

Planning Committee Agenda

3 September 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

3 September 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 6 August 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. **LITTLE WALTHAM CRICKET CLUB, LITTLE WALTHAM, CHELMSFORD – 19/01138/FUL**
7. **SITE AT JUBILEE FARM, NEWNEY GREEN, WRITTLE, CHELMSFORD – 19/01149/FUL**
8. **PLANNING APPEALS**

PART II (EXEMPT ITEMS)

MINUTES

of the

PLANNING COMMITTEE

held on 6 August 2019 at 7:00 pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, A Davidson, S Dobson, P V 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

Also present: Councillors K Bentley, G B R Knight 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**

There were no apologies for absence.

3. **Minutes**

The minutes of the meeting held on 9 July 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 item 6 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. **Beaulieu Park, White Hart Lane, Chelmsford – 19/00581/REM**

Councillor S Dobson declared a non-pecuniary interest in this item insofar as she had previously had discussions with the Essex Bridleways Association in connection with development in the Beaulieu Park area, although not in respect of the site the subject of this application.

The Committee considered an application for the construction of 300 dwellings (a mix of one-, two- and three-bed units with 81 affordable units and nine wheelchair accessible units) with associated infrastructure, servicing, landscaping and car parking spaces in Zones K and L of the Beaulieu Park development at White Hart Lane, Chelmsford. A Green Sheet of additions to the report was distributed which set out the comments of Little Waltham Parish Council on the application.

The applicant and their agent spoke in support of the application. They said that the design of the development had evolved in accordance with the requirements of the City and County Councils as regards scale, material, traffic and parking. The application also took into account existing residents' comments about ecology and green space, it provided a range of affordable accommodation units and work had begun on the next phase of the radial relief road in accordance with the obligation in the legal agreement. Amendments had been made to the Regiment Gate elevation, increasing the set back of units and the courtyard walls, introducing pergolas and further tree planting.

Two councillors for wards adjacent to the development area attended to speak against the application. They and local residents were concerned about:

- the fact that the development would be on the green wedge between the Beaulieu and Channels developments;
- the separation between properties in the new development and existing houses, the residents of which were not aware that development of this nature was anticipated when they purchased their properties. Existing residents feared a loss of residential amenity and privacy and that the height of properties on both sides of Regiment Gate would create a canyoning effect;
- the potential for antisocial behaviour elsewhere in the Channels development to be replicated here; and
- the fact that the radial relief road was not due to be completed until October 2021 and that the new development would therefore add to the current traffic problems in the area.

Both councillors concluded that a revised scheme of a lesser scale would be more appropriate for the site.

Responding to those points, officers said that:

- the overall development of the Beaulieu area was being built in accordance with the approved parameter plans which included requirements for the provision of a considerable amount of green space of various types;
- the area the subject of the application had always been zoned for residential development, something which current residents would have been made aware of when purchasing their properties;
- the scale and height of the buildings on the new development met the standards in the Making Places Supplementary Planning Document;

- the staged provision of the radial relief road was triggered by the number of properties actually occupied rather than the number built;
- the distance between properties on either side of Regiment Gate was adequate and not all were fronting the road and the houses opposite; and
- a considerable amount of infrastructure, including roads, schools and a neighbourhood centre, had already been provided as a result of the Beaulieu development.

The Committee's ensuing discussion centred on the affordable housing element of the development. Members were informed that it comprised 27% of the units, less than the current 35% target. The outline application had been made in 2009 and approved in 2012 and there was a heavy infrastructure levy on the scheme provided through a Section 206 agreement. A detailed viability assessment had concluded that 27% was an acceptable level of provision and two review mechanisms were in place to assess whether a greater percentage could be delivered. The viability assessment looked at the effect the proportion of affordable housing had on the economic viability for the developer of the overall scheme; it did not assess whether the accommodation was affordable for those occupying it. The mix of housing types in the affordable housing element across the Beaulieu development as a whole was satisfactory and reflected housing need. The tenure type of the private component of the site was at the discretion of the developer, with a mix which included shared ownership.

On other aspects of the application, the Committee was told that the density of the development was assessed having regard to the approved Design & Access Statement and the key development principles for each site allocation as set out in the North Chelmsford Area Action Plan. As mentioned earlier, this and other elements of the Beaulieu development provided adequate green spaces and play areas and the trigger points for the provision of the radial relief road also applied to the introduction of bus services. The road bordering the north of the development site, whilst not having a footway, would have traffic calming and a 20mph speed limit.

The Committee was of the view that its questions about the application had been answered satisfactorily and that there were no sound policy grounds on which to refuse it.

RESOLVED that application 19/00581/REM in respect of Zones K and L at Beaulieu Park, White Hart Lane, Chelmsford be approved, subject to the conditions detailed in the report to the meeting.

(7.05pm to 8.09pm)

7. **Planning Appeals**

RESOLVED that the information on appeal decisions between 28 June and 24 July 2019 be noted.

(8.09pm to 8.10pm)

8. **Urgent Business**

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

The meeting closed at 8.10pm.

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.
- 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.
- 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.
- DC17** Development Control Policy DC17 Conservation Areas - All development proposals within Conservation Areas must preserve or enhance the character or appearance of the area. Planning permission will be refused where the siting, form, massing, height, proportions, elevation design, or materials would harm the character and appearance of the Conservation Area. Additionally, the development must not prejudice the appearance, significant spaces, inward or outward views and must be compatible with the function of the Conservation Area.
- 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.
- 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.
- 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.

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.
- LPHE1** Local Policy HE1 Designated Heritage Assets - The impact of any development proposal on a designated heritage asset, and the level of any harm, will be weighed against any public benefits arising from the proposed development. The Council will preserve listed buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- 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.
- 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

3rd September 2019

Application No	:	19/01138/FUL Full Application
Location	:	Little Waltham Cricket Club The Street Little Waltham Chelmsford CM3 3NY
Proposal	:	Retrospective application for the retention of a 2.4m high fence around the south-eastern and southern boundaries of cricket pitch.
Applicant	:	Mr S. Termezi (Secretary) Little Waltham Cricket Club
Agent	:	Mr Chris Loon
Date Valid	:	25th June 2019

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. The application is referred to the Planning Committee as it relates to land within the ownership of Chelmsford City Council.
- 1.2. The application is made by Little Waltham Cricket Club. The Cricket Club play at the site, which is known as 'Taylors Park'. The park is in the centre of the village and is designated as Open Space within the Council's adopted and emerging development plans. The fence subject of this application has been installed in the middle of the park, along the south and south-eastern boundaries of the cricket pitch. It is 2.4m in height.
- 1.3. The site is within the Little Waltham Conservation Area and is adjacent to a group of listed buildings, including 110-116 The Street and the White Hart Inn. The Conservation Area is characterised by its traditional buildings, including those lining The Street, and also its open spaces including the water meadows, the application site and the land around St Martins Church.
- 1.4. The fence, due to its siting, height and design causes harm to the character and appearance of the Conservation Area. It also obstructs public movement and use of the wider park. This detracts from the functional and amenity value that the park has.
- 1.5. The harm caused by the fence and the disbenefits it has to the public is not outweighed by any other considerations. Refusal of planning permission is therefore recommended.

2. Description of site

- 2.1. The application site forms part of 'Taylors Park' in Little Waltham. The park includes a playing field, play area, sports court and cricket pitch. The cricket pitch is to the northern part of the park. The whole park is designated as Open Space.
- 2.2. The 2.4m high fence, subject of this application, has been installed along the southern and eastern edges of the cricket pitch. The north western boundary of the site includes fencing, trees and hedging. A public footpath runs through the site and runs parallel to the line of the fence.
- 2.3. The site is within the Little Waltham Conservation Area and is adjacent to a group of listed buildings, including 110-116 The Street and the White Hart Inn.
- 2.4. There are residential properties to the north and south of the park.

3. Details of the proposal

- 3.1. The application seeks retrospective planning permission for a 2.4m high fence that has already been installed along the southern and eastern edges of the cricket pitch. It is a chain link style fence and includes 3 gates; two pedestrian and one for maintenance access.
- 3.2. The fence was installed in 2018.

4. Other relevant applications

- 4.1. There is no relevant planning history.

5. Summary of consultations

- Little Waltham Parish Council

The Parish Council objects to the application for the fence in view of the substantial detrimental impact upon the conservation area. The Parish Council contends that the alleged impact upon health and safety is not of sufficient weight to outweigh the adverse impact upon the Conservation area. In addition, the Parish Council contends that there is insufficient impact upon sporting facilities to outweigh the adverse impact upon the Conservation area. Indeed, the fence precludes residents from enjoying the amenity of a Public Open Space within the Parish.

- Public Health & Protection Services

Public Health and Protection Services have no comments.

- Essex County Council Highways

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

- Local residents

77 objections received based around restricted access through the park; harm to the character of the area and Conservation Area; the retrospective nature of the application and the lack of need for the fence.

A petition with 316 signatures opposing the application has been received.

One letter of support has been received saying that the fence is necessary because of the cricket club's concerns for health and safety regarding: dog fouling and the danger to the public from stray cricket balls.

6. Planning considerations

Main Issues

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

- (a) Impact of the proposal in relation to Heritage Assets
- (b) Impact in relation to Open Space and public outdoor space
- (c) Justification for fence

Heritage Assets

- 6.2. The site is within the Little Waltham Conservation Area and adjacent to a group of listed buildings, including 110-116 The Street and the White Hart Inn. The Conservation Area and Listed Buildings are designated heritage assets.
- 6.3. Policy DC17 of the adopted Core Strategy relates to Conservation Areas and states that development proposals must preserve or enhance the character or appearance of the Conservation Area. Policy HE1 of the emerging Local Plan, currently afforded limited weight, says that the impact of any harm will be weighed against any public benefits arising from the

proposed development. Development will only be permitted in Conservation Areas where the siting, design and scale would preserve or enhance the character or appearance of the area and features which contribute to the character of the area are retained.

- 6.4. Chapter 16 of the National Planning Policy Framework (NPPF) relates to conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.5. Paragraph 200 of the NPPF says that local planning authorities should look for new development within Conservation Areas to enhance or better reveal their significance.
- 6.6. The Little Waltham Conservation Area is characterised by its traditional buildings, including those lining The Street, but also its open spaces including the water meadows, the application site (Taylor's Park) and the land around St Martins Church. The application site contributes to the character and significance of the Conservation Area.
- 6.7. The fence divides Taylor's Park and appears as an intrusive feature of utilitarian appearance. There are other high fences surrounding the cricket pitch, but these relate to the external planted boundaries of the site and whilst established features are nonetheless a negative element of the Conservation Area.
- 6.8. The fence is partly screened from The Street and Brook Hill but is a prominent feature from within the cricket pitch and Taylor's Park. The existing trees provide some screening and the fence is visually permeable, however it subdivides a key open space within the Conservation Area and is of utilitarian appearance. It therefore adversely affects the character of the Conservation Area. This causes less than substantial harm to the heritage asset for the purposes of the NPPF.
- 6.9. The fence is contrary to adopted policy DC18, emerging policy HE1, and the objectives of the National Planning Policy Framework. Furthermore, the fence conflicts with the statutory duty (section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) placed on the Local Planning Authority to preserve or enhance the character and appearance of Conservation Areas.
- 6.10. The fence is sufficiently set back and screened from the adjacent listed buildings, including the White Hart Inn, to ensure that there would be no adverse impact on their settings.

Open Space and Public Outdoor Space

- 6.11. Taylor's Park is designated as Open Space within the adopted Development Plan and emerging Local Plan. Whilst part of the park is used by the Cricket Club, the land was, before the construction of the fence, accessible to the public. The park, including the land used by the Cricket Club, is a valued asset and amenity to local residents. This is evident in the public responses to the planning application.
- 6.12. The adopted and emerging development plans seek to protect designated open spaces (policy DC39 and CF2). These policies relate to development proposals for the change of use or redevelopment of Open Space for other purposes. Given that the fence does not change the use of the land or redevelop the site, these policies are not relevant to the application at hand.

- 6.13. Policy DC42 of the adopted Development Plan relates to 'site planning'. This policy says that where development proposals involve the creation of, or alteration to, public outdoor spaces, planning permission will be granted for the landscape design proposal in which spaces have functional and amenity value and boundary treatments suit the development and surroundings.
- 6.14. This application involves the alteration of public outdoor space. The fence subdivides the public Open Space and prevents access through the park. In particular, it blocks a frequently used route through the park from opposite the White Hart to Brook Hill. The fence prevents public use of the space. Whilst the application drawings show three gates within the fence, it has been noted as part of a site visit that these are locked. The fence detracts from the overall public function of the Open Space and the amenity value that the park has within the local community.
- 6.15. The application is contrary to Policy DC42.

Justification

- 6.16. The National Planning Policy Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.17. The application states that the fence has been installed primarily for two reasons: to prevent dangers arising from dog fouling and to prevent harm to the public from fast moving cricket balls. The supporting statement concludes that ultimately if the ground cannot be made safer the club will cease to exist and the amenity be turned over to housing development.
- 6.18. The Club's reasoning for the fence is understandable, however it is not uncommon for many other sports pitches to be open to the public when not in use. Other measures to prevent dog fouling (such as accessible bins) could be explored.
- 6.19. Furthermore, the club has operated (as do many other cricket clubs) close to residential properties without fencing of this height. It is also considered that fencing of 2.4m in height would not completely eliminate risk of cricket balls travelling outside of the pitch. The existence of higher level netting on the western boundary of the site demonstrates this.
- 6.20. The cricket club is a valued local club and opportunity to promote outdoor sport, however there is little evidence to suggest that the club could not continue to exist without the fence. The club is a long standing part of the community and it is difficult to see what has changed in the last couple of years to threaten the running of the club without the fence.
- 6.21. Whilst the fence would be of benefit to the cricket club, and carry a small amount of public benefit, the disbenefits of the proposal are significant. The obstruction and segregation of the public Open Space weighs heavily against the proposal. Furthermore, the harm to the character and appearance of the Conservation Area has received high levels of public objection. Overall, it is considered that the proposal has a negative impact on the local community and the public, rather than being a public benefit.
- 6.22. The less than substantial harm caused to the Conservation Area, and harm to the amenity and function of the Open Space, would not be outweighed by public benefits.

Conclusion

- 6.23. The fence that has already been constructed is harmful to the character and appearance of the Little Waltham Conservation Area. This is contrary to Policies DC17 (adopted development plan), HE1 (emerging local plan) and the objectives of the National Planning Policy Framework.
- 6.24. The fence obstructs movement through and public use of the park which is designated as Open Space. This conflicts with the objective of Policy DC42 to ensure functional and amenity value of the public outdoor space.
- 6.25. The justification put forward for the fence has been fully considered, however this does not outweigh the harm it causes to the Conservation Area.
- 6.26. The application is therefore recommended for refusal.

7. Community Infrastructure Levy (CIL)

- 7.1. The proposal is not CIL liable.

RECOMMENDATION

The Application be REFUSED for the following reasons:-

Reason 1

The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Paragraph 134 of the National Planning Policy Framework (NPPF) advises that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use. Policy DC17 of the Core Strategy and Development Control Policies Development Plan Document 2008 states that development proposals must preserve or enhance the character or appearance of the Conservation Area. Policy HE1 of the emerging Local Plan, currently afforded limited weight, says that the impact of any harm will be weighed against any public benefits arising from the proposed development. Development will only be permitted in Conservation Areas where the siting, design and scale would preserve or enhance the character or appearance of the area and features which contribute to the character of the area are retained.

The fence subdivides a key open space within the Conservation Area and is of utilitarian appearance. It therefore adversely affects the character of the Conservation Area. This causes less than substantial harm to the heritage asset.

The proposal would be contrary to Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy DC17 of the adopted development plan and policy HE1 of the emerging local plan, as well as the objectives of the NPPF.

Reason 2

Policy DC42 of the adopted Core Strategy and Development Control Policies Development Plan Document says that where development proposals involve the creation of, or alteration to, public outdoor spaces, planning permission will be granted for the landscape design proposal in which spaces have functional and amenity value and boundary treatments suit the development and surroundings.

This application involves the alteration of public outdoor space. The fence subdivides the public Open Space and prevents access through the park. It blocks a frequently used route through the park from opposite the White Hart to Brook Hill. The fence prevents public use of the space. The fence detracts from the overall public function of the Open Space and the amenity value that the park has within the local community, contrary to Policy DC42 of the adopted development plan.

Notes to Applicant

- 1 It has been noted that the development which is the subject of this application has commenced. This matter will now be investigated by the enforcement team and it is likely that enforcement action will be taken. This does not of course affect your statutory right to lodge an appeal against the refusal of permission or consent.

Positive and Proactive Statement

The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. 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.

Background Papers

Case File

Little Waltham Parish Council

Comments
<p>31.07.2019 - Little Waltham Parish Council considered the above application at its extra-ordinary meeting on 29th July 2019. The Parish Council considered the paperwork lodged by the Applicant and also representations made by residents.</p> <p>The Parish Council wishes to object to the application on the basis of the substantial adverse impact upon the Conservation area.</p> <p>In relation to planning policy the Parish Council wishes to rely upon the following policy provisions '</p> <p><u><i>The National Planning Policy Framework</i></u></p> <p>The policy for Conservation areas is that new development should preserve and enhance the character of the area and states that the development is considered relative to the Conservation area as a whole</p> <p><u><i>Chelmsford City Council Core Strategy and Control Development plan 2008</i></u></p> <p>Policy CP9 sets out the intention to sustain historic landscape character and in relation to Conservation Areas will seek to protect the historic character.</p> <p>Policy DC17 refers to conservation areas and states that planning permission will be refused if the siting, form, massing, height proportion, elevation design or materials will harm the character and appearance of the conservation area or it would prejudice the appearance and surroundings of a conservation area or spoil any significant spaces or inward or outward views.</p> <p><u><i>The Chelmsford City Council emerging Local plan</i></u></p> <p>Strategic policy S5 refers to the protection of heritage and refers to conservation areas and states that there will be a presumption in favour of preserving and enhancing heritage assets</p> <p>Policy HE1 refers to heritage assets and conservation areas and requires consideration be given to the balance between preserving a heritage asset and public benefit of the planning proposal and that development will only be permitted in a conservation area if the siting design and scale would preserve or enhance the character or appearance of the area, building materials and finishes are appropriate and important views are preserved.</p> <p><u><i>Representations</i></u></p> <p>The height alone means that the fence is clearly visible from most areas within the park and in addition it can be clearly seen in the view from the grade II listed White Hart public house and it is intrusive.</p> <p>The materials do not fit in to the landscape in that the fence is metal posts with mesh and in no way fits in to the rural environment but could be described as an industrial design.</p> <p>The Parish Council has received a substantial number of complaints from residents who contend that the fence is an eyesore. Indeed, it is understood that over 300 residents have signed a petition objecting to the fence and 70 objections have been lodged with the City Council demonstrating not just the strength of feeling in the village but the fact that the adverse impact is of a substantial nature.</p> <p>The fence is of no public benefit as it prevents residents from accessing the amenity of a public open space. The area in the village centre is of benefit to the health and wellbeing of all residents of Little Waltham as</p>

opposed to Cricket being played by a limited amount of people for only a few weeks each year.

The Parish Council contends that the impact upon the Conservation area outweighs the health and safety concerns alleged by the applicant as follows -

Spectator safety

The club contends that it requires the fence for the safety of spectators especially if it is to expand the club.

The Parish Council contends that the Cricket Club has throughout its long existence, managed to function without the need to a fence of the current scale in that location. If it had wished to expand the club to include women's cricket or disability cricket it could have done so by now and the issue of a fence has no impact.

It should be noted that spectators at county matches and national cricket matches are not separated from the pitch by way of high fencing and the spectators are aware that they need to keep their eye on the game. In addition, the Parish Council has viewed a number of local Cricket pitches none of which have any fencing. For example, Rayne cricket pitch is in the middle of a park behind a community centre. The boundary is shorter than the boundary of the Little Waltham Cricket pitch and is in close proximity to outdoor gym equipment, a skate facility and a children's play area.

The Parish Council contends that the risk factor is not sufficiently high as to outweigh the detrimental impact upon the Conservation area.

Dog Fouling

The Club contends that there are over 40 dogs a day being walked on the field. No evidence of this assertion is provided and the Parish Council would dispute this number and the impact. The Parish Council refutes the allegations by the club that it has taken no action to address dog fouling. The Parish Council accepts that any dog fouling is unpleasant and when the issue was brought to its attention by the club in 2018, the Parish Council engaged on a number of occasions with the dog warden at Chelmsford City Council who, as a result, attended the playing fields on frequent occasions to patrol the area and also put up a number of anti-dog fouling signs around the park. In addition, the Parish Council published articles in a number of editions of its Parish magazine to advise residents of the penalties that can be imposed for dog fouling and advising how residents may report persistent offenders to the City Council. It should be noted that the park is covered by a Public Space Protection Order invoked by Chelmsford City Council for the purposes of enforcing dog fouling. It should also be noted that the park is located within a rural environment so it would be unrealistic to expect the area to be pristine and clear of any animal faeces.

Again, the Parish Council contends that the impact is insufficient to override the detrimental impact upon the Conservation area.

The applicant states that they are merely returning to the status quo of having a fence in that location and gives the impression in its statement that there has been a fence in that location in the recent past which the Parish Council chose not to re-erect. This is incorrect. Residents advise that there has not been a fence in that location for at least 50 years. The previous fence was believed to be a small picket fence no more than 3 feet in height and there has never been a fence of the size and scale or design of the current structure.

The applicant also refers to the previous erection of tall boundary fences. These are tall safety nets which are situated around the perimeter of the park and which blend into the surrounding area as they are on the boundary and within the tree line. They do not bisect the park or limit access as per the current disputed fence.

It should be noted that the Parish Council has made substantial efforts to engage with the Cricket Club in an effort to resolve this issue.

Sporting facilities

The applicant makes contradictory statements within its application as to the need for cricket in the Parish. The Parish Council would contend that Cricket generally is declining in popularity and any decline experienced by the club is in accordance with national trends as opposed to any local issues.

In addition, the applicant states that if the fence is not to be allowed the club would leave the village and the area would be developed for housing. Such a statement is inconsistent even with its own document. On the one hand the cricket club makes the statement as above about housing and later in its own document says at paragraph 5.2 that leisure facilities should be protected. It also overlooks the fact that the area is designated as open space in the North Chelmsford Area Action Plan. In addition, were the club to leave the park it would be the intention of the Parish Council to retain the area as a recreational/leisure space within the Parish.

The Parish Council contends that the club has operated for some considerable time without the need for a fence of this scale and size and it can do so into the future should it wish to do so.

Conclusion

The Parish Council therefore objects to the application for the fence in view of the substantial detrimental impact upon the conservation area.

The Parish Council contends that the alleged impact upon health and safety is not of sufficient weight to outweigh the adverse impact upon the Conservation area.

In addition, the Parish Council contends that there is insufficient impact upon sporting facilities to outweigh the adverse impact upon the Conservation area. Indeed, the fence precludes residents from enjoying the amenity of a Public Open Space within the Parish.

Public Health & Protection Services

Comments

27.06.2019 - No PH&PS comments with regard to this application.

Essex County Council Highways

Comments

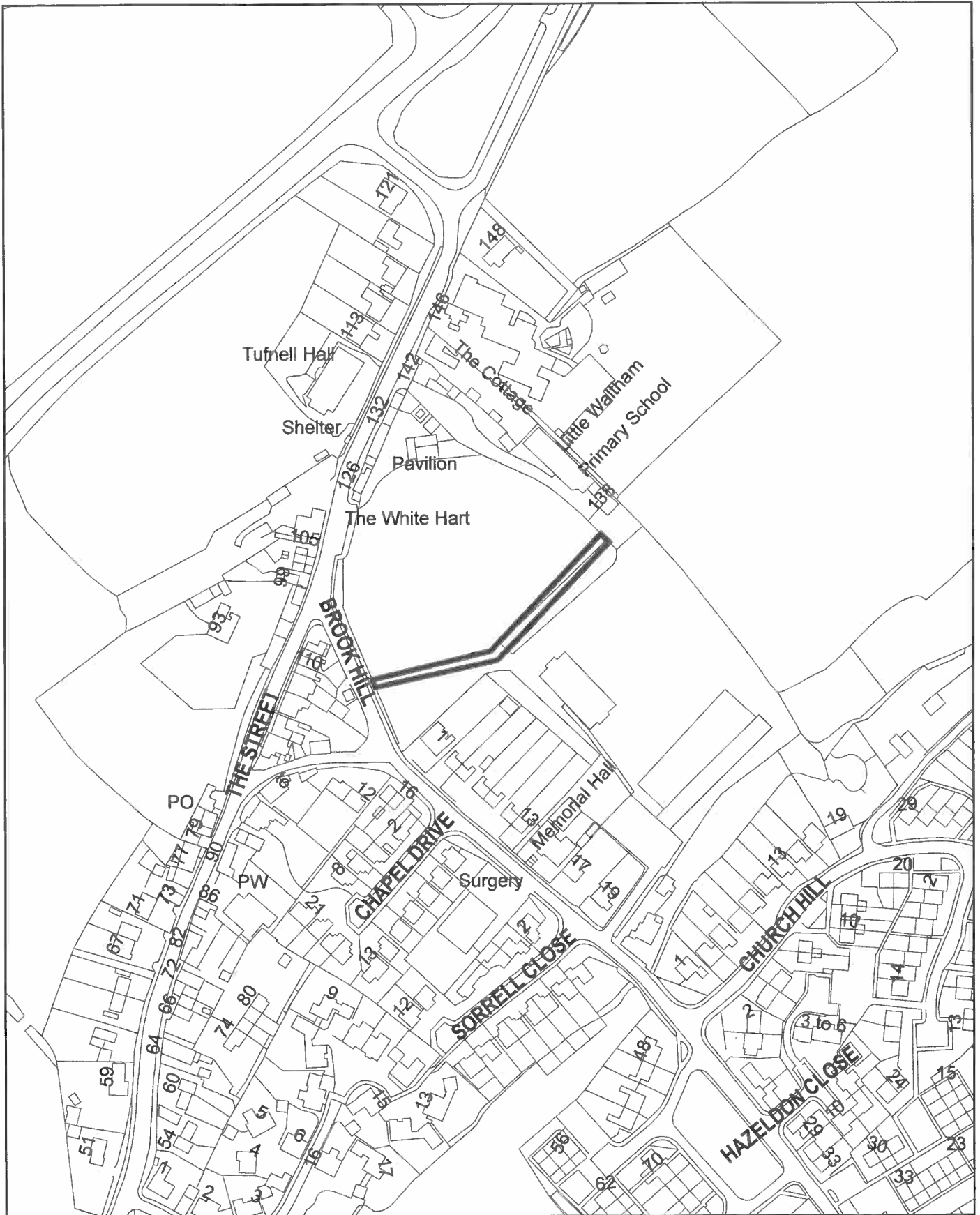
17.07.2019 -

The information that was submitted in association with the application has been fully considered by the Highway Authority.

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

Local Residents

Comments
<p>Petition opposing the development with 316 signatures and 77 letters of objections raising the following matters:</p> <p>Fence not comply with Policy CP12 as it is not does not maintain or enhance the provision of recreational facilitates. As the erected fence restricts access and does not maintain the openness of the area contrary to the open spaces act 1906.</p> <p>The fence has detrimental effect on the character of the conservation area.</p> <p>The fence is of poor design and not in keeping with the character of the area.</p> <p>Erected prior to permission granted.</p> <p>No consultations were undertaken i.e. Environmental Impact Assessment</p> <p>The fence obstructs views.</p> <p>There is no sound justification for the fence.</p> <p>The fence would set a precedent should it be granted retrospective permission.</p> <p>The fence resulted in damage to vegetation within the area.</p> <p>The fence erected is contrary to planning policies.</p> <p>Should not be more than 10% of the whole amount of land that it affects.</p> <p>One letter of support saying the fence is necessary because of the crickets club's concerns for health and safety regarding a) dog mess b) the danger to the public from stray cricket balls.</p>



0 10 20 40 Metres

1:2,500



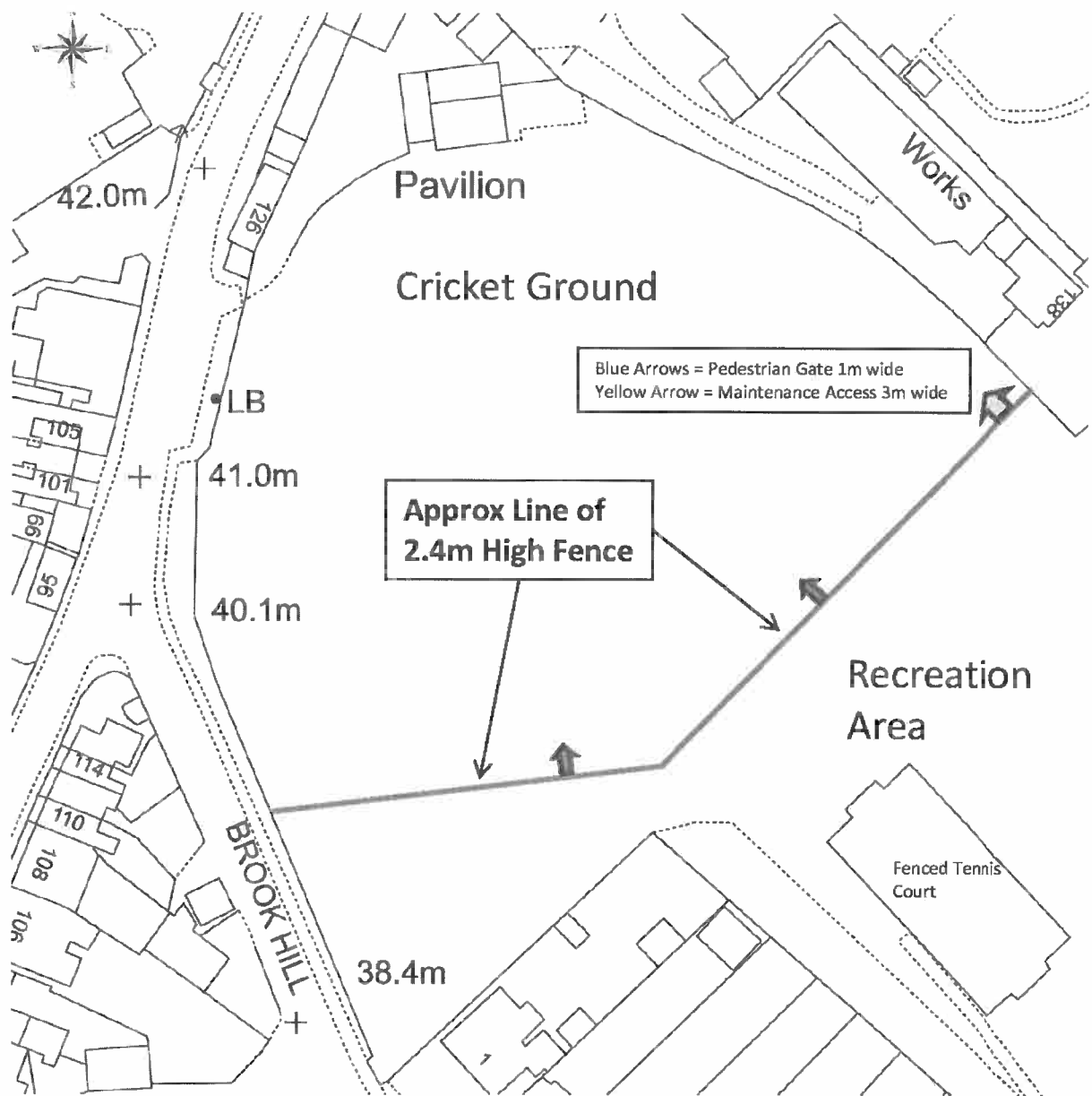
Planning Committee
19/01138/FUL

Planning & Development Management
Directorate for Sustainable Communities

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Planning Committee

3rd September 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

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. This application is referred to planning committee as it follows an application which was refused by the committee for redevelopment of the site. The previous application proposed twelve houses. This has now been reduced to six houses.
- 1.2. The previous application was refused for three reasons, relating to harm to the Green Belt, an adverse impact on the protected lane, and the inaccessibility of the site meaning that all trips would need to be made by private vehicle.
- 1.3. The site is currently vacant, having been previously used for primarily private equestrian purposes. It is officers' understanding that stabling and workshops also operated at the site, however these were secondary to the use of the site by 'Team Hayler' - internationally competing dressage riders who have since relocated.
- 1.4. The existing site contains three stable blocks, two dwellinghouses, a large indoor riding arena, outdoor menages and paddocks. The majority of the application site is covered in hardsurfacing. The proposal is for the redevelopment of the site to provide six houses. A large area to the rear of the site, as well as an area to the front, are within the Applicant's ownership (outlined in blue on the application drawings). These areas would be landscaped with wildflower meadow and new tree planting.
- 1.5. The site is located within the Metropolitan Green Belt. Both National and Local planning policies encourage the re-use of previously developed sites. The National Planning Policy Framework (NPPF) and Policy DC1 list the forms of development that are not considered to be inappropriate in the Green Belt. This includes the redevelopment of previously developed sites (brownfield land) where the redevelopment would not have a greater impact on the openness of the Green Belt. The site falls within the definition of previously developed land.
- 1.6. The application at hand would result in a net increase of four dwellings. The proposal would result in a reduction of 37% of the existing building footprints. The overall volume of the proposed buildings would be around 46% less than that of the existing building volumes. There would also be a reduction in the amount of hardstanding by around 68%. The scheme has also been designed to provide an appropriate, well-contained and detailed layout. It is Officers' view that the previous reason for refusal in relation to the Green Belt has been overcome and that the scheme would have a lesser impact on the openness of the Green Belt and would not amount to inappropriate development.
- 1.7. The site is located on a Protected Lane. The previous refusal reason said that the scheme would result in a material increase in the number of vehicles using the lane. Vehicle passing and the increase in the amount of traffic using the lane would damage the verges and banks of the lane and would have an adverse impact on the Protected Lane. The number of proposed dwellings has now been reduced to six, compared to twelve that were previously proposed. This significantly reduces daily vehicle movements.
- 1.8. The existing lawful uses on the site (including two lawful dwellings) could generate 35 daily movements. TRICS data, which is the industry standard for predicting vehicle movements and is based on case studies across the UK, gives a total of 29 daily movements for a residential development of six houses. On this basis, the proposal would result in a reduction of vehicle movements compared to those which could have been generated by the previous use. The reduction of vehicle movements would mean that there would be no adverse impact on the Protected Lane. The refusal reason has been overcome.

- 1.9. The site is in a remote location, such that access to nearby services and schools could only realistically be made by private vehicle movements. There are no nearby public transport links and there are no pavements or street lighting along the lane. This carries significant weight against the proposed development.
- 1.10. The scheme includes a substantial amount of landscaping and ecological benefits. An area measuring the same size as the application site would be planted as wildflower meadow. Over 30 new specimen trees would be planted. This would be a significant improvement to the site's landscape and ecological value.
- 1.11. When considered in the round, the disbenefits of the proposal are considered to be sufficiently outweighed by the benefits. The proposal is therefore acceptable and overcomes the previous reasons for refusal in relation to sustainable development.
- 1.12. Approval is recommended, subject to conditions and a Unilateral Undertaking to secure a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) project.

2. Description of site

- 2.1. Jubilee Farm is currently a vacant commercial equestrian centre. It was previously occupied by 'Team Hayler' who compete at international level in dressage. Team Hayler have now relocated and the site is not in an active use.
- 2.2. The site contains a number of buildings. These include a dwelling named 'Ponderosa'; a second dwelling (through the conversion of a building, 06/01703/CLEUD refers); stables; an indoor riding arena; hay barn; tack room; and an outdoor menage. There is an underground bunker to the rear of 'Ponderosa'.
- 2.3. The site measures 0.47 hectares. With the exception of the residential garden, the site consists of hardstanding and buildings. The area to the south of the site, within the applicant's ownership, consists of paddocks and the outdoor menage. The area of land to the north of the application site, within the applicant's ownership, is also used as an outdoor menage and paddock.
- 2.4. The site contains a large indoor riding arena, measuring 40m by 20m and 6.35m in height. The indoor arena is subject of a planning condition (condition 3 of planning permission 11/01985/FUL) which restricts the use of the building to private use by Team Hayler.
- 2.5. The site is accessed from a Protected Lane which runs through Newney Green. The lane is single width and part of the National Cycle Route (National Cycle Network Route 1).
- 2.6. Newney Green is a small rural Hamlet located between Writtle and Roxwell. The Duck Public House is opposite the site. Fitzpatrick Farm shares the western boundary of the site and contains equestrian facilities.
- 2.7. The site is located within the Metropolitan Green Belt.

3. Details of the proposal

- 3.1. The application proposed the removal of all buildings, including two lawful dwellings. The site would be redeveloped to provide six new dwellings. The mix of accommodation would be as follows:
 - 3 x four bedroom
 - 3 x five bedroom
- 3.2. The proposed dwellings would be one and a half storey houses, with single storey eaves and first floor accommodation provided by dormer windows. Three dwellings would face the road, with the three to the rear forming a broadly courtyard layout. Single storey car ports and garages are proposed.
- 3.3. The existing access to the site would be utilised. 23 formal parking spaces are proposed in car ports, garages and external areas. A type 3 turning head would be provided.
- 3.4. The application is accompanied by a comprehensive landscaping plan, which would include proposals for biodiversity and wildlife. The land to the rear and front of the site, within the applicant's ownership and outlined in blue on the application drawings, would be given over to landscaping and biodiversity. This would include 32 new trees.

4. Other relevant applications

18/01167/FUL - Refused 16th April 2019

Demolition of existing buildings and redevelopment to provide 12 dwellings with associated landscaping access, garages, parking and amenity space.

The above application was considered by the Planning Committee and planning permission was refused in April. The application was refused for three reasons. These were:

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.

Reason 2

Policy DC15 of the adopted Core Strategy and Development Control Policies Development Plan Document says that 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 the Protected Lanes will not be permitted.

Newney Green is a single width protected lane. The proposal would result in a material increase in the number of vehicles using the lane. Vehicle passing and the increase in the amount of traffic using the lane would damage the verges and banks of the lane and would have an adverse impact on the Protected Lane contrary to Policy DC15.

Reason 3

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.

☐ *06/01704/CLEUD - Approved 5th October 2006*

Construction of a manege

The above manege is located to the rear of the site and within the area that would be returned to natural landscaping.

☐ *06/01703/CLEUD - Approved 16th October 2006*

Existing use of building as dwelling house

The above application granted a Certificate of Lawfulness for the use of part of a building to the front of the site as an independent dwellinghouse.

☐ *06/02248/FUL - Approved 5th January 2007*

Removal of condition 1 of EEC/CHE/586/62 (agricultural occupancy).

The above application removed a condition on the main dwellinghouse 'Ponderosa' which said that the dwelling could only be occupied by someone employed in agriculture.

☐ *11/01985/FUL - Approved 2nd March 2012*

Construction of a 20m x 40m indoor dressage training facility.

The above application granted planning permission for the large indoor riding arena. The planning permission was subject to the following condition:

“The arena shall be for the personal use of 'Team Hayler' only and not for shows, clinics, training of other individuals, or any other commercial use or activity.

Reason:

The commercial use of such a building would be inappropriate development in the Green Belt for which there are no very special circumstances to justify such development and such uses would be likely to give rise to an unacceptable increase in traffic on a rural road network.”

5. Summary of consultations (summaries in Appendix 1)

- ☐ Writtle Parish Council – Previous objections are not overcome. The proposal is inappropriate development due to form and scale. The proposal would not be in keeping with the surrounding setting. Concerns raised in relation to design, lack of infrastructure, loss of equestrian use, highway safety, lack of public transport and accessibility to services. It was also noted that the indoor riding arena should be excluded from ‘previously developed land’ calculations.
- ☐ Public Health & Protection Services - Potential for contamination from previous uses of the site. An asbestos survey must be carried out before any demolition.
- ☐ Essex County Council Highways - A seven day speed survey was submitted with application reference 18/01167/FUL which demonstrates to the satisfaction of the Highway Authority that the available visibility splays to the existing vehicular access point to be used for the proposed development, are suitable for the measured vehicle speeds along the Newney Green carriageway. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions.
- ☐ Recycling & Waste Collection Services - No response.
- ☐ Local residents – 11 letters of objections. Concerns include:
 - 50% increase in the number of houses in Newney Green
 - Not sufficient infrastructure
 - No public transport or local services/facilities
 - No street lighting or pavements
 - Proposed vehicle movements are underestimated
 - Existing vehicle movements are overestimated
 - Highway safety concerns
 - Harm to Green Belt and character of the area
 - Fields flood in the winter
 - Potential for asbestos, noise and air pollution
 - Indoor arena has personal planning permission
 - Harm to amenity
 - Harm to local wildlife

One letter of no objection from the neighbouring property, Fitzpatrick Farm.

6. Planning considerations

Main Issues

- 6.1. This application follows the previously refused application on the site to provide twelve dwellings. The key change between the two applications is that the current proposal is for six dwellings. The three primary considerations are therefore whether the current proposal overcomes the three previous reasons for refusal. These will be addressed as follows:

- (a) Green Belt and Openness
- (b) Protected Lane and Vehicle Movements
- (c) Accessibility – Sustainable Development

(a) Green Belt and Openness

Green Belt Policy

- 6.2. The site is located within the Green Belt where the National Planning Policy Framework (NPPF) and Policy DC1 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 directs local authorities to afford any harm to the Green Belt substantial weight.

- 6.3. The NPPF and Policy DC1 list the forms of development that are not considered to be inappropriate. This includes:

“Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing uses (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.”

- 6.4. The NPPF defines ‘previously developed land’ as:

- 6.5. *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*

- 6.6. The site includes the following buildings:

- Apartment (dwelling)
- Tack Room
- Stable Block 1
- Hay Store
- Indoor Riding Arena
- Stable Block 2

-Stable Block 3
-Dwelling (Ponderosa)

- 6.7. The indoor riding arena is subject to a planning condition which restricts its use to that of Team Hayler. The condition does not require the removal of the building. The building, in its unused state, is lawful and therefore falls within the NPPF definition of previously developed land.
- 6.8. All of the buildings on site fall within the definition of previously developed land.
- 6.9. Most of the site is laid to hardstanding. Areas of hardstanding, as well as the outdoor menages, are fixed surface infrastructure and are also previously developed land.
- 6.10. As the site is previously developed land, its redevelopment may not be inappropriate development where the proposed development does not have a greater impact on openness than the site as existing.

