

# Planning Committee Agenda

**7 September 2021 at 7pm**

**Council Chamber, Civic Centre, Chelmsford**

## **Membership**

Councillor J A Sosin (Chair)

## **and Councillors**

L Ashley, S Dobson, P Hughes, R J Hyland, J Lardge,  
R Lee, G H J Pooley, R J Poulter, T E Roper,  
E Sampson, C Shaw and I Wright

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

However, at present the Council is continuing to observe distancing at its meetings. To manage the number of public at this meeting anyone wishing to attend should obtain an admission pass beforehand. If you wish to apply for one or find out more about attending the meeting, please email Brian Mayfield in the Democracy Team: [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk)

There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk). Further details are on the agenda page.

# PLANNING COMMITTEE

7 September 2021

## AGENDA

### 1. CHAIR'S ANNOUNCEMENTS

### 2. APOLOGIES FOR ABSENCE

### 3. DECLARATIONS OF INTEREST

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

### 4. MINUTES

To consider the minutes of the meeting on 22 June 2021

### 5. PUBLIC QUESTION TIME

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

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

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

### 6. MARSH FARM VISITOR ATTRACTION, MARSH FARM ROAD, SOUTH WOODHAM FERRERS, CHELMSFORD – 21/00218/FUL

7. KINNAR HOUSE, MARGARET WOODS ROAD, GREAT WALTHAM,  
CHELMSFORD – 21/00570/FUL
8. 50 OAK LODGE TYE, SPRINGFIELD, CHELMSFORD – 21/01112/FUL
9. 34 MOSS PATH, GALLEYWOOD, CHELMSFORD = 21/01161/FUL
10. PLANNING APPEALS

**MINUTES**  
**of the**  
**PLANNING COMMITTEE**  
**held on 22 June 2021 at 7:00pm**

**Present:**

Councillor J A Sosin (Chair)

Councillors L Ashley, K Bentley, S Dobson, J Lardge, R Lee,  
G H J Pooley, R J Poulter, T E Roper, E Sampson, C Shaw and I Wright

Also present: Councillors M Steel and R Whitehead

### 1. Chair's Announcements

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

### 2. Apologies for Absence

Apologies for absence had been received from Councillors P Hughes and R J Hyland. The latter had appointed Councillor K Bentley as his substitute.

### 3. Declarations of Interest

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

### 4. Minutes

The minutes of the meeting on 4 May 2021 were confirmed as a correct record.

#### 4A. Appointment of Vice Chair

RESOLVED that Councillor I Wright be appointed as Vice Chair of the Committee for 2021-22.



## 5. Public Question Time

Questions were asked and statements made on Items 6 and 7. Details are recorded under the relevant minute number below.

## 6. Fox and Hounds Public House, Church Road, Ramsden Heath, Billericay – 21/00482/FUL

The Committee considered a retrospective application for the erection of two marquees, a timber storage area/occasional stage and timber toilet structures comprising a male urinal enclosure and 13 unisex cubicles and hand wash facilities at the Fox and Hounds, Church Road, Ramsden Heath.

Members were advised that the structures were permitted to remain in place under temporary legislation introduced by the government in April 2020 to support public houses through the pandemic. That legislation granted temporary consent for moveable structures, such as marquees, until the end of January 2022. Given the important role of the structures in helping the pub to function and survive through the pandemic it was considered that in this case the buildings amounted to very special circumstances that would outweigh the harm that they would cause to the openness of the Green Belt. However, it would not be appropriate for the structures to be retained in the long term and it was therefore proposed that approval be granted on a temporary basis of one year.

A member of the public and a ward councillor attended the meeting to speak against the application. They referred to the disturbance to neighbours caused by live music events in the marquees which had resulted in complaints to Public Health and Protection, problems and safety concerns associated with vehicles parking in the vicinity of the pub, and the size of the structure, which it was felt was inappropriate for a public house in a quiet rural location. The Committee was urged not to grant the application, although it was recognised that the structures could be used until January 2022 without further permission.

Members were informed that the noise issues were a licensing rather than planning matter and could be enforced under the Environmental Protection Act 1990. The car park of the public house could accommodate 26 vehicles and there were no parking restrictions on the roads in the vicinity of the premises. The adverse impact on the Green Belt was recognised but officers were recommending a temporary one year permission to allow for any extension of the government's temporary relaxation of planning restrictions on such structures.

The Committee was of the view that as the structures had been built without planning permission and were inappropriate development in the Green Belt formal permission for their continued use should not be granted. Members accepted, however, that they could remain in place until January 2022 under the present legislation. It was noted that as a detailed reason for refusal had been given at the meeting it would not be necessary on this occasion to defer the application for the consideration of detailed reasons.

RESOLVED that application 21/00482/FUL in respect of the Fox and Hounds, Church Road, Ramsden Heath, Billericay be refused on the grounds that it would be inappropriate development in the Green Belt.

(7.09pm to 7.40pm)

## 7. Land North-West of Montpelier Villa, Blasford Hill, Little Waltham – 20/01907/OUT

An outline application had been received for the construction of 10 dwellings with associated access on land to the north-west of Montpelier Villa, Blasford Hill, Little Waltham. Approval was specifically sought on access, appearance, layout and scale.

A local resident, a representative of Little Waltham Parish Council and a ward councillor attended the meeting to speak against the application. They had various reasons for opposing it, including that it was another in a series of piece-meal developments in the village and should not be considered in isolation from the adjacent development area (Strategic Growth Site Policy 8) allocated in the Local Plan; that this application and the development of the adjacent area would be an inappropriately large addition to a small parish; that it mainly comprised large houses and did not provide much needed smaller units of accommodation; that it would add to the congestion already being experienced on adjacent roads and gave rise to concerns over the safety of the access to the site; and that the design and density of the development proposed in the application would not be in keeping with the rest of Blasford Hill.

Responding to those points, officers said that the development would be a mix of three-, four- and five-bed units, all of which, it had been demonstrated, were required in Chelmsford and were typical of a rural location. The strip of land around the site separated it from the allocation site and meant that they could not be developed together and each required separate access. However, this development respected and complemented the masterplan for strategic growth site 8 and whilst the mix of housing was slightly different, it was not radically so. There was also no standard mix of house types and sizes in Blasford Hill. The proposed boundary treatment would reduce the impact of noise from the adjacent site currently used as a scaffolding business, although a member expressed concern at the proposed use of mechanical ventilation systems to reduce noise further in some of the properties.

During members' discussion of the application the view was expressed that the proposed density of the development at 25 units per hectare was insufficient and that it did not provide a sufficient number of much needed smaller units. Officers said that following government advice the previous lower limit of 30 units per hectare had been removed from local planning policies and that in the case of this site the density was appropriate when the space required for turning heads, landscaping etc was taken into account.

The Committee concluded that it had no reasonable grounds for refusing the application.

RESOLVED that the Director of Sustainable Communities be authorised to approve application 20/01907/OUT in respect of land to the north-west of Montpelier Villa, Blasford Hill, Little Waltham, subject to a Section 106 Agreement being entered into and to the conditions detailed in the report to the meeting.

(7.40pm to 8.36pm)

## 8. Chelmer Waterside Access, Wharf Road, Chelmsford – 21/00024/FUL

The Committee considered an application for a single carriageway road, bridge and associated works from Wharf Road to Baddow Road to provide access to the emerging Chelmer Waterside neighbourhood.

The Committee was told that measures would be taken to reduce the possibility of the new road being used as a rat-run and that the use of the road would be kept under review and that the height of the bridge would be sufficient for the majority of waterborne traffic to pass under it. The cycle and pedestrian route would be segregated and connect to other routes, and surface materials would be in keeping with those intended for such routes in the rest of the city centre. The number of parking spaces for the Waterside development would be kept to a minimum.

RESOLVED that application 21/00024/FUL in respect of the access road to Chelmer Waterside from Wharf Road to Baddow Road be approved, subject to the conditions detailed in the report to the meeting.

(8.36pm to 8.58pm)

#### 9. No. 117 Lady Lane, Chelmsford – 21/00316/FUL

The Committee considered a retrospective application for a loft conversion with the raising of roof, rear dormer, front skylights, side window and front porch in respect of 117 Lady, Lane, Chelmsford.

RESOLVED that application 21/00316/FUL in respect of 117 Lady Lane, Chelmsford be approved, subject to the condition detailed in the report to the meeting.

(8.58pm to 9.11pm)

#### 10. Planning Appeals

RESOLVED that the information on appeal decisions between 21 April and 7 June 2021 be noted.

(9.11pm to 9.12pm)

The meeting closed at 9.12pm

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

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

## **SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA**

- DM8** Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- DM10** Policy DM10 - Change of use (Land & Buildings) & Engineering operations - Planning permission will be granted for the change of use of buildings in the Green Belt, Green Wedges and Rural Area subject to the building being of permanent and substantial construction and where the building is in keeping with its surroundings. Engineering operations will be permitted within the Green Belt where they preserve openness, do not conflict with the purposes of including land in the Green Belt, and do not harm the character and appearance of the area. Changes of use of land will be permitted in the Green Wedges and Rural Area where the development would not adversely impact on the role, function and intrinsic character of the area.
- DM14** Policy DM14 - Non-Designated Heritage Assets - Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Any harm or loss will be judged against the significance of the asset.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
- DM18** Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.

- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- SPS11** Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

## **VILLAGE DESIGN STATEMENTS**

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

## **NATIONAL PLANNING POLICY FRAMEWORK**

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

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

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

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



**Planning Committee**  
**7<sup>th</sup> September 2021**

<b>Application No</b>	:	21/00218/FUL Full Application
<b>Location</b>	:	Marsh Farm Visitor Attraction Marsh Farm Road South Woodham Ferrers Chelmsford Essex CM3 5WP
<b>Proposal</b>	:	<b>Retrospective application for Change of Use of Visitor Reception/Cafe to Farm Shop (E); Surfacing of land adjacent to Farm Shop and use for activities associated with the Farm Park; Surfacing to Existing Overspill Parking Area (Part)</b>
<b>Applicant</b>	:	Mr James Sinclair
<b>Agent</b>	:	Mr Barry Davies
<b>Date Valid</b>	:	9th February 2021

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## Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. This application is referred to planning committee at the request of a local ward member for the following reasons:
  - the level of residents' objections to the application;
  - the Town Council's objections;
  - an absence of appropriate traffic measurement when traffic is arriving/leaving events; and
  - the current use is very different from that envisaged when the applicant entered into a lease with Essex County Council.
- 1.2. The site is located within the Rural Area where new development is restricted. The application seeks retrospective planning permission for the change of use of a building within the site for use as a shop, the hardsurfacing of an area of land to the rear of the shop and the laying of planings on one of the overflow car parks.
- 1.3. The change of use of the building has no visual impact on the surrounding area. The area of tarmac is well related to other landscaped areas of the site and is not visible from public views outside of the site. The surfacing of part of the overflow car parks has an acceptable appearance.
- 1.4. The development being applied for does not generate noise or disturbance which is harmful to neighbouring residential properties.
- 1.5. The development does not increase any flood risk within or outside the site.
- 1.6. There is adequate parking provision for the retail use of the building.
- 1.7. The development does not result in ecological harm.
- 1.8. Approval is recommended.

## **2. Description of site**

- 2.1. The site is located to the south of South Woodham Ferrers on land between the River Crouch and residential development, within the Rural Area and is located within Flood Zones 2 and 3. It is currently in use as an established family visitor attraction, "Marsh Farm Animal Adventure Park".
- 2.2. The site comprises a range of buildings spread across the centre of the site. At the entrance to the visitor attraction there is a two-storey black weather boarded building which provided the reception and café to the attraction. This is currently in use as a shop selling produce including food, household items, confectionary, and gifts, some of it locally sourced. To the rear of this building an area which was previously grassed with paths running across and it has been laid with tarmac.
- 2.3. To the west of the central area is the main car park, accessed directly from Marsh Farm Road. To the south of the main car park are two parcels of land used for overflow car parking. The westernmost overflow car park has had planings laid on the surface.



- 2.4. There is a public right of way running parallel with Marsh Farm Road, adjacent to the western boundary of the overflow car parking areas. The site boundaries to Marsh Farm Road comprise mature vegetation.

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

- 3.1. This application has been revised since it was originally submitted. It is a retrospective application and now relates to three elements of development:
- Change of use of the visitor reception/café building for use as a shop
  - Hard surfacing of land to the rear of the shop building for use for activities associated with the wider site
  - Surfacing of part of the overflow car parking area
- 3.2. The application also originally sought planning permission for the retention of a marquee on the site to the rear of the shop however this element has been withdrawn from the application.

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

- 4.1. Since 2014 the site has been the subject of a number of planning applications. Of particular relevance is the 2014 application for a certificate of lawfulness which was granted for the use of the site as a visitor attraction. This included the use of land to the south of the main car park for overflow car parking.

A summary of the relevant applications is set out below:

- 14/00594/FUL - Approved 23rd January 2015  
Retrospective application for construction of birds of prey enclosure, train station, ticket booth, snack shack, walk through aviary, laying of hard surface access track. Change of use of buildings including piggery building to education and interpretation centre with cafe, part of cowshed to retail gift shop with refreshment facilities. Change of use of land to recreational activity area (children's pedal go-karts and mini- golf)
- 14/01331/CLEUD - Approved 23rd January 2015  
Use of site as visitor attraction (D2 Assembly and Leisure) including staff car park, overflow car park, events field, ancillary storage, picnic area, children's outdoor activity area and birds of prey display area.
- 15/01001/FUL - Approved 19th August 2015  
Siting of educational play equipment.
- 15/01287/FUL - Approved 22nd September 2015  
Retrospective application for extension to staff car park and proposed extension to staff car park.
- 16/01596/FUL - Approved 19th December 2017  
Retrospective application for change of use of part of existing building from an educational /livestock building to a registered children's day nursery (use class D1).

### **5. Summary of consultations**

- Environment Agency – no response received.

- Essex County Council Highways – the proposal is acceptable to the Highway Authority.
- Ramblers Association – no response received.
- Natural England – no objections.
- South Woodham Ferrers Town Council – Objects in respect of:
  - visual and noise impacts;
  - increase of flooding;
  - traffic impacts;
  - change in scale from former use;
  - one marquee remains on site;
  - Natural England questions have not been answered.
- Public Health & Protection Services – requests that a food safety and hygiene informative is added.
- Local residents – a number of representations have been received during three rounds of consultations.

#### Objections:

- The application is retrospective
- The parking accumulation study was undertaken during lockdown restrictions and will not accurately reflect normal visitor numbers
- The parking is not laid out in formal bays – to do so would be harmful to the rural character of the area
- The east car park is not in use for parking and should not be assessed as such
- The shop is open for anyone to use, not just visitors to the attraction
- A retail food shop is not necessary here
- There are delivery vehicles accessing the site for the shop
- No retail impact assessment has been undertaken
- Concerns regarding vehicle movements in and out of the site and highway safety
- Visual impact of the marquee
- Noise and disturbance from activities on the site
- Visual impact of road planings on the overflow car park
- Insufficient ecological information has been submitted considering proximity to protected ecological areas
- A shop on the site conflicts with the visitor attraction which is provided for children
- If approved, conditions are requested that the shop should be restricted to Class E(e) retail use only with opening and delivery hours restricted
- Alternative surfacing could be used to the car park

#### Support:

- The shop is in keeping with the rural character of the area
- Surfacing of the car park would be a benefit and avoid being stuck on a muddy day
- The shop is supportive of local businesses and provides locally sourced foods
- It is convenient to pop in after a walk along the river

Full details of the consultation responses are provided in Appendix 1.

## **6. