



**Planning Committee**  
**28<sup>th</sup> May 2024**

<b>Application No</b>	:	24/00114/FUL Full Application
<b>Location</b>	:	Land East Of Mill Lane Great Leighs Chelmsford Essex
<b>Proposal</b>	:	<b>Construction of one new dwelling with carport and bin store. Associated landscaping.</b>
<b>Applicant</b>	:	Mr & Mrs Richard and Eliana Booth
<b>Agent</b>	:	
<b>Date Valid</b>	:	29th January 2024

**Contents**

<a href="#">1. Executive summary</a>	2
<a href="#">2. Description of site</a>	2
<a href="#">3. Details of the proposal</a>	3
<a href="#">4. Other relevant applications</a>	3
<a href="#">5. Summary of consultations</a>	4
<a href="#">6. Planning considerations</a>	4
<a href="#">7. Community Infrastructure Levy (CIL)</a>	12

**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## 1. Executive summary

- 1.1. The application is referred to the Planning Committee at the request of a local ward member so that the architecture of the proposal can be considered by the Planning Committee.
- 1.2. The site is located in the Rural Area in an area of open countryside close to a cluster of rural properties. Local planning policies seek to restrict residential development in open countryside and protect the intrinsic character and beauty of the countryside having regard to the National Planning Policy Framework.
- 1.3. Local Plan Policy DM8 includes a prescribed list of exceptions which includes for a new dwelling which is of a design of exceptional quality or innovative nature. The applicant has requested that the proposal is considered in accordance with Paragraph 84 (e) of the National Planning Policy Framework which relates to houses of a design of exceptional quality in the countryside. The requirements of this paragraph are that the design is of exceptional quality in that it:
  - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 1.4. The proposal is for the construction of a large two storey detached house. The house would be orientated east-west in the plot and the design concept is based on the trees which are located on and around the application site which has influenced the design of the proposal and the colour palette of materials used. The house would have a green roof, solar panels and would be heated using an air source heat pump. The development includes ecological enhancements within the wider site which includes tree planting, creation of a pond and planting of wildflower grass.
- 1.5. In 2022 an appeal was dismissed on the site for an almost identical proposal. The Inspector found that the design of the proposal was very good but not truly outstanding. The Inspector identified that truly outstanding is high bar to meet and felt that the scheme did not meet that test.
- 1.6. The scheme under consideration is not materially different to that dismissed at appeal. The planning history of the site is a material planning consideration. The proposal is not considered to be truly outstanding in respect of its architecture. There has been no changes in national or local planning policy since the appeal decision which mean that a different conclusion can be reached.
- 1.7. Refusal is recommended.

## 2. Description of site

- 2.1. The site lies to the east of Mill Lane approximately 100m away from its junction with Boreham Road. It is rectangular in shape measuring about 2256 sqm and is bounded by Mill Lane along its western boundary which is about 57m long. Mill Lane runs in a north easterly-south westerly direction. There is a small shed located in the south east corner of the site but other than that the site is currently undeveloped, green and treed. There are two protected oak trees along the western boundary of the site (TPO/2011/003 refers).

- 2.2. A public footpath adjoins the southwest corner of the site and runs in a south easterly direction. The footpath connects to Mill Lane with a stile and is located on adjoining land to the application site.

### **3. Details of the proposal**

- 3.1. The proposal is for the construction of a two-storey detached dwelling which would site roughly centrally within the southern half of the plot. It also includes a single storey detached 2-bay car port structure close to the southern boundary of the site.
- 3.2. The existing vehicular access which lies to the southwest of the site would be used and a new driveway would extend across the southwestern corner towards the houses; large enough for two vehicles to park without interfering with the access to the car port. The drawings show that a sliding gate would be installed across the access.
- 3.3. The front elevation of the house would run parallel with the road. The house would have a mostly flat roof design with the height predominantly measuring 6.4m and then extending to 8.2m at the northern end where the roof kicks up with a mono pitch creating a south facing roof slope allowing for solar panels to take advantage of the southerly aspect. The floor plans show that there would be three large double bedrooms on the first floor.
- 3.4. The block plan shows that the southeastern corner of the site would be used as the rear and side garden to the house and the drawings indicate that this part of the site would be laid with a patio area and the remainder to grass. The land to the north of the house would be less formal and would be landscaped including removal of conifers and any site contamination, and inclusion of a new pond, wildflower and native tree planting, vegetable and flower beds and inclusion of integrated wildlife habitats such as bird boxes and bee posts.

### **4. Other relevant applications**

- 4.1. 21/01501/FUL - Refused 30th September 2021

Construction of new dwelling with detached carport, bin store and associated landscaping.

- 4.2. 21/00839/CUPAQ - Refused 15th June 2021

Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from Agricultural Buildings to 1 dwellinghouse (Class C3).

- 4.3. 09/01505/FUL - Refused 12th January 2010

Erection of a new dwelling and wind turbine.

- 4.4. 06/01100/FUL - Refused 24th July 2006

Erection of one dwelling and garage. Change of use to residential

- 4.5. 90/1856 - Refused 26th February 1991

Erection of 1 storey detached dwelling with detached double garage

Site at Mill Lane (Also known as land adjacent to Small Gains), Great Leighs

## 5. Summary of consultations

- ☐ Recycling & Waste Collection Services
- ☐ Public Health & Protection Services
- ☐ Essex County Council Highways
- ☐ Ramblers Association
- ☐ Great & Little Leighs Parish Council
- ☐ Local residents – six representations received

- 5.1. Full details of consultation responses are set out in appendix 1.
- 5.2. No response has been received from Recycling & Waste Collection Services
- 5.3. Public Health & Protection Services state that there may be contamination on the site from previous uses and that a pre-commencement condition is required to that effect. They also advise that an asbestos survey should be undertaken and that any asbestos needs to be removed by a qualified contractor and disposed of at a licensed facility. They have also requested for an Electric Vehicle (EV) charging point to be installed.
- 5.4. Essex County Council Highways has raised no objection to the proposal subject to conditions relating to a construction method statement, visibility splays for the vehicular access into the site, use of bound materials for the driveway, no surface water discharge into the highway and the provision of car and cycle parking.
- 5.5. The Ramblers Association have no comments on the proposal.
- 5.6. Great and Little Leighs Parish Council have not commented on the application.
- 5.7. Six representations have been received all in support of the proposal. The representations state the following:
  - Wonderful and outstanding design and ergonomically sound
  - The project is what Great Leighs needs to add to its beauty, prestige and value
  - Character of the village is compromised by new build houses on small plots
  - Design the community would be proud of and one we need more of
  - Green in concept
  - Would not harm but would help the local environment both practically and visually
  - Striking eco-friendly house

## 6. Planning considerations

### *Main Issues*

- 6.1. Strategic Policy S11 of the Chelmsford Local Plan relates to the role of the countryside. Part C relates to new development within the rural area. It states that within the rural area the intrinsic character and beauty will be recognised and assessed and development will be permitted where it would not adversely impact upon its identified character and beauty.
- 6.2. Policy DM8 of the Chelmsford Local Plan specifically relates to new buildings in the rural area. It states that planning permission will be granted for new buildings where the development would



not adversely impact upon the intrinsic character and beauty of the countryside and where the development complies with one of a list of criteria. The criteria relevant to this application is:

*viii. a dwelling which is of a design of exceptional quality or innovative nature.*

Paragraph 84 of the National Planning Policy Framework (NPPF) states that Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the exceptional circumstances apply. Of relevance is criteria e) where the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 6.3. Paragraph 139 of the NPPF advises that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.4. The appeal decision from 2022 for a near-identical proposal is a material consideration. The Inspector considered the appeal proposal before her in detail against the four 'tests' set out within NPPF paragraph 84e (previously para.80) making the point that all criteria of para 84e need to be achieved and that they prove to be a rigorous test to justify such development. The four 'tests' are;
  - Development is truly outstanding, reflecting the highest standards of architecture
  - Raise the standard of design in rural areas
  - Significantly enhances its immediate setting
  - Be sensitive to the defining characteristics of the area
- 6.5. The Inspector firstly considered the matter of whether the proposed development would be 'isolated'. Having regard to case law and following assessment of the site and its context and relationship with other development, she concluded that as the site would be spatially separated from the cluster of properties in its vicinity and had a sense of remoteness, she concluded that the site was 'isolated'.
- 6.6. Assessment of para 84e 'tests'

#### Highest Standards of architecture

- 6.7. For a proposal to be deemed exceptional and truly outstanding it should push the contemporary boundaries of construction and building methods. Exceptional quality of design requires the balance and integration of building design and landscape design. It is a marriage of structure and topography. Careful consideration should therefore be given to landscaping as well as building design. New isolated homes in the open countryside require the creation of a distinctive sense of place that fully integrates the building with its surroundings. In order to help raise standards of design in rural areas, proposals must become an exemplar for outstanding and innovative rural architecture.

- 6.8. The National Design Guide States that, *“well-designed places and buildings come about when there is a clearly expressed ‘story’ for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context. This ‘story’ will inform and address all ten characteristics”*.
- 6.9. The design of the appeal scheme and the current scheme take their main inspiration from the surrounding natural environment, trees in autumnal tones. The building envelope is of glass and timber with aluminium shingles set out to reflect abstract leaves with glazing panels to reflect the surrounding landscape. The current scheme includes an additional coloured cladding element of Inca Gold in addition to oxide red, corten and copper metallic. The main building structure of the current scheme is now out of timber to reduce the carbon footprint. Natural split stone cladding has been removed for the side at ground floor level and replaced with chestnut vertical cladding. The footprint of the building has been reduced compared to the appeal scheme from approximately 180sqm to 160sqm. Changes have been made to external doors and glazing. More wildlife friendly planting and additional hedgerow planting within the site are now proposed in addition to specific wildlife features such as [a](#) swift hotel, bee post and log pyramids.
- 6.10. The appeal scheme incorporated Passivhaus standard as the baseline with further energy efficiency improvements incorporated with the aim of the development being carbon neutral. The current scheme following latest Building Regulation standards follows the energy hierarchy principle and the building design follows a ‘fabric first’ approach to reduce the heating and cooling demand for the building from the outset.
- 6.11. The design concept described in the application documents is clear; it seeks to mimic what is currently present at the site, and along the site boundaries, to create a building inspired by trees and the tree canopy above. This relies upon the verticality of the lower part of the tree form, which is expressed in the structure and cladding details of the ground floor. The canopy itself above is a contrasting form, potentially organic in nature, where light is filtered, and shade is provided, in addition to shelter. As such the design concept is clear although it has had the result of limiting the ‘response to the context’ to trees within the site. This excludes the context of the wider local area; this also includes farmland, vernacular buildings, the settlement of Great Leighs, in addition to woodland, copses and hedgerows.
- 6.12. The success of the upper canopy element of the design is not apparent despite the revisions to the design and the additional colours to the aluminium shingle cladding, which has an autumnal colour palate. The form of the upper volume however remains angular and boxy, and the seasonal elevations provided illustrate that the presence of the metallic cladding, when viewed from the lane and further afield, would be an incongruous addition to the local context especially in the winter months. Despite the National Design Guide inviting contrast and juxtaposition as a design approach (above), the design fails to satisfy the ambition of the design concept.
- 6.13. In the dismissed appeal the Inspector said:
- “The term ‘truly outstanding...’ implies that the bar is particularly high and that few projects are likely to succeed in meeting this criterion. The architectural quality of the scheme is very good. The proposal would be visually interesting yet understated with clean lines, whilst the tree canopy inspiration is understandable and the sustainability features commendable I am not persuaded that it is truly outstanding.”*

- 6.14. As a result, in the context of the lane, the proposal would be an alien and boxy addition and little has changed following the revision of the scheme. The proposal, at first-floor level, is unlikely to be read as the organic form of a tree canopy; filtering light, creating shade, and providing shelter from the elements etc. The angular upward point of the roof to the north, although interesting and dramatic would create a form foreign to the context with its vernacular buildings often with full gables facing forward to the lane; this angular and unusual shape would only accentuate the bulk of the built form.
- 6.15. The current scheme has not materially altered the proposal. The architectural quality remains very good, it remains visually interesting with clean lines, and the tree canopy inspiration remains clear and understood. The sustainability features, which now include a timber construction remain commendable and the additional ecology features are welcomed but there is not sufficient difference between schemes for the local planning authority to now reach a different conclusion to the Inspector.

#### Raising Standards of Design in rural areas

- 6.16. The Inspector concluded that the appeal scheme would inspire many and although properties within the area were traditional in design they took different forms. She concluded that the contemporary design of the appeal scheme would raise the standard of design in this rural setting and as the proposed scheme is little different to the appeal scheme the same conclusion is drawn on this matter.

#### Would the scheme enhance its immediate setting and be sensitive to the defining characteristics of the local area?

- 6.17. The Inspector considered that the appeal site was relatively open, with mature trees and hedgerows bounding it. The site was overgrown but in the rural landscape the site did not negatively impact on the immediate area. The Inspector summarised that the appeal dwelling would sit within a landscaped setting comparable with a number of other properties within the local area. Whilst contemporary in design the appeal proposal sought to marry the dispensed residential character with the landscape character of the plot itself, by taking inspiration from the trees. The Inspector concluded that the appeal development would be sensitive to the defining characteristics of the local area but was not convinced that the architectural or environmental qualities would be sufficient to significantly enhance its immediate setting. The current proposal is not sufficiently different to the appeal scheme to enable a different conclusion to be reached.
- 6.18. In terms of Policy DM8 and para 84e of the NPPF the current scheme is considered to be of a high standard of design, but not truly outstanding. It would inspire others and raise design standards in this rural setting. It would be sensitive to the defining characteristics of the local area but would not significantly enhance its immediate setting through its architecture or environmental qualities.
- 6.19. The proposed development does not achieve all the criteria of paragraph 84e of the NPPF and the high bar required to meet the test of being truly outstanding is not met.

### Impact on the intrinsic character and beauty of the countryside

- 6.20. The existing site is void of any development except for a small field shelter/shed located in the far southern corner. The proposed dwelling is a large two storey building with an overall height of 8.3m and a width of approximately 17m. The upper floor level would be finished externally with aluminium shingles which have an autumnal palette of colours (Inca Gold, oxide red, corten and copper metallic) which frames large glass panels in the front and rear elevations. At each of the sides the first floor would predominantly be finished with aluminium shingles. At ground floor the dwelling would largely be externally clad with vertically hung chestnut timber cladding with sections of glazing panels between. The dwelling has been positioned to the southern part of the site. This is to reduce the impact on the undeveloped part of the site and the protected trees to the north.
- 6.21. A single storey detached car port is proposed adjacent to the access point plus a bin store and a new sliding access gate. A low post and rail fence along Mill Lane is also shown on the indicative drawings and pictures.
- 6.22. The site is accessed and can be seen from Mill Lane. The site is currently overgrown and has the appearance of a green and undeveloped rural land. The existing shrubbery and greenery along with the large, protected oak trees offer some protection and concealment from the lane. The existing small building for example is not visible from the site due to the overgrown nature of the shrubbery which also conceals the existing hardstanding around the building. The development of the site would require a substantial amount of clearance of the existing shrubbery.
- 6.23. The dwelling by virtue of its size, position and bulk would be a prominent feature within the site and the wider street scene. Following the clearance of the shrubbery it would also be clearly visible from Mill Lane and would appear as a discordant feature in an area of the road where there are no similar large domestic buildings. The proposed development would not be so visually protected by the remaining trees along Mill Lane for it to not be easily perceived. It is noted that whilst it may be less prominent during the autumn months at other times of the year the house would appear completely at odds with the site and would stand out as a large and dominant structure.
- 6.24. The garage, refuse store, sliding gate and fencing along with the clearance works required to facilitate the access into and out of the site would further emphasise the presence of the new domestic dwelling and domestication of the site. This would not be in keeping with the rural character and appearance of the site and the surrounding Mill Lane.
- 6.25. The proposed development would change the nature and character of the site from a rural and undeveloped plot to one with a domestic character and appearance. This would have a materially adverse impact on the character and appearance of the countryside and would detract from the open and verdant character of the area. It would therefore adversely impact upon the intrinsic character and beauty of the countryside and would be contrary to Policies S11 and DM8 of the Chelmsford Local Plan and Paragraph 180 of the NPPF.

### Sustainable Development

- 6.26. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

- 6.27. Paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF and should be pursued in a positive way.
- 6.28. Paragraph 8 sets out the three dimensions to sustainable development: economic, social, and environmental roles. The roles should not be undertaken in isolation because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
- 6.29. At a local policy level Strategic Policy S1 of the Chelmsford Local Plan sets out the Council's Spatial Principles. These principles include locating development at well-connected and suitable locations.
- 6.30. Policy S7 sets out the Spatial Strategy. This states that new housing should be focused in the most sustainable locations in accordance with the settlement hierarchy.

#### *Economic*

- 6.31. Although a relatively generic benefit, the proposal would have an economic role in supporting/creating jobs during the construction stage of the scheme.
- 6.32. The new dwelling would provide a home to people who would be likely to support the existing local services and businesses in the nearby Great Leighs village. The delivery of housing also has an economic benefit in boosting housing supply. However, this development would only provide one new dwelling and the growth needs of the Council's administrative area is being realised through the ability to demonstrate five years' worth of specific deliverable sites.
- 6.33. Taking into consideration the economic benefits, limited weight is attributed to the scheme in fulfilling its economic role of sustainable development.

#### *Social*

- 6.34. Under a social role, high quality built development is supported by accessible local services that reflect the community's needs. This strategic approach to new development is supported through the City Council's spatial strategy which seeks through Policies S1 and S7 to direct development first and foremost to the main urban areas and within Key Service Settlements where new housing development can be supported by existing infrastructure.
- 6.35. The proposed development would be contrary to this spatial strategy in that it is not in an area for planned growth.
- 6.36. The NPPF seeks to promote sustainable transport. Whilst the Framework recognises that the opportunities for sustainable travel will be less in rural areas, there is a clear objective to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.37. The nearest bus stops are located along Main Road in Great Leighs which is approximately 800m to the west of the application site. While the walk time to the bus stops would not be excessive in reality it would be difficult for the future occupants of the dwellings to access the bus stop as there is no direct footpath link between the application site to the bus stops. The footpaths are either across fields on the western side of Mill Lane across towards Great Leighs or occupants will need to walk south to Boreham Road where there is a hard surfaced footpath which runs

westward from outside Fulbournes Cottages, which connects to Main Road, Future occupiers would need to walk along Mill Lane in the road however as there is no footpath from the site to Boreham Road. There is no street lighting along Mill Lane. along the field footpath or along approximately 500m of the route along Boreham Road (between Fulbournes Cottage and Beadle Way). This would make travelling to the bus stop an unattractive option which could potentially be difficult and dangerous.

- 6.38. Given the lack of public footpaths and considering they are unlit it is unlikely that the bus stop would be used and therefore future occupiers would be heavily reliant on private transport.
- 6.39. The proposal therefore fails to meet the social strand of sustainable development which weighs against the development.

#### *Environmental*

- 6.40. In respect of the environmental role of sustainable development, the NPPF refers to protecting and enhancing the natural, built and historic environment.
- 6.41. The proposal would introduce new development onto land that is currently an open site. The new dwelling would be self-sufficient and eco-friendly with a number of measures proposed to allow it to be net carbon neutral and the occupants to be self-sufficient. The new large dwelling on the site would however be harmful to the character of the site and would be visually prominent from Mill Lane.
- 6.42. In summary, the proposed development would fail to meet the social and environmental strand of sustainability as it would have poor access to public transport links and would introduce new dwellings in part of the site that is currently open and undeveloped.

#### Development Standards

- 6.43. The dwelling proposed is shown to contain three bedrooms but there is the potential for it to be a five-bedroom dwelling if the music room and study on the ground floor were converted. The dwelling would meet the required space standards for its size as set out in the Nationally Designed Space Standards.
- 6.44. The future occupants of the dwelling would have a private garden area to the rear of the house.
- 6.45. The proposed refuse and recycling provision would be acceptable.

#### Neighbour Amenity

- 6.46. Chelmsford Local Plan Policy DM29 relates to protecting living and working environments. This Policy states that planning permission will be granted for development proposals provided the development:
  - i. Safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in acceptable overlooking or overshadowing. The development shall not also result in excessive noise, activity or vehicle movements; and

- ii. Is compatible with neighbouring or existing uses in the vicinity of the development by ensuring that the development avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.
- 6.47. The proposed development would not adversely affect the amenity of any nearby or neighbouring residential properties.

#### Contamination

- 6.48. The Council's Public Health and Protection Services have noted that there is a potential for there to be contamination from the previous uses of the site. They are also concerned that there could be asbestos in the existing building. Had the application been recommended for approval then a condition relating to contamination could have been attached to the decision.

#### Access and Parking

- 6.49. The proposal would use an existing access from the highway. The local highway authority has raised no objection to the proposal subject to conditions relating to the provision of visibility splays, siting of the proposed gate and the use of bound materials. Had the application been recommended for approval these details could have been secured by condition.

#### Sustainable Buildings

- 6.50. Chelmsford Local Plan Policy DM25 requires all new dwellings to incorporate sustainable design features. These are that the dwellings shall meet the Building Regulations optional requirement for water efficiency of 110litres/person/day and that Electric Vehicle charging point infrastructure of 1 charging point per unit shall be provided. Had the application been recommended for approval these details could have been secured via planning conditions.

#### Ecology

- 6.51. The existing building does not provide opportunities for bats however bird nests were recorded. The site does provide foraging/commuting and nesting opportunities for bats and birds, respectively and the removal of trees and scrub would reduce these. Mitigation and enhancement measures are proposed including integral bird and box boxes and new landscaping.
- 6.52. The habitats are sub-optimal for reptiles and the size of the site would not likely support a population on its own, it is most likely used in a wider context. A precautionary method statement of habitat manipulation is proposed which would follow the same principles for Great Crested Newts (GCN) to ensure harm does not occur.

#### Trees

- 6.53. There are two oaks situated to the front of the site protected by preservation order TPO/2011/003. There is also an offsite group of preserved trees along the northern boundary protected by the same order. Collectively, they contribute to the rural character of the local environment.
- 6.54. There will be no direct or indirect impact to the preserved trees nor will the layout give rise to future liveability issues. Some tree removal is required to facilitate construction however these



are not protected and have site value only. The proposed protection measures for retained trees is sufficient and there is enough working space and areas for site storage/parking and welfare facilities.

- 6.55. The supporting landscape specification sets out the proposed herbaceous, shrub, hedge and tree planting. The choice and size of species is suitable and the proposed locations acceptable.
- 6.56. Had the application been recommended for approval conditions relating to compliance with the tree constraints plan and landscape specification report.

#### RAMS

- 6.57. The proposal site falls within 'zones of influence' identified by Natural England for likely significant effects to occur to European designated sites, in this case specifically the Blackwater Estuary Special Protection Area and RAMSAR site. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development. The RAMS Unilateral Undertaking has been made by the Applicant to address the need for mitigation for the dwelling which would be created by the proposal.

#### Tree Planting

- 6.58. The Council has declared a Climate and Ecological Emergency to focus attention on reducing carbon and greenhouse gas emissions in the area and to plan for a more sustainable future. The Council's Climate and Ecological Emergency Action Plan includes undertaking a greening programme to significantly increase the amount of woodland and the proportion of tree cover in Chelmsford.
- 6.59. Strategic Policy S2 of the Chelmsford Local Plan recognises that new development will seek to mitigate and adapt to climate change. The submitted block plan indicates new tree planting within the site and the requirement for three trees per net new dwelling could be achieved by way of a condition in the event that the application were to be approved.

## **7. Community Infrastructure Levy (CIL)**

- 7.1. This application may have been CIL liable. If the application had been recommended for approval, a CIL charge may have been payable.

### **RECOMMENDATION**

**The Application be REFUSED for the following reasons:-**

#### **Reason 1**

Paragraph 180 of the National Planning Policy Framework (NPPF) states that decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

Strategic Policy S11 of the Chelmsford Local Plan relates to the role of the countryside. Part C relates to new development within the rural area. It states that within the rural area the intrinsic character and beauty will be recognised and assessed and development will be permitted where it would not adversely impact upon its identified character and beauty.



Policy DM8 of the Chelmsford Local Plan relates to new buildings in the rural area. It states that planning permission will be granted for new buildings where the development would not adversely impact upon the intrinsic character and beauty of the countryside.

The proposed dwelling would introduce a large boxy structure and associated domestic paraphernalia onto a site that is currently open and overgrown. The proposal would be visually prominent and discordant feature in the street scene that would change the nature of the site. the proposal would detract from the open and verdant character of the area and would cause harm to the intrinsic character and beauty of this part of the countryside.

It would therefore contravene the requirements of Policies S11 and DM8 of the Chelmsford Local Plan and Paragraph 180 of the NPPF.

## **Reason 2**

Policy DM8 of the Chelmsford Local Plan relates to new buildings in the rural area. It states that planning permission will be granted for new buildings where the development would not adversely impact upon the intrinsic character and beauty of the countryside and where the development complies with one of a list of criteria. The criteria relevant to this application is;

viii. a dwelling which is of a design of exceptional quality or innovative nature.

Paragraph 84 of the National Planning Policy Framework (NPPF) states that isolated dwellings in the countryside should be avoided unless they comply with a specific list of criteria. This includes buildings with an exceptional design quality and a truly outstanding design.

Additionally, paragraph 139 of the NPPF requires that great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally in the area and fit in with the overall form and layout of the surroundings.

The proposed house would not in itself be outstanding or innovative in its design approach nor would it sufficiently enhance its immediate setting.

It would therefore fail to comply with the requirements of paragraphs 84 and 139 of the NPPF and Policy DM8 of the Chelmsford Local Plan.

## **Reason 3**

Paragraph 8 of the National Planning Policy Framework (NPPF) sets out the dimensions of sustainable development: economic, social and environmental. Paragraph 10 of the NPPF sets out the approach to the presumption in favour of sustainable development.

Strategic Policies S1 and S7 of the adopted Chelmsford Local Plan reflects the sustainability objectives of the NPPF and seeks to locate new housing in the most sustainable location.

The development is contrary to the Council's development plan. It would lie outside of any Defined Settlement and would conflict with the Council's Borough-wide spatial strategy.

Boreham Road would provide access from the application site to the Defined Settlement. There no bus stops outside of the village and no direct pavement links and no street lighting leading to the bus stops. Future residents would be reliant on private vehicles for accessing almost all 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.

The proposal would introduce new development onto land that is currently an open site. The new dwelling would be self-sufficient and eco friendly with a number of measures proposed to allow it to be net carbon neutral and the occupants to be self sufficient. The new large dwelling on the site would however be harmful to the character of the site and would be visually prominent from Mill Lane. The proposal would be contrary to the environmental strand of sustainable development.

The principles of sustainable development are not fulfilled, and the development does not amount to sustainable development of the purposes of paragraphs 8 and 10 of the National Planning Policy Framework and Strategic Policies S1 and S7 of the Chelmsford Local Plan.

### **Notes to Applicant**

- 1 This application would be liable for a payment under the Community Infrastructure Levy Regulations (as Amended) 2010 if planning permission had been granted. If an appeal is lodged and subsequently allowed, the CIL liability will be applied.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

**Plans to be listed on any Decision Notice:**

LH00/B  
 LH02/A  
 LH08  
 DD07  
 LH06  
 LH05  
 LH07  
 1247-02/A  
 S02  
 LH03  
 LH04  
 Planning Statement  
 Badger Survey  
 Design and Access Statement  
 Arboricultural Impact Assessment  
 Landscape Design Strategy Specification  
 Sustainable Energy Statement  
 Design Development - Tree mass & Colour  
 Design Development  
 Leaf House Proposed Landscape Design

**Appendix 2 – Consultations**

**Recycling & Waste Collection Services**

Comments
No response received

**Public Health & Protection Services**

Comments
02.02.2024 - Please put on an ENV07 condition, due to the potential for contamination from previous site uses.

An asbestos survey must be undertaken prior to works commencing. Any asbestos found must be removed by a qualified contractor and disposed of at suitably licensed facility.

This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated).

## Essex County Council Highways

Comments
<p>21.03.2024 - Your Ref: 24/00114/FUL</p> <p>Our Ref: CO/EGD/SD/RM/CHL/24/114/50208</p> <p>Date:- 21st March 2024</p> <p>Recommendation Issue 2</p> <p>' This Issue 2 conditional recommendation for approval. replaces the previous recommendation.</p> <p>' The conditional approval is consistent with application the previous application ref: 21/01501/FUL</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.</p> <p>Note - MUD / DEBRIS ON HIGHWAY</p> <p>Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the</p>

highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

2. The existing vehicular access at its centre line shall be provided with a visibility splay across the front boundary adjacent to Mill Lane with dimensions of 2.4 metres to the north side boundary and to the south west side boundary, as measured from and along the nearside edge of the carriageway as shown in the Hard Works, drawing no. 1247-02 Rev A. The vehicular visibility splays shall be provided and retained free of obstruction above ground level at all times.

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

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

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

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

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

5. The proposed sliding gate provided at the vehicular access shall be set back not less than 6 metres from the back edge of the carriageway as shown in the Land East of Mill Lane as shown in the Hard Works, drawing no. 1247-02 Rev A.

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

6. Prior to first occupation of the proposed development, the drive and parking areas including the car port parking, as shown in the Hard Works, drawing no. 1247-02 Rev A shall be constructed ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

**Informatives:**

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

The applicants should be advised to contact the Development Management Team at SMO2 by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

20.03.2024 - Your Ref: 24/00114/FUL

Our Ref: CO/EGD/SD/RM/CHL/24/114/50208

Date:- 20th March 2024

**Recommendation for Refusal**

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. As far as can be determined from the submitted plans, the proposal would obstruct definitive line of public footpath no.24 Great and Little Leighs (Parish 221), contrary to policies DM1 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

## Notes

i. The public's rights and ease of passage over the existing public footpath no.24 (Parish 221) must be maintained free and unobstructed at all times.

ii. The alignment of Public Right of Way, footpath no. 24 is accommodated within the existing vehicular access and continues southeast across the southwest corner of the site.

' The proposed gate and boundary fencing would obstruct access and the carport proposed would be constructed across the definitive route of footpath no.24 .

iii. The Highway Authority may consider proposal where the alignment of footpath no.24 is not obstructed in any way:

' The carport must be repositioned clear of the route alignment of footpath no.24.

' Footpath no.24 must not be gated or obstructed by boundary fencing.

iv. A definitive plan for the public right of way footpath no.24 may be obtained from Essex County Council Highway Records by emailing [highway.status@essexhighways.org](mailto:highway.status@essexhighways.org). Note there is a small charge for this service.

21.03.2024 - Your Ref: 24/00114/FUL

Our Ref: CO/EGD/SD/RM/CHL/24/114/50208

Date:- 21st March 2024

## Recommendation Issue 3

' Additional condition to protect Public Right of Way, footpath no. 24.

' This Issue 2 conditional recommendation for approval. replaces the previous recommendation.

' The conditional approval is consistent with application the previous application ref: 21/01501/FUL

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

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note - MUD / DEBRIS ON HIGHWAY

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

2. The public's rights and ease of passage over public footpath no. 24 (Great and Little Leighs Parish 221) shall be maintained free and unobstructed at all times.

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

3. The existing vehicular access at its centre line shall be provided with a visibility splay across the front boundary adjacent to Mill Lane with dimensions of 2.4 metres to the north side boundary and to the south west side boundary, as measured from and along the nearside edge of the carriageway as shown in the Hard Works, drawing no. 1247-02 Rev A. The vehicular visibility splays shall be provided and retained free of obstruction above ground level at all times.

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

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



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

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

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

6. The proposed sliding gate provided at the vehicular access shall be set back not less than 6 metres from the back edge of the carriageway as shown in the Land East of Mill Lane as shown in the Hard Works, drawing no. 1247-02 Rev A.

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

7. Prior to first occupation of the proposed development, the drive and parking areas including the car port parking, as shown in the Hard Works, drawing no. 1247-02 Rev A shall be constructed ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

8. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

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

The applicants should be advised to contact the Development Management Team at SMO2 by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

## Ramblers Association

### Comments

29.02.2024 - Dear Sir/Madam

We have been contacted directly by the applicant to confirm that he had responded to our original objection. Although we had not been informed of any re-submitted information we have now seen the letter sent by the applicant, with the attached photo and revised site plan.

We would confirm that this responds to our original objection and that we now have NO FURTHER COMMENTS.

Regards

Simon Polley

Chelmer and Blackwater Ramblers - Planning Monitor

email: [candbplanning@gmail.com](mailto:candbplanning@gmail.com)

07.02.2024 - Dear Sir/Madam

Thank you for advising the Ramblers of this planning application. On behalf of the Ramblers Association we wish to make the following comments:-

Footpath 24 - Great and Little Leighs appears to cut across the South/East corner of the site.

Reference is not made to this PRow within the submitted information or how it is to be maintained.

At this stage we would OBJECT to the proposal until this issue has been highlighted and resolved.

Simon Polley

Chelmer and Blackwater Ramblers - Planning Monitor

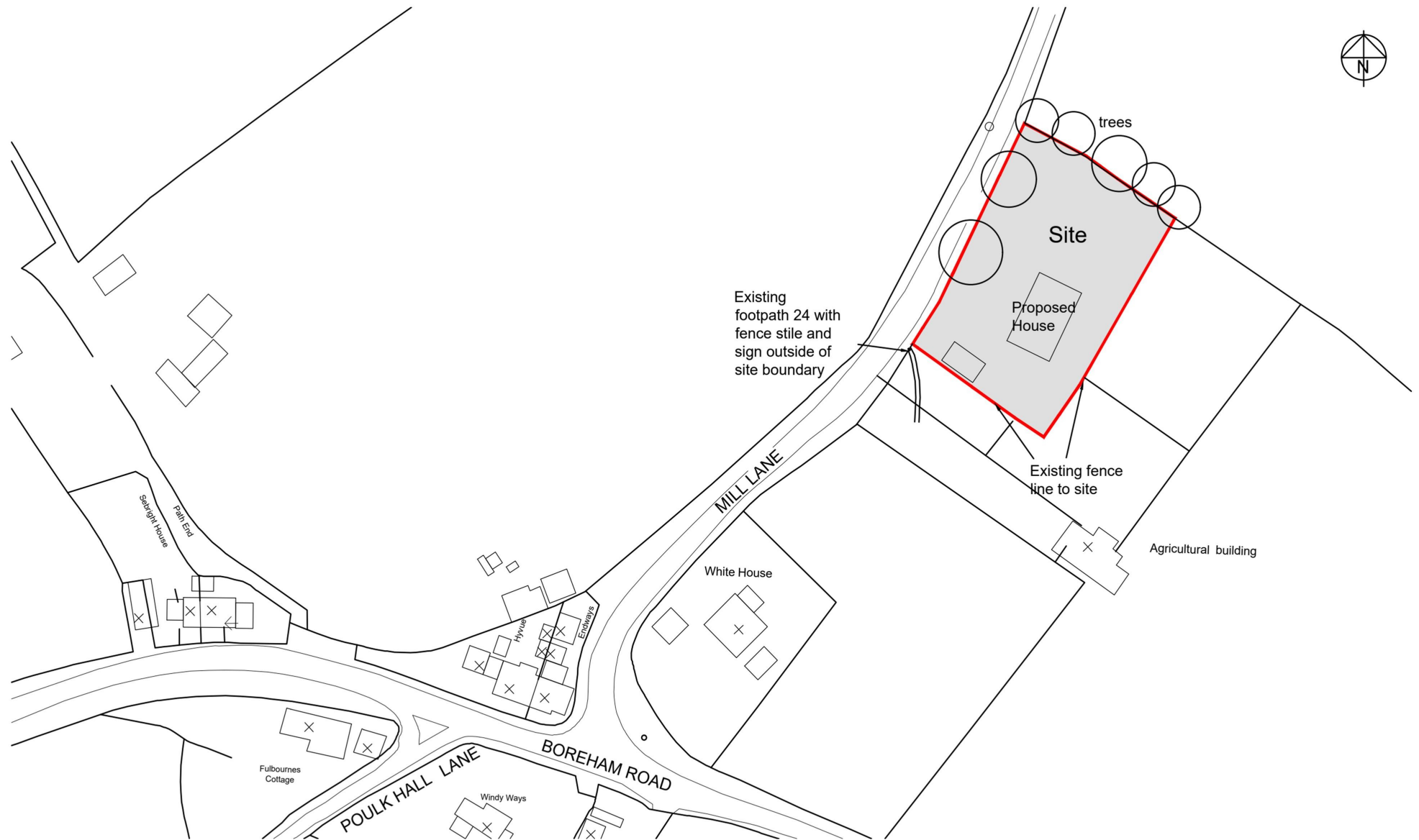
email: candbplanning@gmail.com

### **Great & Little Leighs Parish Council**

Comments
No response received

### **Local Residents**

Comments
Representations received – needs summarising



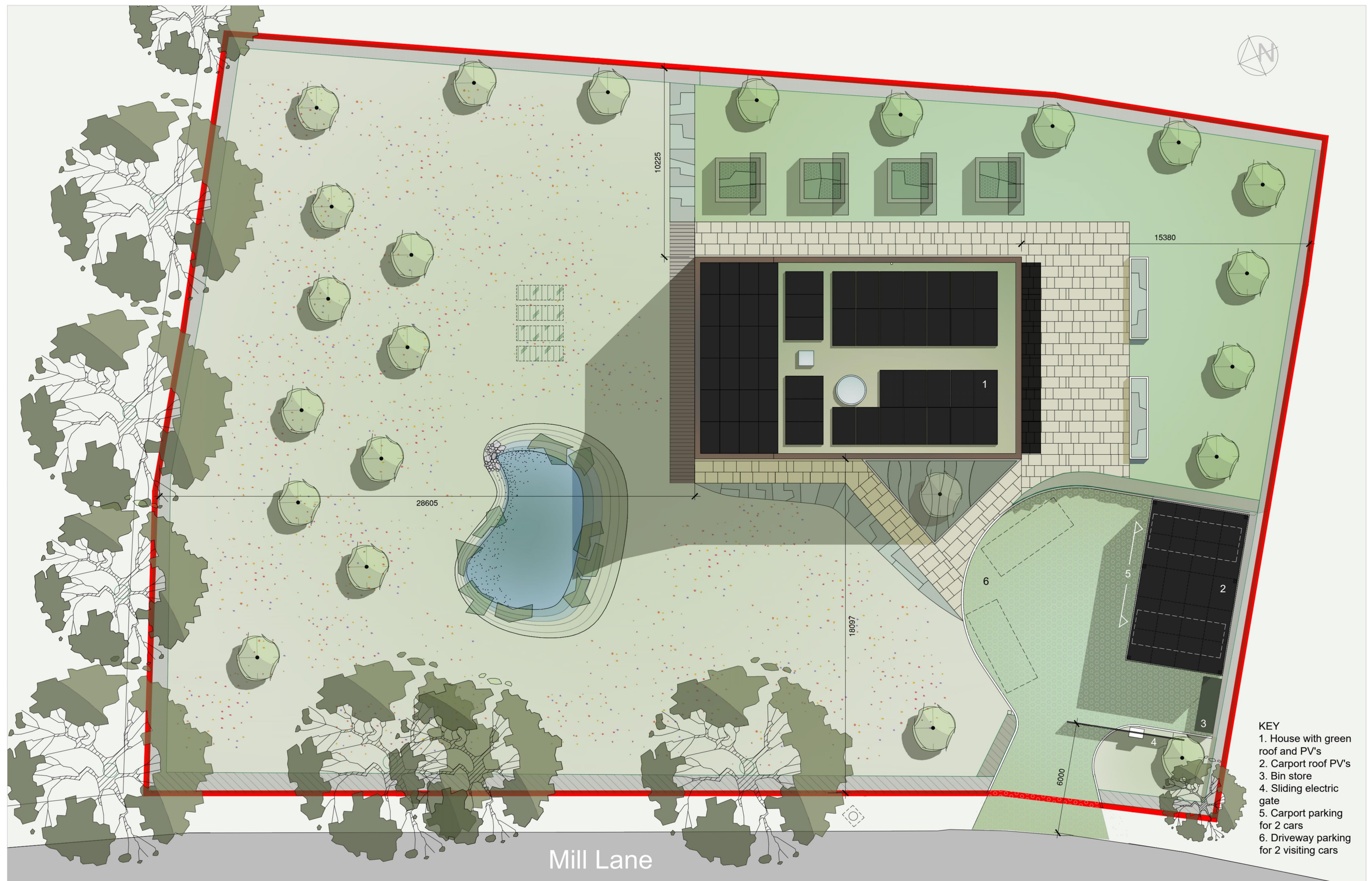
Location plan

SCALE 1:1250 @A4



Leaf House LH00<sub>B</sub> RBA





Proposed Block Plan

SCALE 1:200 @A3  
0 1 2 3 4 5

Leaf House LH02<sub>A</sub> RBA

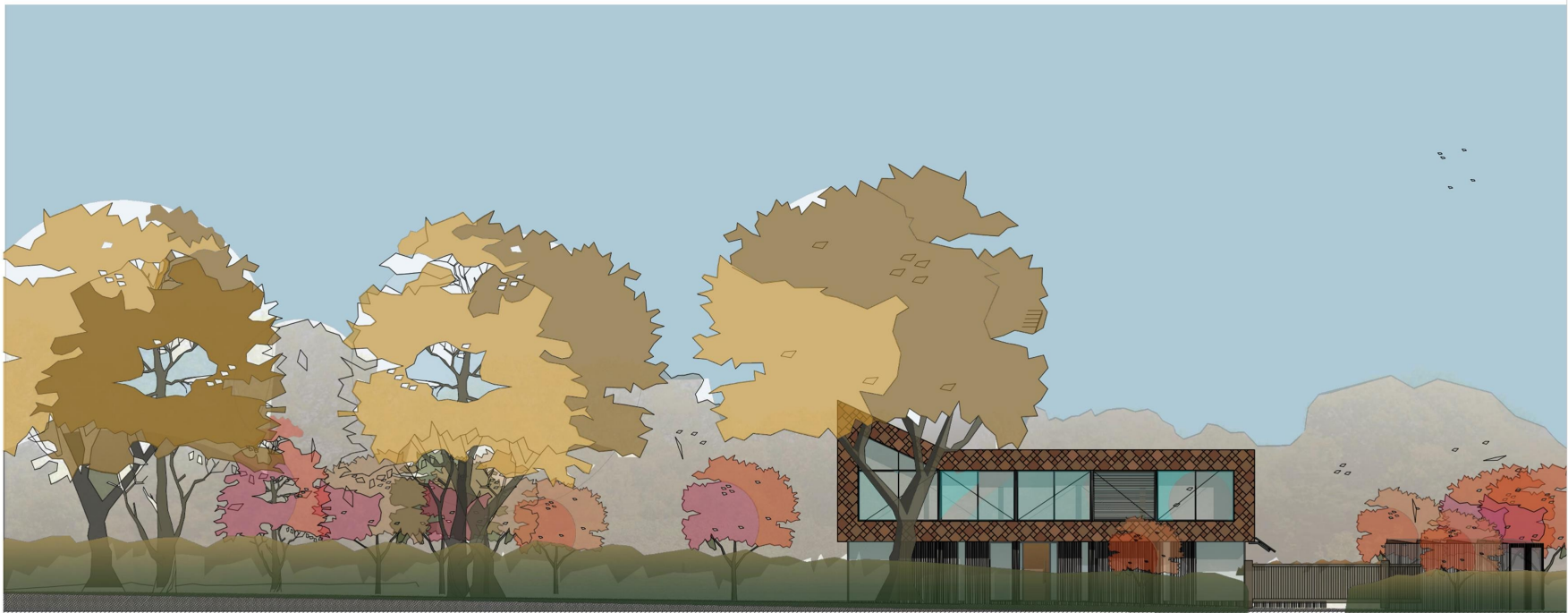




INDICATIVE SPRING ELEVATION



INDICATIVE SUMMER ELEVATION



INDICATIVE AUTUMN ELEVATION



INDICATIVE WINTER ELEVATION

THE FOUR SEASONS

Leaf House LH08 RBA



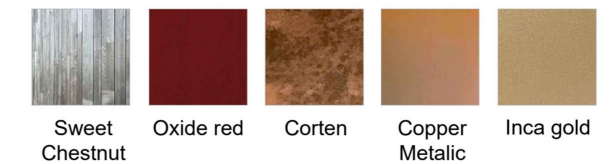


END ELEVATION - NORTH NORTHEAST 1:100

1. First floor wall cladding to be aluminium shingles in two sizes of colours Corten, Inca Gold, Copper Metallic and Oxide Red to a pattern design.
2. Aluminium flashings, wall cappings in Corten colour to match shingle.
3. Ground floor walls structural timber design internally and externally vertically fixed sweet chestnut cladding strips.
4. Triple glazed windows/doors (fixed and opening), sliding/swing/top hung with aluminium frames in colour RAL 7016 Anthracite.
5. Spandrel glass screen printed.
6. Structural glazing.
7. Glass rooflight.
8. Timber columns and stainless steel tension wires as part of structural timber frame design.
9. Door in colour to match shingle Corten colour brown.
10. Brise soleil formed from PV panels and support steelwork.
11. Louvre doors to Air Source Heat Pump in colour RAL 7016 Anthracite.
12. Photovoltaic (P.V.) panels on roof of house and carport.
13. Integrated Swift box.
14. Integrated small bird box.



COLOUR PALETTE - timber cladding and shingles



MILL LANE ELEVATION - WEST NORTHWEST 1:100 @A3



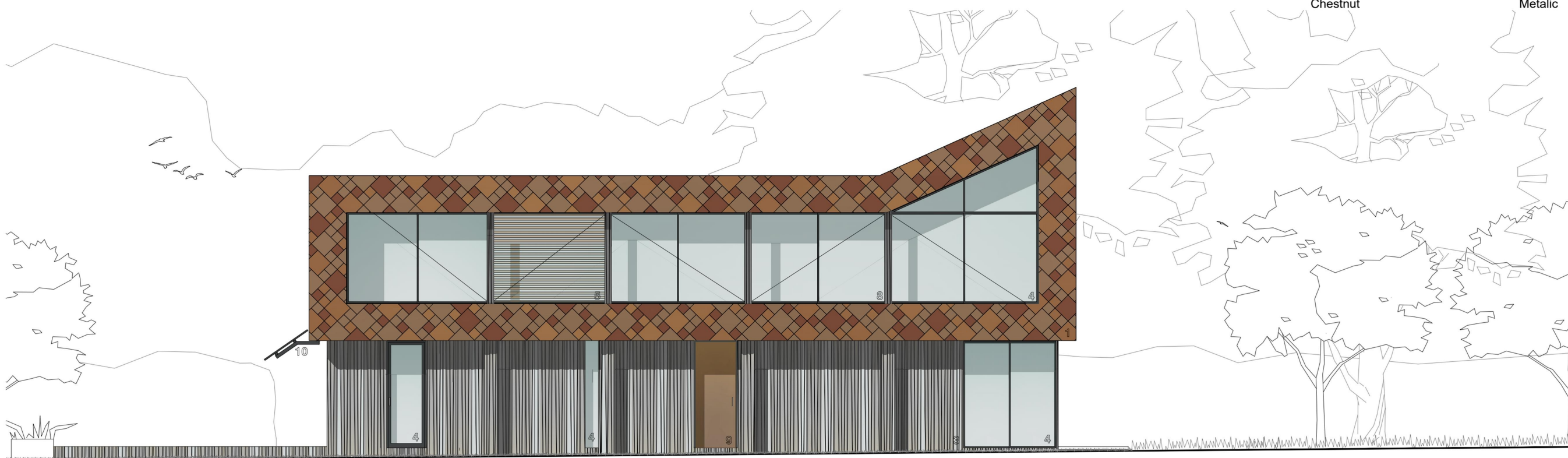
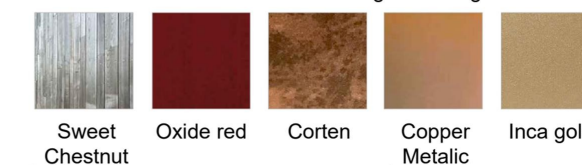


1. First floor wall cladding to be aluminium shingles in two sizes of colours Corten, Inca Gold, Copper Metallic and Oxide Red to a pattern design.
2. Aluminium flashings, wall cappings in Corten colour to match shingle.
3. Ground floor walls structural timber design internally and externally vertically fixed sweet chestnut cladding strips.
4. Triple glazed windows/doors (fixed and opening), sliding/swing/top hung with aluminium frames in colour RAL 7016 Anthracite.
5. Spandrel glass screen printed.
6. Structural glazing.
7. Glass rooflight.
8. Timber columns and stainless steel tension wires as part of structural timber frame design.
9. Door in colour to match shingle Corten colour brown.
10. Brise soleil formed from PV panels and support steelwork.
11. Louvre doors to Air Source Heat Pump in colour RAL 7016 Anthracite.
12. Photovoltaic (P.V.) panels on roof of house and carport.

SCALE 1:100

END ELEVATION - SOUTH SOUTHWEST 1:100 @ A3

COLOUR PALETTE - timber cladding and shingles



REAR ELEVATION - EAST SOUTHEAST 1:100 @ A3

## Elevations 2

## Leaf House LH04

RBA