Greater or lesser Impact on Openness

- 6.11. The buildings within the site are of varying styles and sizes. Many of the buildings have pitched roofs. Buildings are generally single storey, with the exception of the indoor riding arena which has a height of 6.35m, and Ponderosa, a chalet bungalow. Buildings are spread across the entire site. The indoor riding arena alone has overall dimensions of 40m by 20m which amounts to a volume of around 4795 cubic metres.
- 6.12. The majority of the land around the buildings, as well as land within the applicant's ownership to the rear of the application site is laid to hardstanding. This covers an area of 2615sqm (excluding buildings). In addition to this there are two outdoor menages, the largest is 60m by 20m.
- 6.13. The previous proposal for twelve dwellings would have resulted in an approximate 30% reduction in building footprints when compared to the existing development. The overall building volume would have been around 36% less than the existing building volumes. With reference to the amount of hardstanding within the site, there would have been around a 60% reduction in hard, developed surfacing when compared to the existing site.
- 6.14. The previous application was refused as the committee considered that the proposal would result in a greater impact on the openness of the Green Belt, noting that the indoor riding arena was granted planning permission due to 'very special circumstances' in 2012 (11/01985/FUL refers). 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 an increased height of buildings.
- 6.15. The refusal reason states that "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."
- 6.16. The current application halves the number of dwellings proposed. Furthermore, there are two existing lawful dwellings within the site, meaning that there would be a net gain of four dwellings. This is not significant or dominating in comparison to the existing hamlet of Newney Green.

- 6.17. The proposal would result in a reduction of 37% in terms of building footprints when compared to the existing development. There would be a 46% reduction in terms of building volumes when compared to the existing development. The amount of hard, developed surfacing would be reduced by around 68% when compared to that within the site at present.
- 6.18. Building footprint, volume and surfacing reductions are contained within the table below:

	Footprint	Volume	Surfacing
Refused Scheme	30%	36%	60%
Current Proposal	37%	46%	68%

- 6.19. Whilst the existing indoor riding arena is a lawful building (regardless of a planning condition restricting its use) and therefore constitutes previously developed land, the proposal would now result in such a reduction of building volumes that existing and proposed building volumes would be equal if 99% of the indoor riding arena was not factored in to comparisons.
- 6.20. In terms of building heights, all dwellings would be less than 7m in height. They would have single storey eaves of around 3m and of a chalet design with accommodation provided in the roof space, served by dormer windows. This would be similar to the existing dwelling within the site (Ponderosa).
- 6.21. Although the new dwellings would have a greater height than the existing buildings, this would be offset by the substantial reduction in the spread of development and smaller building footprints. The proposed development would be more contained than the existing development, leaving an area the same size as the application site to be sensitively landscaped. This is addressed below under 'Landscaping and Ecology'.
- 6.22. In addition to scale and height, the previous refusal reason also refers to the appearance of the development and the amount of car parking proposed leading to a greater impact on the openness of the Green Belt. The previous scheme proposed 3 detached houses to the front of the site and two 'blocks' of terraced dwellings within the courtyard layout. The previously proposed terraced dwellings were shown to be two storey in height and of a 'barn conversion' style of architecture.
- 6.23. In comparison, all dwellings proposed as part of this scheme would be chalet style houses with rooms in the roof space. The dwellings would largely be detached in their style, linked only by single storey car port structures. The single storey linking elements are important in achieving a style of development that follows traditional rural courtyard layouts and farmsteads. The proposal strikes an appropriate balance between a courtyard layout whilst providing a spacious, well landscaped development.
- 6.24. The reason for refusal specifically refers to the amount of car parking proposed and how this would harm the openness of the Green Belt. 31 car parking spaces were proposed previously. The current scheme proposes 23 parking spaces. The proposed scheme at hand would provide 11 external parking spaces, with other parking spaces being contained within garages and car ports. The use of garages and car ports to provide parking spaces would lessen the visual impact of parking spaces within the site.
- 6.25. Given that the footprints, volumes and hardstanding are all reduced when compared to those of the existing site and have been further reduced from the previously refused scheme, and that the scheme has been proposed in an appropriate layout it is considered that the proposal would

have a lesser impact on the openness of the Green Belt. Furthermore, the height of the proposed buildings, scale and appearance of the houses reflects the existing dwelling on the site and others within the area. The car parking proposed has also been reduced as a result of the reduction in the number of dwellings when compared to the refused scheme and designed into the development sensitively through the use of car ports and garages. On that basis it is Officers' view that the proposal overcomes the reason for refusal in relation to the Green Belt and that the development would not amount to inappropriate development in the Green Belt.

Protected Lane and Vehicle Movements

- 6.26. The lane is a non-designated heritage asset for the purposes of the National Planning Policy Framework. Emerging policy HE2 applies. Three comments were received against this policy, however the significance of these comments is limited and does not go to the heart of the policy. Policy HE2 therefore carries some weight. HE2 says that proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that:
- (i) the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and
 - (ii) harm is minimised through retention of features of significance and/or good design and/or mitigation measures.
- 6.27. There are two main considerations in relation to the impact of the proposal on the protected lane; firstly, the visual impact of the development on the character of the lane; and secondly the impact the development would have on vehicle movements to and from the site.
- 6.28. The lane, for its full length, has a metalled smooth surface and is relatively open in terms of character with grass verges either side of the road and good visibility. The width of the metalled surface varies, for the most part two cars can pass slowing using existing informal passing places or overrunning soft verges. In places these verges are worn as a result of being used to allow for vehicle passing. The proposal would use the existing vehicular access to the site. The part of the lane immediately outside the application site is approximately 3.9m wide. The roadside ditch would be retained, as would the native hedgerow and willow tree. The landscaping scheme provided for additional tree planting across the site frontage, using species that are commonly found in the area. The built form within the development would be set back from the road. As such, the proposal would not harm the character of the protected lane.
- 6.29. A transport statement has been submitted in support of the application. This uses TRICS (Trip Rate Information Computer System) data to compare the number of trips generated by the existing use against the proposed use. TRICS is a database of trip rates for existing developments in the UK and gives the number of trips generated by a certain development type.
- 6.30. TRICS data was also submitted as part of the previous application and the transport assessment said that the livery use of the site could generate up to 90 daily movements. As part of the previous Committee Report, it was suggested that the actual number of daily movements for Jubilee Farm would have been less than this given that that the stabling of horses by people other than Team Hayler was a secondary and subservient activity. It should be noted that the existing use would have generated horse box movements regularly.

- 6.31. The use of the site for twelve dwellings as previously proposed would generate around 56 vehicle movements per day, based on TRICS data. This was verified by Essex County Council Highways Authority.
- 6.32. As part of the previous application, Members were concerned that the development may have over 56 (daily) vehicle movements associated with it. Concern was raised that vehicle passing would damage soft verges and banks and that transport required for schools would have a further impact. Members did not accept that the existing use of the site could generate up to 90 movements as predicted by TRICS and set out in the submitted Transport Statement. Members also noted that the previous use, operated by Team Hayler, was for two people and that this use could not generate even half (45) of the movements anticipated by TRICS. Members said that the use of the site by Team Hayler has now gone, and that 12 houses with at least 29 parking spaces would result in more vehicle movements along the lane.
- 6.33. The reason for refusal states that *“The proposal would result in a material increase in the number of vehicles using the lane. Vehicle passing and the increase in the amount of traffic using the lane would damage the verges and banks of the lane and would have an adverse impact on the Protected Lane.”*
- 6.34. A revised transport assessment has been submitted as part of the current application. This looks more closely at the existing uses within the site. This states that 2 daily trips could be associated with the outdoor menage, 4 daily trips associated with each of the lawful dwellings (totalling 8 trips) and 23 daily trips associated with one third of the stables at Jubilee Farm. Whilst two daily trips are shown to be associated with the indoor arena, it is Officer’s view that these should be disregarded as the use of that arena is restricted to Team Hayler who resided at the site. This gives a total of 35 daily movements.
- 6.35. TRICS data, which is the industry standard for predicting vehicle movements and is based on case studies across the UK, gives a total of 29 daily movements for a residential development of six houses.
- 6.36. In light of the more accurate information submitted, and the significant reduction in the number of proposed dwellings, it is considered that there would not be a material increase in the amount of vehicle movements associated with the site and that, consequentially, the proposal would not have an adverse impact on the protected lane. The proposal would not harm the significance of the non-designated heritage asset, subject to landscaping being required by a condition. It is Officers’ view that the refusal reason has been overcome.

Accessibility – Sustainable Development

- 6.37. The previous application included a refusal reason in relation to the inaccessibility of the site. Newney Green is located in a fairly isolated position between Writtle and Roxwell. Whilst Newney Green has a public house, there are no other shops, services or schools. The site is therefore remote and reliant on nearby villages for community facilities. The site is approximately 2 miles from Writtle Infant and Junior Schools and the nearest convenience store.
- 6.38. The refusal reason states that *“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”.

- 6.39. 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.
- 6.40. The site is not served by public transport. There are no pavements and the lane is unlit. The prospect of walking along this country road would present a very real danger for future residents, particularly those less mobile or young children, likely to be present in the family sized homes proposed. The development cannot be said to provide safe and suitable access for all people to local services and this weighs significantly against the proposed development.
- 6.41. It is clear that 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.
- 6.42. The accessibility of the site has not been altered as part of the current application. The sites location cannot be changed. That being said, ‘sustainable development’ is a balancing exercise, and the objectives of sustainable development; the social, environmental and economic objectives, cannot be seen in isolation. In this regard, the refusal reason states that the lack of choice would lead to a car orientated modal form of development which weighs significantly against the development and that this is not outweighed by any other material planning considerations put forward.
- 6.43. This matter will be further considered in the conclusion section to this report, when all other considerations can be taken into account.

Other Matters

Loss of Existing Use

- 6.44. Emerging Policy CF2 relates to protecting community facilities. This directs the Council to only grant planning permission for the redevelopment of sites that provide valued community facilities or services where specific criteria are met. The reasoned justification to the policy says that other valued facilities also include show centres, livery yards or riding schools, that provide a facility for the equestrian community.
- 6.45. The site was previously occupied by ‘Team Hayler’, a father and daughter who are internationally competing dressage riders. Team Hayler occupied the main dwelling on the site (Ponderosa) and used the equestrian facilities for their own training and development. The primary equestrian use of the site was a personal one.
- 6.46. In 2011 planning permission was granted for a large indoor riding arena. At the time the riding arena was found to be inappropriate development in the Green Belt, requiring ‘very special circumstances’ for the proposal to be granted planning permission. The fact that the indoor riding arena was required to support Team Hayler’s training was considered sufficient to overcome harm and amount to very special circumstances. It was therefore necessary to restrict the use of the building to only for the personal use of Team Hayler and not for any shows, clinics,

training or commercial use or activity. As such, the indoor riding arena does not benefit the community.

- 6.47. It is Officer's understanding that other horses, in addition to the horses of Team Hayler, were stabled at Jubilee Farm. It is also understood that workshops were run from the site. Whilst these uses took place, they were very much ancillary and subordinate to the primary use of the site by Team Hayler. These workshops and training events would have been open to a limited audience within the equestrian community that wanted to be trained by Team Hayler, rather than an open community riding school.
- 6.48. Whilst examination sessions into the emerging local plan have now taken place, full weight cannot be attributed to emerging Policy CF2 due to objections received and the stage in the plan making process. Limited weight is attached to the emerging policy. On this basis, and taking into account the operation and site circumstances of Jubilee Farm, the Council could not reasonably withhold planning permission due to the loss of the existing use. Further, the Council's Economic Growth and Development Team have no objection to the application.
- 6.49. The previously refused application did not include a reason for refusal in relation to the loss of the existing use. It would be unreasonable to introduce a reason for refusal on this basis.

Character and Design

- 6.50. Paragraph 124 of the National Planning Policy Framework says that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Paragraph 127 says that decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Decisions should ensure that developments will function and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy DC45 states that planning permission will only be granted for new buildings where, amongst other matters, the proposed buildings would have an appropriate visual relationship with the layout, scale, form, massing, materials, details and character and appearance of development in the surrounding area.
- 6.51. Newney Green is a Hamlet consisting of scattered dwellings and farmsteads. Houses sit in well landscaped plots and are of typically rural and traditional proportions.
- 6.52. The proposal includes three houses to the front of the site, set behind an area of landscaping and planting. The remaining three houses would be arranged in a courtyard arrangement within the site. Single storey cart lodges are provided between dwellings as linking elements. The houses would have narrow depths, reflecting the traditional proportions of houses within the local area. The proposed materials to be used would include clay plain roof tiles, brickwork and dark stained timber boarding.
- 6.53. The proposed development would be located around the same area as the existing development, and would reflect a traditional rural courtyard arrangement. The dwellings would be rural in character and typical of those houses found within the countryside. The dwellings would have acceptable proportions and styles and would include a mix of materials to add variation to the buildings and reflect the mix of materials found within Newney Green.

- 6.54. The proposal would also include a significant amount of landscaping and would remove a large quantity of hardstanding. New native hedgerows would be provided to the front of the application site, as well as to the rear boundaries of the site to soften garden boundary treatments.
- 6.55. The scheme would have an acceptable visual relationship with the surrounding area and would not cause harm to the character and appearance of the countryside.

Residential Amenity

- 6.56. The closest residential property to the site is Fitzpatrick Farm, which shares the western boundary of the site. Fitzpatrick Farm consists of a dwellinghouse and equestrian facilities. The house is approximately 20m from the boundary of the site. There are stables located along the shared boundary with the application site.
- 6.57. The proposed dwellings are located a sufficient distance away from Fitzpatrick Farm such that they would not be overbearing or cause overshadowing of the neighbour's property. No first floor side windows are proposed to plots 1 or 3 (those closest to Fitzpatrick Farm) meaning that the neighbour's privacy would not be adversely affected.
- 6.58. The other dwellings within the scheme would be a sufficient distance from neighbouring properties such that they would not harm the amenity of any nearby residential property.
- 6.59. The proposal has been designed to ensure that there would be no harmful degree of overlooking between each of the properties. All of the proposed dwellings would be provided with a sufficient amount of private amenity space.
- 6.60. Concern has been raised in relation to the capacity of utilities serving the area. This is not a material planning consideration and would be dealt with by individual providers.

Highway Safety

- 6.61. The Lane running through Newney Green is a metalled carriageway with a width of approximately 4.8m. The site is served by an existing access which would be used by the proposed scheme.
- 6.62. As part of the previous application speed surveys were undertaken on behalf of the Applicant and these showed that the average speed of 85% of all vehicles observed was 34.7mph, despite the derestricted speed limit along the lane. On this basis, the Highway Authority is content that the access could be provided be appropriate visibility splays.
- 6.63. Emerging Policy MP5 requires developments to provide parking spaces in line with the standards set out in the Essex Parking Standards document. This required any dwelling with 2 or more bedrooms to be provided with two parking spaces.
- 6.64. Plots 1, 2 and 3 (four bedroom houses) would be provided with 3 parking spaces each. Plots 4, 5 and 6 (five bedroom houses) would be provided with 4 parking spaces each. The site layout would also offer additional informal parking spaces without being detrimental to turning spaces within the site. On this basis, the proposal includes an acceptable amount of parking provision.
- 6.65. A Construction Traffic Management Plan has been submitted with the application. This is acceptable to the Highway Authority and a condition would be added requiring compliance with

this. The construction traffic route is shown in the Traffic Management Plan and would route vehicles from the A414 through Cooksmill Green to the site, avoiding the weight restricted bridge between Newney Green and Writtle.

- 6.66. Overall, the proposal is acceptable in highway terms and would not give rise to any harm to highway safety or amenity. The Highway Authority has no objection to the proposal.

Refuse and Recycling

- 6.67. The design and access statement sets out the proposed refuse strategy for the site. In addition, appendix 6 of the Transport Statement sets out tracking diagrams for refuse vehicles.
- 6.68. The submitted tracking drawings show that a refuse vehicle would be able to access, turn and exit the site using the proposed entrance and Type 3 turning head. Refuse and recycling would be stored within the private gardens of the properties and collected from within the courtyard. All collection points are within an acceptable distance to the turning head, avoiding collection operatives having to drag bins too far. All houses would have access to gardens without entering the house.
- 6.69. Subject to the access and turning head being constructed to withstand the weight of a refuse vehicle, the proposal is acceptable in relation to the collection of refuse and recycling.

Landscaping and Ecology

- 6.70. Whilst trees would be removed from the site, these are small or insignificant specimens. The line of conifer trees around the outdoor riding arena would be removed. The willow tree to the front of the site would be retained. The proposal would not result in harm to protected species or habitats due to the structure and condition of the buildings and the current land use. The preliminary ecological survey and arboricultural impact assessment supporting this application are acceptable.
- 6.71. The site is connected to the wider landscape and is proposed to be improved and strengthened with landscape proposals. The scheme offers an excellent opportunity for additional tree and hedge planting. A detailed landscape and biodiversity enhancements plan has also been submitted with the application.
- 6.72. The site is located in the Writtle Farmland Plateau character area as described in the Landscape Character Assessment by Chris Blandford Associates which is a material planning consideration. This highlights the key characteristics of the area as including gappy hedges with single mature deciduous trees and parkland landscapes.
- 6.73. The landscaping scheme covers the application site, as well as the areas to the rear and front of the site. The areas outside of the application site, but within the Applicant's ownership, would undergo extensive landscaping as part of the proposal.
- 6.74. The scheme shows that the area to the rear of the application site would be planted as wildflower meadow. This would cover an area of roughly the same size as the application site and replace the existing hardstanding, horse paddocks and outside riding arena. The native hedgerows along the side boundaries of this area would be retained, enhanced and gapped up where necessary. The rear boundary of the application site would be softened by a new native hedgerow using an appropriate mix of plants (including Hawthorn, Hazel and Dogwood). The

rear boundary of the landscaped area to the rear would be delineated by a post and rail timber fence.

- 6.75. In addition to the wildflower meadow and hedgerow enhancements, 19 new trees would be planted in the landscaping area to the rear of the site. These would be scattered close to the boundaries, as well as two small clusters further within the site. Amongst these 10 new Oak trees would be planted. All trees would be planted at 12-14cm girth size to ensure that they would have more of an instant impact.
- 6.76. The landscape area to the front of the site would measure 0.1 hectares and would replace an existing small paddock and outdoor riding area. This area would also be planted with wildflower meadow and drifts of wildflower bulbs. Six new trees would be planted in a scattered and natural arrangement, similar to the trees along Newney Green. The trees to the front would include 3 Oak trees, a Wild Cherry and two Field Maples. As with the landscaping area to the rear of the site, the new trees would be planted as 12-14cm girth size to ensure instant impact. The existing Willow tree would also be retained.
- 6.77. In addition to the new landscaping, the proposal would also incorporate biodiversity enhancements. These would include 3 reptile mounds to the rear of the site, integral bat boxes, and integral bird boxes for Sparrows and Swallows. Close boarded fences would also include cut throughs to allow for the free and un-impeded movement of Hedgehogs across the site.
- 6.78. The proposed landscaping and ecological enhancements would offer a significant improvement to the value of the site in landscape and biodiversity terms. New planting would be significant and appropriate to the wider area, whilst offering new and enhanced connectivity to the wider landscape features. A condition requiring a management plan for the landscape and ecological features proposed would be necessary.

Affordable Housing

- 6.79. The existing policy position in relation to affordable housing is set out in policy DC31. This requires 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites which: have a capacity of 15 or more dwellings; or comprise an area of 0.5ha or larger; or lie within a small rural Defined Settlement and have a capacity for 5 or more dwellings.
- 6.80. The site does not have a capacity of 15 or more dwellings. The site is under 0.5ha. Newney Green falls within the Parish of Writtle. Writtle is not a small rural Defined Settlement. Policy DC31 is not triggered.
- 6.81. Policy HO2 of the Council's emerging plan relates to affordable housing. This sets out that 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites which: (i) comprise 11 or more residential units; or (ii) comprise a maximum combined floorspace of more than 1,000 square metres (gross internal area). This policy would apply to the proposal as the development exceeds 1000 square metres of floor area. However, there are 11 comments against this emerging policy and these raise significant unresolved objections. As such, emerging policy HO2 is attributed limited weight at this time.
- 6.82. The National Planning Policy Framework (2019), at paragraph 63 says that "to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount". Footnote 28 goes

onto says that a proportionate amount is equivalent to the existing gross floorspace of the existing buildings.

- 6.83. The existing buildings on site provide 1847sqm of floorspace. The proposed development would provide 1629sqm of floorspace. Even if emerging policy HO2 were to carry weight (which it does not at this time), the vacant buildings on site would offset any affordable housing contribution required as the new development would be less than the existing development in floorspace terms.

Underground Bunker

- 6.84. There is an underground nuclear bunker at Jubilee Farm. This originates from the 1970's. The bunker is a non-designated heritage asset and is of modest heritage value.
- 6.85. The bunker is outside of the application site delineated by the red line on the application drawings and is located in the area to the rear of the site that would be returned to landscaping. Details of how the landscaping could be provided around the bunker could be dealt with through a condition. A condition is also required to ensure that the underground nuclear bunker is retained. Subject to conditions, the proposal would not cause harm to the non-designated heritage asset.

Planning Balance

- 6.86. The National Planning Policy Framework 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.

Economic

- 6.87. Under the economic objective, the loss of the existing business weighs against the proposal. However, due to the nature of the operation that existed at Jubilee Farm, this only carries limited weight given that the use of the site was primarily for the benefit of 'Team Hayler' and not for the wider community. In addition, it is acknowledged that Team Hayler have relocated from the site for other reasons (better facilities and better connectivity to ferry ports) rather than to allow for the redevelopment of the site.
- 6.88. Whilst relatively generic benefits, the proposal would provide a range of dwelling sizes and new housing as well as employment through construction. Given the generic nature of these benefits, and that the Council's housing requirements are being met without this development, these benefits carry limited weight.

Social

- 6.89. The proposed development would be in a location where local services, schools and shops can only be reached through reliance on private vehicle movements. Walking to nearby villages and public transport routes would not be realistic or safe, due to the site's location and lack of pavement and streetlighting. This carries significant weight against the proposed development as it fails to meet the social objectives aim in the NPPF of fostering well-designed and safe built environments with accessible services to meet needs and support communities' health, social and cultural well-being.

Environmental

- 6.90. The environmental objective of the NPPF relates to protecting and enhancing our natural, built and historic environment; including making effective use of land and helping to improve biodiversity. The proposal would utilise previously developed land which is encouraged through the NPPF. This carries some weight in favour of the development, although this is limited given that there is no requirement for housing in this location.
- 6.91. The proposal would have a lesser impact on the openness of the Green Belt. The Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. One of the essential characteristics of Green Belts are their openness. As such, the reduction of built form across the site and the reduction of the spread of development across the site carries substantial weight in favour of the development.
- 6.92. The proposed development would also include landscaping and biodiversity enhancements. An area measuring the same size as the application site, currently consisting of hardstanding, paddocks and an outdoor menage would be planted as wildflower meadow. The land to the front of the site, which is also currently developed land, would be planted in the same way. Wildflower planting alone would add significant value to the site in terms of landscape and ecology. In addition, 31 new specimen trees would be planted as well as new native hedgerows and enhancement of existing hedgerows. Overall, the landscape benefits of the scheme and net gains for biodiversity carry significant weight in favour of the development under the environmental objective of sustainable development and are in line with the NPPF's encouragement for securing biodiversity net gains.
- 6.93. When considered in the round, the disbenefits of the proposal are considered to be sufficiently outweighed by the benefits. The proposal is therefore acceptable, subject to conditions and overcomes the previous reasons for refusal.

7. Community Infrastructure Levy (CIL) and RAMS

- 7.1. The application may be CIL liable and there may be a CIL charge payable.
- 7.2. 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 requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has signed and completed a unilateral undertaking securing a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) project.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site

Condition 3

Prior to 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 4

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 5

A landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, [other than privately owned, domestic gardens], for a minimum period of ten years following the first occupation of the development, shall be submitted to and approved by the local planning authority prior to the first occupation of the development. 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 6

A schedule of landscape maintenance for a minimum period of ten years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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 7

No part of the development shall be occupied until all hard and soft landscape works and biodiversity enhancements, including those within the blue land shown on drawing PR123-01-D, have been carried out in accordance with the approved details and in accordance with the details approved pursuant to condition 8.

Reason:

In order to add character to the development and to integrate the development into the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 8

Notwithstanding the details hereby approved on drawing PR123-01 D, details of:

- (a)reptile mounds;
- (b)bat boxes;
- (c) bird boxes;
- (d)cut throughs for hedgehogs;
- (e)wildflower meadow planting (based on soil test findings);
- (f)wildflower bulb planting (based on soil test findings); and
- (g)landscaping around the underground nuclear bunker (to be retained).

shall be submitted to and agreed in writing with the local planning authority prior to their installation as part of the agreed landscaping details (condition 7).

Reason:

The submitted landscaping plan does not provide sufficient details to ensure the development results in sufficient net gains for biodiversity and to ensure the underground nuclear bunker is not covered over in accordance with the objectives of the National Planning Policy Framework.

Condition 9

Prior to their installation details of any means of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.

Reason:

To ensure that the development would not result in unacceptable light pollution within the Green Belt in accordance with Policy DC1 of the Core Strategy and Development Control Policies Development Plan Document.

Condition 10

In relation to tree protection, tree surgery and construction methods, where relevant, the development shall only be carried out in accordance with the Arboricultural Impact Assessment dated June 2018 unless the local planning authority gives its written consent to any variation.

Reason:

To safeguard the existing trees which are of amenity value

Condition 11

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

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

Reason:

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 12

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

Reason:

To ensure that the development is visually acceptable in accordance with Policy DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 13

Prior to occupation of the development, the existing vehicular access shown in the Proposed Site Layout, drawing no. 880-PL-03 L at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 65 metres to the North West and 2.4 metres by 95 metres to the South East, 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 vehicular access and those in the existing public highway in the interest of highway safety.

Condition 14

Prior to first occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway as shown on the Proposed Site Layout, drawing no. 880-PL-03 L. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with a vehicular crossing of the highway verge. The access shall be constructed to be able to accommodate a 26000kg refuse collection vehicle.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

Condition 15

Prior to first occupation of the development the vehicular turning facilities shown in the Proposed Site Layout, drawing no. 880-PL-03 L shall be constructed and surfaced ready for use. The turning facilities shall be maintained free from obstruction at all times. The turning facilities shall be constructed to be able to accommodate a 26000kg refuse collection vehicle.

Reason:

To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

Condition 16

Prior to the first occupation of the development hereby permitted the vehicle parking areas, including garage and car port parking, shall be constructed as shown on the approved drawings and ready for use. The vehicle parking areas 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.

Condition 17

(a) Details of charging infrastructure for electronic vehicles shall be submitted and approved in writing with the local planning authority.

(b) The electronic vehicle charging infrastructure shall be installed in accordance with the details approved by the local planning authority prior to the first occupation of the development hereby approved.

Reason:

To encourage the use of ultra-low emission vehicles and to provide sustainable design feature within the development.

Condition 18

The garage and car port parking spaces hereby approved and shown on the approved drawings shall only be used for the parking of vehicles in connection with the domestic use of the dwellings.

Reason:

To ensure sufficient off street parking spaces are available and provided in accordance with Policy DC7 of the adopted core strategy and development control policies development plan document.

Condition 19

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.

Condition 20

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 21

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, as may be subsequently amended, would be excessive and thereby contrary to Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 22

Notwithstanding the provisions of Class E Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or as may be subsequently amended, no outbuildings shall be constructed without the specific grant of planning permission.

Reason:

The construction of the development hereby permitted in addition to any outbuildings which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015 would be contrary to Policy DC1 of the Core Strategy and Development Control Policies Development Plan Document.

Condition 23

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or as may be subsequently amended, no wall, gate or other means of enclosure other than those approved pursuant of condition 11 of this permission shall be erected within or along the boundaries of the site without the 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 24

Within six months of 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:

- a) Details of the artist (including an explanation of why they have been selected for this scheme),
- b) Details of the proposed public art (including an explanation of the chosen theme and medium) and its intended siting,
- c) Details for the installation including timing,
- d) Future maintenance regime.

The approved public art scheme shall be implemented in accordance with the approved statement.

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 25

Unless otherwise agreed in writing with the Local Planning Authority:

- a) prior to the commencement of development, excluding demolition, details of how the development will achieve a minimum of 10% reduction in carbon dioxide emissions above the requirements of Building Regulations to include, where appropriate, drawings and specifications of any renewable energy or low-carbon technology proposed to meet this requirement, shall be submitted to and approved in writing by the local planning authority;
- b) the detailed methodology for achieving these standards of construction shall be implemented as agreed.

Reason:

To assist in reducing carbon dioxide emissions from developments and to ensure any renewable energy or low carbon technology is successfully integrated with building design in accordance with Policies CP11, DC4, DC24 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 26

The underground bunker, shown on the existing site layout drawing reference 880-PL-02 shall be retained.

Reason:

To ensure that the non-designated heritage asset is not harmed in accordance with the objectives of the National Planning Policy Framework.

Condition 27

The development hereby permitted shall be constructed in complete accordance with the Construction Traffic Management Plan by Journey Transport Planning unless otherwise agreed in writing with the local planning authority.

Reason:

To ensure the construction works are appropriately managed in relation to potential highway impacts.

Notes to Applicant

- 1 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.
- 2 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.
- 3 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

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

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

- 5 The Highway Authority (Essex County Council) must be contacted regarding construction details for the proposed vehicular crossover. Contact details are:
Development Management Team,
Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford
CM2 5PU.
Telephone: 0845 603 7631 Email: development.management@essexhighways.org.
- 6 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 7 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.

Positive and Proactive Statement

The Local Planning Authority provided advice to the applicant before the application was submitted. 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

ECC Minerals & Waste Planning

Comments
No response received

Writtle Parish Council

Comments
<p>20.08.2019 - This planning application was discussed at the Writtle Parish Council's Planning and Development Committee Meeting on Monday 19th August 2019 and the committee felt that the amendments made to the planning application did not change their initial objections that this is inappropriate development in the green belt due to the form and scale of the buildings having an adverse impact on openness and was not in keeping with the surrounding setting. The committee's original objections still stand and they strongly object to the planning application.</p> <p>' The committee felt that the proposed application was inappropriate development in the green belt due to the form and scale of the buildings having an adverse impact on openness and was not in keeping with the surrounding setting.</p> <p>' The committee felt that the location of the site was unsuitable due to the lack of infrastructure. The proposed development would be located on a road that is single track in most places and has no lighting or footway. There would be an increase in the number of cars on the road along with an increase in delivery vehicles to the area, as well as an increase in traffic generated by the proposed development. The road is also part of the Sustrans National Cycle Route Number 1 and is popular with cyclists and horse riders. The increase in traffic would make this small road even more unsafe due to conflict with these users. The committee did not think that the data used in the applicant's Transport and Accessibility Statement (June 2019) that exaggerated the current volume of traffic and predicted volume was inaccurate due to lack of accessibility to local services and facilities and the scale of the 4/5 bedroom dwellings proposed</p> <p>' Newney Green is a small hamlet, consisting of 12 houses and the committee felt that the scale and form of the proposed dwellings, even though a lesser number is inappropriate for the area. The proposed development increase the number of larger properties in an area where there is no public transport to the area, no schools and the internet is already unreliable.</p> <p>' One of the existing buildings on the proposed development is an indoor ménage which was approved planning in 2011 with attached conditions. The committee felt that if this need had now been removed, the ménage should not be counted in the calculations for PDL purposes.</p> <p>' The committee felt that it was inaccurate to argue that the site was unable to continue as an equestrian centre as there is a lot of equine activity in the area and the lack of need for the buildings has not been established in the application. Equine activity in the area and the fact the current owners no longer wish to use the site for this activity does not render the site redundant.</p>

In addition to these objections the planning committee would also like to object on the basis that the proposed dwellings create an urban appearance both in form and siting due to their continuous built up form that is alien in this area of loose knit hamlet with gaps between the properties. The committee felt that there is insufficient articulation proposed dwelling planned so that there was no respect for the surrounding building's character and appearance.

Public Health & Protection Services

Comments

12.07.2019 - Potential for contamination from previous uses of the site.

The developer must commission an asbestos survey of the site before any demolition work is carried out. The survey must be undertaken by a suitably qualified and experienced environmental consultant. Any asbestos found on site must be removed by a licenced contractor to an approved facility before any demolition works. Duty of care documentation demonstrating that safe disposal of any asbestos material has been carried out must be provided.

Essex County Council Highways

Comments

15.08.2019

This smaller proposal for 6no. dwellings follows the application 18/01167/FUL for 12no. dwellings.

A seven day speed survey was submitted for application 18/01167/FUL. This demonstrated to the satisfaction of the Highway Authority that the available and achievable visibility splays to the existing vehicular access which would serve the proposed development, were suitable, for the measured vehicle speeds along the Newney Green carriageway. The visibility splay provision requirement as previously conditioned has been replicated below.

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

1. No development shall take place, including any ground works or demolition until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

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.

2. Prior to occupation of the development, the existing vehicular access shown in the Proposed Site Layout, drawing no. 880-PL-03L at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 65 metres to the North West and 2.4 metres by 95 metres to the South East, as measured from and along the nearside edge of the carriageway.

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.

Note That the achievable visibility splays exceed those required for the 85th percentile vehicle speeds measured over 7 days outside the vehicular access and along the Newney Green carriageway as issued in support of the earlier application 18/01167/FUL:

' Eastbound is 33.7 mph which requires a visibility splay of 'X' or minor distance 2.4 metres by 46.12 metres as measured from the nearside carriageway edge.

' Westbound 34.7 mph which requires a visibility splay of X' or minor distance 2.4 metres by 48.07 metres as measured from the nearside carriageway edge.

3. Prior to first occupation of the development the shared pedestrian vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway as shown in principle the Proposed Site Layout, drawing no. 880-PL-03L. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge.

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

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. Prior to first occupation of the development the vehicular turning facility shown in the Proposed Site Layout, drawing no. 880-PL-03L shall be constructed, surfaced ready for use and maintained free from obstruction within the site at all times for that sole purpose.

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

7. The proposed development shall not be occupied until such time as the vehicle parking areas shown in the Proposed Site Layout, drawing no. 880-PL-03L have been constructed in accordance with the EPOA Parking Standards 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 Newney Green carriageway 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 above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

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

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

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

ii. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Recycling & Waste Collection Services

Comments
No response received

Local Residents

Comments
<p>Objection received from 11 residents raising the following concerns:</p> <ul style="list-style-type: none">-Reasons for refusal are still valid <p><i>Green Belt and character</i></p> <ul style="list-style-type: none">-Indoor arena should not be used in Green Belt calculations-50% increase in the total houses in Newney Green-Greater impact on the openness of the Green Belt and intrusive-Out of keeping with low density of Newney Green-No requirement to develop site <p><i>Highways</i></p> <ul style="list-style-type: none">-Recreational cycle route (no.1) already puts pressure on the road-Road is narrow and not wide enough for increase in traffic-Previous vehicle movements were barely noticeable-A weight limit on a nearby bridge needs to be considered as it will be too weak for large transport <p><i>Sustainability</i></p> <ul style="list-style-type: none">-Walking and cycling cant replace car trips-Walking is dangerous as there are no paths or lighting- No schools or services nearby-Private vehicle movements would be relied upon

-Unsustainable development

Infrastructure

-Not good enough infrastructure

-Low internet speeds

Landscaping and Ecology

-No information about public open space

-Flooding in winter

There would be harm to local wildlife

Other Matters

-The Duck Inn is now closed

-Viable equestrian centre and could be sold as such

-No affordable housing and no social benefit

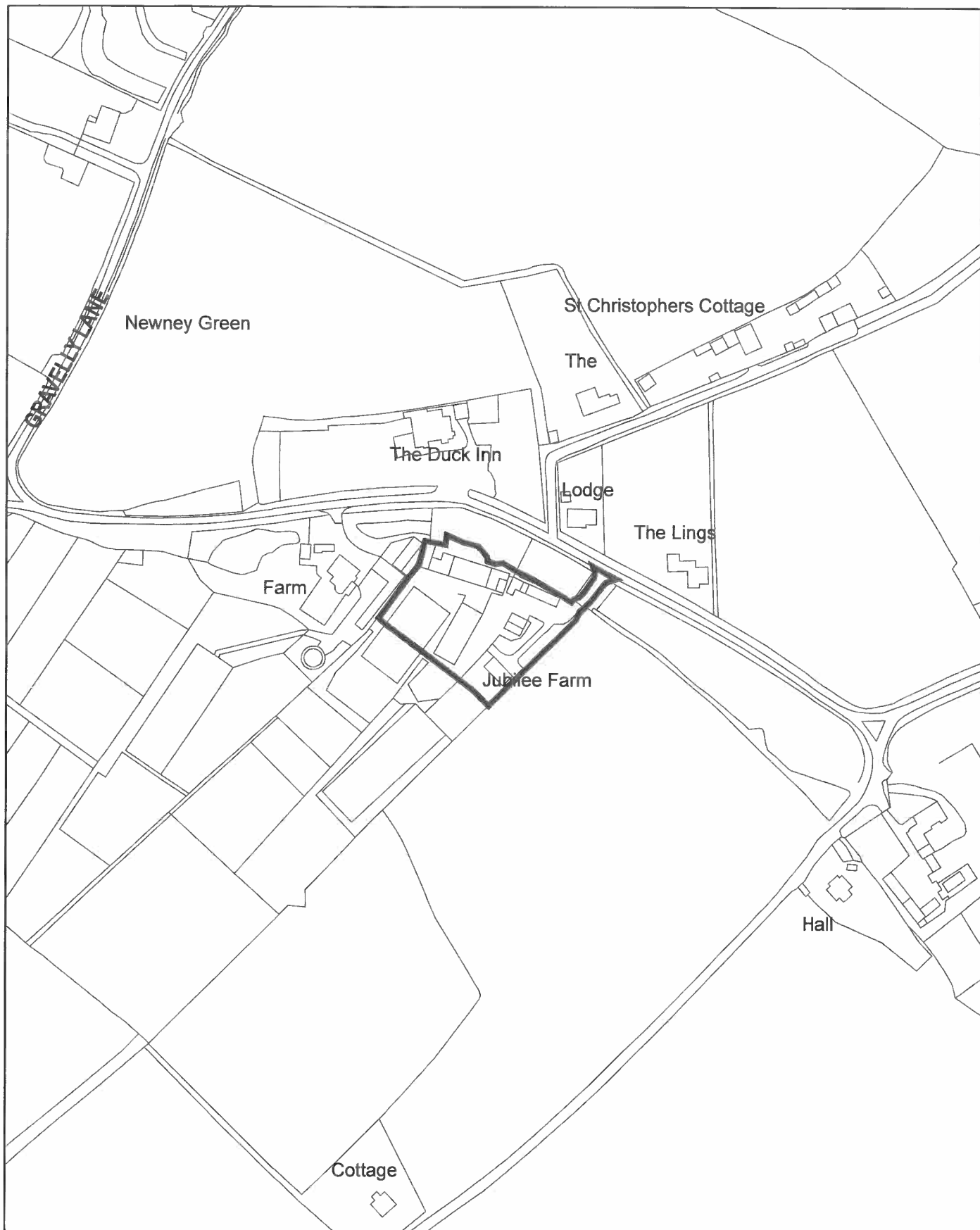
-Potential for asbestos

-Overlooking of surrounding properties

Prior Approval is needed to change the use of the buildings to dwellings

One letter of no objection stating:

“As the only direct neighbours to the potential development, we have no objections to this application as a result of how accommodating the developers have been. Although this development will cause a lot of disruption and safety risks for us in terms of handling and riding the horses, they have been very understanding and taken a number of measures to improve safety and make the whole process as least disruptive as possible. They have acknowledged our thoughts and concerns for the design of the buildings and have come up with a design that is acceptable for us.”



0 10 20 40 Metres

1:2,500



**Planning Committee
19/01149/FUL**

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

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

Telephone: 01245 606826

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DUCK INN
PUBLIC HOUSE

FITZPATRICK FARM



Appeals Report

Appeal Decisions received between 24/07/2019 and 23/08/2019

PLANNING APPEALS

Total Appeal Decisions Received	7	
Dismissed	6	86%
Allowed	1	14%
Split	0	0%

Written Reps

Planthome Ltd Woodham Road Battlesbridge Wickford Essex SS11 7QR

Reference	17/01867/FUL
Proposal	Removal of Existing Garages and Polytunnel to Construct New Dwelling
Appeal Decision	Appeal Dismissed - 02/08/2019
Key Themes	Green Belt
Agreed with CCC on	Inappropriate development - harmful to the Green Belt
Disagreed with CCC on	none.
Costs Decision	None

Land Adjacent 112 Brook Lane Galleywood Chelmsford CM2 8NN

Reference	18/00545/FUL
Proposal	Construction of two loose box stable
Appeal Decision	Appeal Dismissed - 25/07/2019
Key Themes	-Whether the use of land for the grazing of horses constituted agricultural for the purposes of NPPF para. 145(a) -Whether the use constituted recreational activity for the purposes of NPPF para. 145(b) -Whether the development harmed the openness of the Green Belt -Whether the development harmed the intrinsic character and beauty of the area
Agreed with CCC on	-The use of land for the grazing of horses did not in this instance constitute agriculture -The development was harmful to the openness of the Green Belt -The development was also harmful to the intrinsic character and beauty of the Countryside
Disagreed with CCC on	N/A
Costs Decision	None

Pilgrims Lower Stock Road West Hanningfield Chelmsford Essex CM2 8UY

Reference	18/01218/FUL
Proposal	Demolition of existing dwelling and outbuildings and construction of new dwelling and detached garage and new driveway.
Appeal Decision	Appeal Dismissed - 25/07/2019

Key Themes	Inappropriate development. Openness of Green Belt. Effect on intrinsic character and beauty of countryside.
Agreed with CCC on	Inappropriate development. Harmful to openness of Green Belt. Harmful to intrinsic character and beauty of countryside. Proposal still materially greater than permitted development 'fallback' scheme.
Disagreed with CCC on	The floor area of ancillary outbuildings can not be included within the floor area of the dwelling to be replaced. Officers had discounted the outbuildings from calculations, but the Inspector disagreed and included them.
Costs Decision	None

Land Adjacent Woodmead Foxborough Chase West Hanningfield Chelmsford Essex

Reference	18/01684/OUT
Proposal	Erection of one single storey two bedroom house.
Appeal Decision	Appeal Dismissed - 09/08/2019
Key Themes	- located in the Green Belt- Not in a village or infill - Harmful to openness - harm to protected trees - not a sustainable site
Agreed with CCC on	- not in a village - not an infill plot - harm would be caused to the protected trees
Disagreed with CCC on	
Costs Decision	None

Householder

Oak Dean Little Green Chelmsford Essex CM3 1BU

Reference	18/01935/FUL
Proposal	Proposed brick piers & sliding metal gates to existing entrances fronting highway.
Appeal Decision	Appeal Dismissed - 16/08/2019
Key Themes	Harm to the intrinsic character and beauty of the countryside, Impact on highway safety and efficiency
Agreed with CCC on	Harm to the intrinsic character and beauty of the countryside
Disagreed with CCC on	Impact on highway safety and efficiency
Costs Decision	None

170B Rainsford Road Chelmsford CM1 2PD

Reference	19/00124/FUL
Proposal	Two storey side extension.
Appeal Decision	Appeal Allowed - 21/08/2019
Key Themes	Harm to protected tree
Agreed with CCC on	none.
Disagreed with CCC on	no increased pressure for works; no harm to protected tree
Costs Decision	None

Reference	19/00338/FUL
Proposal	Formation of access with parking area and associated landscaping works.
Appeal Decision	Appeal Dismissed - 16/08/2019
Key Themes	Highway Safety; Listed Building
Agreed with CCC on	Hazard to road users; adverse affect on setting of Listed Building
Disagreed with CCC on	None.
Costs Decision	None