include a plant schedule (including details of species, age, height, rootstock, numbers and spacing), details of timing of planting, plant staking and ties, plant protection, soil and plant pit specifications and a five year maintenance programme (including watering, mulching, weed control, pruning, hedge and grass cutting and plant feeding),
- (ii) Details of any earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site,
- (iii) The landscape treatment of roads, footpaths and cycle paths within that phase or sub-phase,
- (iv) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.

All soft landscape works shall be carried out in accordance with the approved details.

Reason:

To ensure that the built development has a satisfactory relationship with the adjoining landscape and to achieve an acceptable relationship between development and surrounding open countryside in accordance with Policies CP9, CP14, DC1 and DC42 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 14

Prior to the digging of any foundations, the following shall be submitted to and approved in writing by the local planning authority:-

- (i) A panel composed of samples of all building facing materials together with the product name, number, colour and manufacturer,
- (ii) Large scale drawings (1:20 unless otherwise agreed in writing with the local planning authority) showing the location of each material, typical details of the fenestration including set back and the position of rainwater goods and external meters;

- (iii) A panel composed of samples of all materials to be used in the paving of ground surfaces of both private and public areas including footways and visitor parking with the product name, number, colour and manufacturer,
- (iv) Appropriate scale details of the surfacing and marking between shared space and private space and shared space and visitor parking shall be submitted to and approved in writing by the local planning authority.

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

Reason:

To ensure that the detailed finish of the proposed buildings and hard landscape is visually satisfactory, robust and easily maintained, does not prejudice the lasting quality of the locality in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 15

In accordance with the recommendations set out in the Outline Remedial Method Statement dated October 2014 (novated to Castle Homes January 2019) prepared by Mayer Environmental an Environmental Engineer/Consultant (EC) shall be appointed to assist with remedial works.

Reason:

To ensure the development does not give rise to problems of pollution or contamination in accordance with Policies DC26 and DC29 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 16

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development the foul water drainage works shall be carried out in complete accordance with the approved scheme.

Reason:

To prevent environmental and amenity problems arising from flooding and an increased risk of flooding to existing properties in accordance with Policy DC25 of the Adopted Core Strategy and Development Control Policies Development Plan Document. This information is needed prior to commencement because the appropriate disposal of foul sewerage needs to be established prior to construction.

Condition 17

Prior to the laying of the estate road, details of all street lighting, street furniture, street name plates and any other signage shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure that the proposed development is visually satisfactory, to avoid street clutter, to minimise the number of sign posts in public spaces, to maximise the placing of lights and signs on building faces and to ensure lasting environmental quality in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 18

Within six months from the commencement of the development, a public art statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the following:

- (i) Proposed Public Art and location including details on the chosen theme and medium of the scheme; and
- (ii) Details for the installation and future maintenance

The approved Public Art scheme shall be implemented prior to first occupation of the development.

Reason:

To ensure that Public Art is provided in accordance with Policy DC43 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 19

Prior to the first occupation of development the public bridleway no. 9 to the south west of the principle access shall be upgraded to provide an all weather surface with the details to be submitted and approved in writing by the local planning authority.

Reason:

To allow for all year round pedestrian access in accordance with sustainability principles of policy CP1 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 20

Prior to first occupation of the development, the principle access to the development from Tile Works Lane at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the north east and 2.4 metres by 43 metres to the south west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason:

To provide adequate inter-visibility between vehicles using the principle access and those in the existing public highway in the interest of highway safety.

Condition 21

Prior to occupation of the proposed development, the Developer shall provide to each household a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason:

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

Condition 22

(i) Prior to first occupation, a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

(ii) On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development does not poses any unacceptable risks to the environment in accordance with Policy CP13 of the Core Strategy and Development Control Policies Development Plan Document.

Condition 23

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy for approval to the local planning authority detailing how this unsuspected contamination shall be dealt with.

Reason:

To ensure that the development does not poses any unacceptable risks to the environment in accordance with Policy CP13 of the Core Strategy and Development Control Policies Development Plan Document.

Condition 24

a) Details of the proposed treatment of all private boundaries and all boundaries interfacing with public or semi-public space including drawings of any gates, fences, walls, railings or piers.

b) The location of any structures including street furniture, refuse or other storage units.

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

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 25

A landscape management plan, including long term design objectives, management responsibilities and schedule of landscape maintenance for a minimum period of five years for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that the landscaping and planting is appropriately maintained in the interests of the character and appearance of the area in accordance with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

Condition 26

Prior to their installation, details of the facilities for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved details.

Reason:

To ensure that suitable facilities for refuse disposal are provided and that such facilities are visually satisfactory.

Condition 27

Electronic vehicle charging infrastructure shall be installed prior to the first occupation of the development hereby permitted in accordance with details that have been previously approved in writing by the local planning authority.

Reason:

To ensure that the development is constructed sustainably in accordance with Policies CP11 and DC24 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 28

Prior to their installation details of the location and design of all external artificial lighting and lighting furniture to all buildings, amenity areas and visitor parking areas.

Reason:

To ensure that the proposed development is visually satisfactory, to reduce the undesirable effects of light pollution on the amenities of the occupiers of neighbouring residential properties and future residents of the development, to avoid street clutter, to maximise the placing of lights on building faces, to ensure lasting environmental quality and to safeguard the character of the surrounding area in accordance with Policies CP9, CP13, DC1, DC29 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 29

Prior to the relocation of the bund, details shall be submitted to and approved in writing by the local planning authority and shall include exact location, extent of the bund, its proposed height and any hedgerow removal.

Reason:

To protect the visual amenities of the surrounding Green Belt in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 30

Any inert material to be removed from the site shall be screened onsite and disposed thereafter at the relevant licensed receiving facility.

Reason:

To ensure disposal is carried out in the appropriate to safeguard residents and the environment.

Condition 31

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policy DC25 of Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 32

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason:

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Condition 33

50% of all new dwelling units hereby approved shall be constructed to comply with Building Regulations Approved Document Part M4(2) Category 2 (2015 - as amended).

Reason:

To ensure the development provides sufficiently adaptable homes to meet current and future needs of residents in accordance with Policy DC36 of the Core Strategy and Development Control Policies Development Plan Document and emerging Local Plan policy H01.

Condition 34

There shall be no discharge of surface water from the development site 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 35

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 36

An updated arboricultural method statement and tree protection plan shall accompany any reserved matters application relating to landscaping and scale to be approved by the local planning authority before any development takes place and the development shall be carried out in accordance with the approved method statement and tree protection plan.

Reason:

To ensure that the landscaping and planting is appropriately carried out in the interests of the character and appearance of the area in accordance with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

Condition 37

The development shall be carried out in accordance with the details contained in the approved Ecological Appraisal January 2019 and its addendum June 2019 and the Reptile Survey Report 2019 prepared by Nicholas Pearson Associates subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

To ensure that no harm is caused to protected species in accordance with Policy DC13 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 38

If within a period of five years from the date of planting of any tree/hedge/plant, that tree/hedge/plant, or any tree/hedge/plant planted in replacement for it, is removed, uprooted, destroyed, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/hedge/plant of the same size and species as the original, shall be planted in the same place unless the local planning authority gives its written consent to any variation.

Reason:

To ensure that the built development has a satisfactory relationship with the adjoining landscape and to achieve an acceptable relationship between development and the surrounding open countryside in accordance with Policies CP9, CP14, DC1 and DC42 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 39

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 wall, gate or other means of enclosure other than hereby approved shall be constructed within or along the boundaries of the site without the written consent of the local planning authority.

Reason:

To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 40

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 dwellings hereby permitted shall not be enlarged or extended without the grant of an additional planning permission by the local planning authority.

Reason:

The erection of additional extensions which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) would be disproportionate in size in relation to the original building and would therefore constitute inappropriate development in the Green Belt contrary to Policy DC1.

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 Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. 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.
- 3 You are reminded that this permission is also subject to a legal agreement, and that the terms of this agreement must be complied with.
- 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 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 streetnaming@chelmsford.gov.uk.
- 6 The use of the term 'site clearance' for the purposes of this permission should be taken to mean the removal of the storage containers, workshops, caravans, scrap, rubbish, fencing within the site and other temporary structures. It does not include the removal of hardstanding, soil, rubble or the earth bund.
- 7 Your attention is drawn to the advice issued by Environment Agency contained within their consultation response which specifies the details which should be included in the assessment of contamination
- 8 Your attention is drawn to the advice issued by Essex County Fire and Rescue Service contained within their consultation response.
- 9 You advised that the existing earth bund should be removed outside of the hibernation period of reptiles to safeguard their protection.

- 10 A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 11 The applicant or any successor in title should maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Background Papers

Case File

ECC Minerals & Waste Planning

Comments
The Authority has no comment to make on this outline application.

Essex and Suffolk Water

Comments
No response received

Parks & Open Spaces

Comments
No response received

Leisure & Heritage Services

Comments
No response received

Anglian Water Services Ltd

Comments
<p><u>Wastewater Services</u></p> <p>The foul drainage from this development is in the catchment of South Woodham Ferrers Water Recycling Centre that will have available capacity for these flows</p> <p><u>Used Water Network</u></p> <p>Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and an on-site drainage strategy</p> <p><u>Surface Water Disposal</u></p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.</p> <p>Section 6 - Suggested Planning Conditions</p> <p>Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful</p>

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding.

Essex County Council (SUDS)

Comments
No objection to the granting of planning permission subject to conditions.

Police - Designing Out Crime

Comments
<p>We welcome the developer's comments in the planning statement (February 2019, 4.27) in relation to core policy CP20 to achieve well designed high quality places.</p> <p>Whilst there are no apparent concerns with the layout. To achieve the safe and accessible environment desired by the applicant would be through Secured by Design.</p> <p>However to make meaningful comment further we would require the finer detail such as the proposed lighting, landscaping boundary treatments and physical security measures as this development sits within a key area of East Hanningfield.</p> <p>We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving "Secured by Design Homes 2019 Award".</p>

Essex County Fire & Rescue Service

Comments
<p>In general terms it would appear from the plans included as part of the consultation that access for Fire Service Appliances is satisfactory, but it has not been possible to accurately scale from those plans within the submission to fully confirm compliance. However, this will require that access is in accordance with A. D. "B" B 5 Section 16 with a vehicle weight loading of 17.5 tonne.</p> <p>More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p> <p>It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.</p> <p>The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development.</p> <p>There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be</p>

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.

ECC Historic Environment Branch

Comments

An archaeological desk-based assessment accompanies the application, which indicates the potential for archaeological remains. The survival of some of the former brickworks buildings is also noted. As historic fabric, features and fittings, elucidating the history and use of these building may survive, it is important that such elements are 'preserved by record' by means of a historic building survey prior to the demolition of the existing buildings. In view of this, the following recommendation is made in line with the National Planning Policy Framework for a condition requiring building recording.

Recycling & Waste Collection Services

Comments

The developer states within the Master Plan, 4.4 Movement Hierarchy, that the secondary route is a shared surface carriageway, 4.80 metres overall highway width including a grass verge. Could the developer confirm the actual width of the block paved hard surface carriageway without the grass verge, for information purposes the collection vehicles have a maximum width of 2.85 metres and a maximum GVW of 26,000kgs.

Please advise the developer that all residual waste bins, garden waste bins and recycling receptacles will be provided by CCC but the Council will not be providing compost bins.

Council response

The site plan is indicatively only. This would be addressed at reserved matters stage.

ECC Infrastructure Delivery Team

Comments

According to our records this development is more than the statutory walking distance from the nearest primary and secondary schools, therefore Essex County Council (ECC) is obliged to provide free transport to the schools resulting in a long-term cost to ECC. The cost is estimated to be £1 0.80 per primary school pupil per day for 190 days per year; a standard academic year. It is the practice of Essex County Council to seek primary school transport costs for a 7 -year period and £5.34 per secondary pupil per day for 190 days per year; a standard academic year. It is the practice of Essex County Council to seek secondary school transport costs for a 5-year period.

Essex County Council request that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on school transport, as outlined above. For information purposes only, should the final development result in the suggested net increase of 92 houses with two or more bedrooms, the primary school transport contribution sum would be £396,446.40 and the secondary school transport contribution sum would be £93,343.20. Both amounts would be index linked to April 2019 costs.

Environment Agency

Comments
<p>We have reviewed Drawing 45484/2002/101 which indicates the development will be connected to the public foul sewer. This is satisfactory in addressing our concerns regarding the foul drainage methodology. We are therefore satisfied our holding objection can be removed.</p> <p><u>Trade Effluent/Trade Waste</u></p> <p>The applicant has clarified that there had been an error in the completion of the application form, which had indicated trade effluent will need to be disposed of. The proposal is for a residential development, and will not require trade effluent disposal, and so our concerns raised can be removed.</p> <p><u>Permitting</u></p> <p>Please refer to our previous letter for advice on permit requirements that may be necessary as part of this application. The Applicant should contact us to discuss permitting requirements at the site both in terms of surrender of existing permits and the need for permits for remediation operations at the site.</p> <p><u>Land Contamination</u></p> <p>We have reviewed the Mayer Environmental, Environmental Assessment Report dated September 2014. Further to our comments and conditions already raised, we provide the following comments in addition:</p> <p>The investigations undertaken to date indicate contamination has been found in both soils (frequently shallow) and groundwater at the site associated with the made ground and current land uses. We are pleased you are proposing some additional site investigations to update and supplement the existing work carried out. Groundwater measurements should be levelled into mAOD to enable the direction of groundwater flow to be determined and the same analytical suite should be undertaken as carried out in 2014. Once complete, a risk assessment should be undertaken for controlled waters, looking at all contaminants of concern (including ammoniacal N), using the appropriate assessment criteria and methodology to determine whether or not there is a need to undertake remediation of soils/ groundwater.</p> <p>We look forward to receiving the results of the supplementary works in due course.</p> <p><u>Soil Bund Relocation</u></p> <p>The bund reports indicate that the material is generally suitable for reuse as a bund provided that visual checks are carried out to ensure that non-soil material is removed from the excavated material before placement.</p> <p>Please note that we are aware that an area on the end of the bund at the North West corner of the site is likely to contain a significant amount of plastic window waste buried about 10 years ago. The excavated material would be regarded as waste (and as such would require new bund placement under a waste environmental permit or exemption), unless the operation is carried out in accordance with the CL:AIRE Definition of Waste Code of Practice (DoWCoP).</p>

Public Health & Protection Services

Comments
<p>Please put on D04 condition regarding contamination. This site has widespread ground contamination from heavy metals, BTEX compounds, other organics, ground gases and asbestos and is not suitable for</p>

residential use in its present condition.

The developer will need to submit a more detailed and comprehensive site investigation once demolition work has finished. Followed by a detailed remediation proposal.

In addition, the bund material contains elevated levels of contaminants (heavy metals, asbestos etc.) and cannot be moved onto a clean site as doing so would cause contamination of the clean site. I suggest that the bund material is removed off site for disposal at an appropriate facility. Full duty of care documentation will need to be provided.

H.S.E East Anglia Area

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.

Essex County Council Highways

Comments

The current Business Use at the Morelands Site would be replaced by the residential use. This Use generates a high number of OGV (Ordinary Goods Vehicles) trips. (OGV's consist of all rigid vehicles with four or more axles and all articulated vehicle.) These trips and have a much greater impact on the operation of the principle junction at Old Barn Lane/South Hanningfield Road, than standard vehicles. The OGV trips associated with the current Business Use would cease and be replaced by the Residential Use as proposed.

The Tileworks Lane carriageway from where it connects to Old Barn Lane to the north east to just beyond the west of the principle access to the Morelands site, was adopted as public highway by the Highway Authority in July 2015.

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

Ramblers Association

Comments

No response received

East Hanningfield Parish Council

Comments

02.04.2019 - The Parish Council does not object to the replacement of the existing house in principal but has concerns over massing, height and repositioning, and, should the City Council determine to approve the application, the PC would like to see permitted developments rights removed for windows and extensions.

29.04.2019 - The Parish Council supports the redevelopment of the industrial estate for housing, but is

concerned that the site does not meet normal expectations for sustainability, and therefore suggests that discussions take place with the applicant to provide safe access for pedestrians, with and without buggies, and cyclists to bus stops on South Hanningfield Road, and Southend Road. Improvements to Footpath 6 could make it more easily used. Also, there needs to be safe access for pedestrians and cyclists to the Rettendon Bell area and Rettendon village centre, and it is noted that there is a length of about 200m of cycle path between the equestrian centre and Rettendon village which has deteriorated and should be returned to a useable condition to make the route fully usable. A pedestrian crossing over the Southend Road to allow safe access to the Bell area and cycle path would be a sensible addition.

Lastly, PC would like to see provision of play equipment on the recreation areas.

Council's response

A condition is attached to upgrade bridleway no. 9 to the south west of the site to allow all-year round access to the bus stops on South Hanningfield Road.

It is not considered upgrading the cycle path between the equestrian centre and Rettendon village is a reasonable requirement specifically related to the development.

It is also not considered a pedestrian crossing and cycle path to Rettendon Common is not reasonably and specifically related to the development given the distance of the site from this area.

Rettendon Parish Council

Comments

Rettendon Parish Council support this application.

Natural England

Comments

It has been identified that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Chelmsford City Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Essex Bridleways Association (Sue Dobson)

Comments
No response received

Local Residents

Comments
<p>Five representations were received in total.</p> <p><u>Support</u> (four)</p> <p><i>General</i></p> <ul style="list-style-type: none">- Everything should be done to remove the site and replace it with quality housing- It will benefit the local environment significantly- The proposal has the potential to deliver significant environmental improvements to the site, and to reduce the impact of the site on immediate neighbouring properties <p><i>Landscaping, design, local enviros</i></p> <ul style="list-style-type: none">- The Landscape Strategy document should be conditioned- Suggest tree planting along the boundary with Foxley End- Developer should consult with residents to confirm ownership prior to removal of any existing boundary tree or fence- The development should respect the rural surroundings by not adding urban features like street lighting- Tile Works Lane should be returned to its previous tree lined appearance- The road network leading to the site kept as rural as possible- Would prefer fewer bigger properties <p>Council's response</p> <ul style="list-style-type: none">- Landscaping is a reserved matter. The application seeks only the principle of the development and access arrangements <p><i>Drainage</i></p> <ul style="list-style-type: none">- Developers to consider making mains sewer connections available to the existing properties in Tile Works Lane in addition to the new development- The proposal should have appropriate drainage <p><i>Pedestrian and cycle connections</i></p> <ul style="list-style-type: none">- Suggest a new Footpath/Bridleway/Track/Road is provided to the north of the site to Canon's Barn Bridge to allow safe pedestrian/cycle access from the site to the Royal Tiger Public House/Restaurant.- Suggest a new Footpath/Bridleway to provide a safe walking route alongside South Hanningfield Road connecting Chalk Street and Old Barn Lane to the Main Road Bridleway. This will allow safe pedestrian/cycle/equestrian access to The Bell Fields recreation ground, Bus Stops, Rettendon Bell pub and the shop, restaurant and equestrian centre at the Wheatsheaf site

Council's response

The site is not in reasonable proximity to the proposed new pedestrian/cycle connections and includes third party land agreement. They are not site specific requirements that are reasonably related to the development.

Education

- Morelands is located in the catchment area for the Sandon School in Chelmsford. Essex County Council has changed their school transport policy and now only offer transport to the nearest school, which they have calculated to be Bromfords School in Wickford. No public transport to Bromfords School exists so any children attending that school will be collected by an Essex County Council taxi. Children attending the catchment area school in Sandon will need to privately purchase a ticket for the Essex County Council School bus at a cost of £768 per year per child or will need to be driven in private cars. This arrangement is likely to create significantly more peak time car journeys to and from the site than is suggested in section 7 of the "Transport Assessment v1.1. January 2019" document and will further contribute to the existing air quality, parking and road safety issues around the Sandon School site at drop off and pick up times. The lack of supported School transport provision will limit the attractiveness of the proposed properties to working families with school age children.

Council's response

See education section in main body of report. It is not known at this time the number of future residents who would attend Sandon school.

Amenity

- Plots 1, 2, 3 and 4 will overlook 'Foxley End'
- Plots 5-12 will overlook 'Retreat'

Access

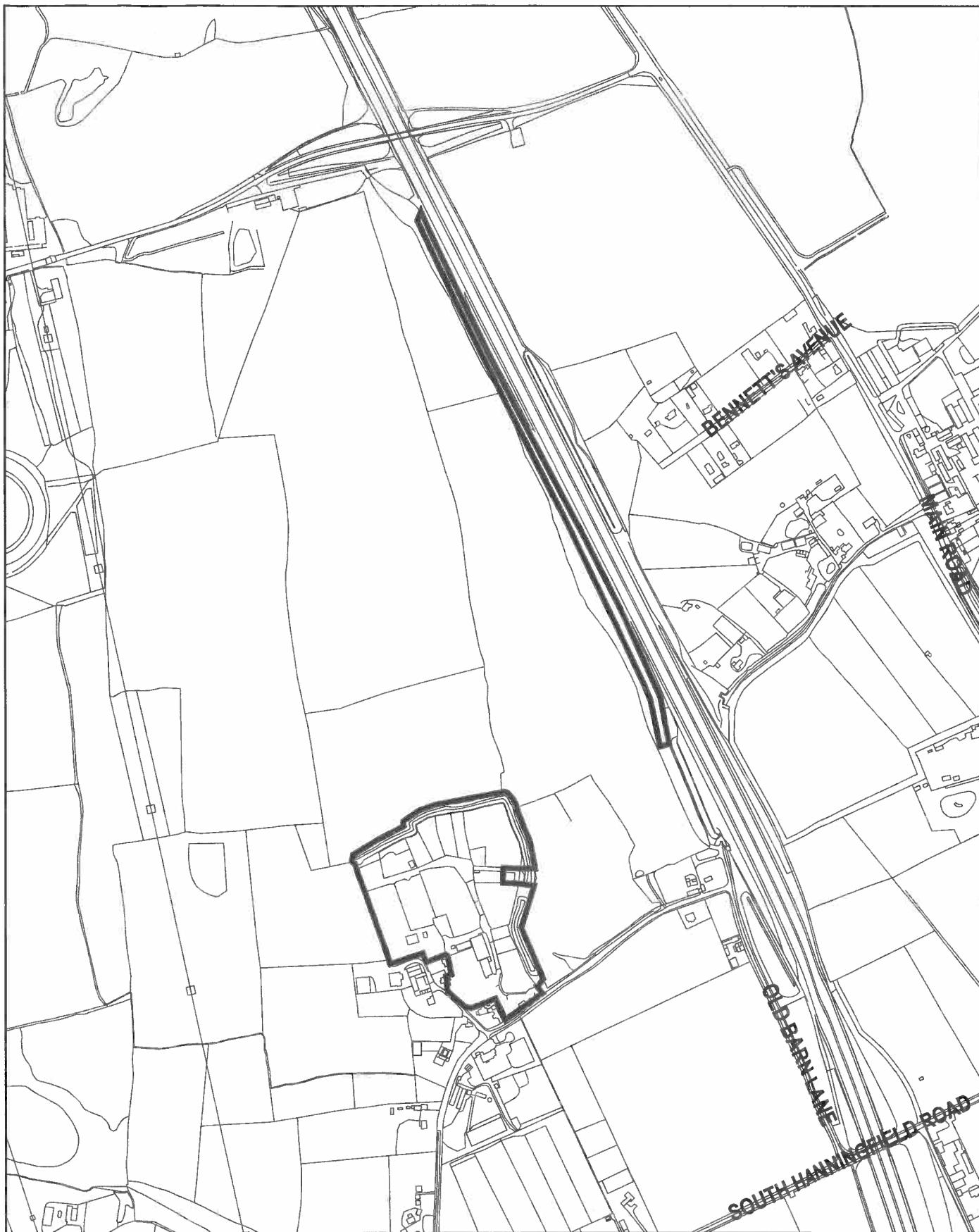
- Question whether any works proposed to Old Barn Lane to accommodate the increased traffic the proposed development
- The existing road surface is full of potholes and will need to be resurfaced and make good to accommodate an increase in traffic

Council's response

- See highways section in main report regarding existing and proposed vehicle movements
- Tile Works Lane is an adopted road and is the responsibility of the Highway Authority

Objection (one)

- The proposed siting of the development is particularly ill-considered
- No more houses are needed in this area
- The area has been an industrial site for many years and should be kept as a functional part of the Essex area. Small businesses need such a location to continue to exist or there will be no small businesses left any more.



0 30 60 120 Metres

1:7,500



**Planning Committee
19/00384/OUT**

**Planning & Development Management
Directorate for Sustainable Communities**

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

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KEY
SITE BOUNDARY

EXISTING BUND TO BE REMOVED

PUBLIC OPEN SPACE

The Retreat

Foxley End

Hunters Lodge

N

Appeals Report

Appeal Decisions received between 23/08/2019 and 25/09/2019

PLANNING APPEALS

Total Appeal Decisions Received	6	
Dismissed	6	100%
Allowed	0	0%
Split	0	0%

Written Reps

Land At 21 Glendale South Woodham Ferrers Chelmsford Essex

Reference	18/01552/FUL
Proposal	The construction of two new two bedroom dwellings.
Appeal Decision	Appeal Dismissed - 06/09/2019
Key Themes	Adequacy of parking arrangements, with reference to highway safety and refuse collection.
Agreed with CCC on	Inadequacy of parking arrangements, harm to highway safety, unsuitability of refuse collection arrangements.
Disagreed with CCC on	Nothing.
Costs Decision	None

Meadow Lands Formerly Part Of Levitts Farm Sporhams Lane Sandon Chelmsford Essex

Reference	19/00125/FUL
Proposal	Conversion of stables to dwelling.
Appeal Decision	Appeal Dismissed - 28/08/2019
Key Themes	Effect of proposal on character and appearance of area, whether the building is of permanent construction and suitable for the proposed use
Agreed with CCC on	Harmful, urbanising impact, eroding the openness of site, detracting from intrinsic character and beauty of the countryside. Insufficient information regarding permanence of building and whether capable of conversion.
Disagreed with CCC on	
Costs Decision	None

Good Graces Graces Lane Little Baddow Chelmsford Essex CM3 4AX

Reference	19/00143/FUL
Proposal	Entrance gates with piers and wing-walls.
Appeal Decision	Appeal Dismissed - 12/09/2019
Key Themes	Impact on the character and appearance of the area (countryside)
Agreed with CCC on	Effect on the intrinsic character and beauty of the countryside
Disagreed with CCC on	
Costs Decision	None

Site At Gatesgarth Ladywell Lane Sandon Chelmsford Essex

Reference	18/02090/FUL
Proposal	Demolition of existing dwelling and replacing with 3 detached dwellings. Alterations to access road and all associated works.
Appeal Decision	Appeal Dismissed - 06/09/2019
Key Themes	Whether the appeal scheme would be in a suitable location with reference to development plan policies concerned with housing in rural areas; The effect of the proposed development on the character and appearance of the area; The effect upon protected species, namely bats.
Agreed with CCC on	Appeal site not a small gap within a built-up frontage, therefore no support from DC12; Proposal not in a suitable location and at odds with DC2, and would undermine spatial strategy; Harmful impact on the character and appearance of Ladywell Lane; Development would not attach appropriate weight to protected species.
Disagreed with CCC on	
Costs Decision	None

Land Rear Of Southview Woodham Road Rettendon Wickford Essex

Reference	18/01877/FUL
Proposal	Retrospective planning application for construction of outbuilding.
Appeal Decision	Appeal Dismissed - 24/09/2019
Key Themes	Would the proposal be inappropriate development in the Green Belt; Effect of the proposal on the openness of the Green Belt; Would any harm would be outweighed by other considerations and constitute very special circumstances.
Agreed with CCC on	Not credible agricultural development, inappropriate development in Green Belt, would not preserve openness, no considerations which outweigh harm
Disagreed with CCC on	
Costs Decision	None

Householder**Ferrers House The Street Woodham Ferrers Chelmsford Essex CM3 8RG**

Reference	19/00449/FUL
Proposal	Proposed two storey rear extension. Two first floor side windows and rear Juliette balconies
Appeal Decision	Appeal Dismissed - 28/08/2019
Key Themes	Effect of the development on the character and appearance of the host dwelling and the area
Agreed with CCC on	Effect of the development on the character and appearance of the host dwelling and the area, including views from the side and rear of the site
Disagreed with CCC on	
Costs Decision	None

ENFORCEMENT APPEALS

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

Written Reps

Field Opposite Barrow Farm Metsons Lane Highwood Chelmsford Essex

Reference	17/00462/ENFB
Proposal	Porta cabin stationed on land and used for residential purposes, engineering works to land
Appeal Decision	Appeal Dismissed - 25/09/2019
Grounds of Appeal	Appeal under ground (g) - time for compliance with Notice is unreasonable
Agreed with CCC on	Time given is reasonable and proportionate.
Disagreed with CCC on	n/a
Costs Decision	None

TREES APPEALS

Total Appeal Decisions Received	3	
Dismissed	2	67%
Allowed	1	33%
Split	0	0%

Householder

64 Fortinbras Way Chelmsford Essex CM2 9PA

Reference	18/05161/TPO
Proposal	G1 3x Poplar - Front garden - Fell to ground level. Reason: Overly dominant, require regular maintenance and the proliferation of suckers.
Appeal Decision	Appeal Dismissed - 11/09/2019
Key Themes	Removal of three preserved trees in front garden
Agreed with CCC on	Trees have a positive impact on the amenity. Felling would harm the character and appearance of the area. No strong, overriding evidence to fell trees.
Disagreed with CCC on	None
Costs Decision	None

21 The Bight South Woodham Ferrers Chelmsford CM3 5GJ

Reference	18/05209/TPO
Proposal	Oak - T12 - Fell - Reason: Excessive size in proportion to garden, close proximity to house, shading of garden and falling debris.
Appeal Decision	Appeal Dismissed - 13/09/2019
Key Themes	The removal of a tree within a rear garden
Agreed with CCC on	The tree is an important aspect of the landscape and felling would negatively impact the character and appearance of area
Disagreed with CCC on	none
Costs Decision	None

Land North Of Cranham Road Little Waltham Chelmsford Essex

Reference	19/05026/TPO
Proposal	T10A - Oak - Remove two low branches - Reason: Give clearance to railings
Appeal Decision	Appeal Allowed - 13/09/2019
Key Themes	Removal of two large branches to facilitate fence installation.
Agreed with CCC on	none
Disagreed with CCC on	Tree has a very minor positive impact on local environment. There is a need for the work to accommodate the proposed fencing. The works accord with best practice in 3998:2010
Costs Decision	None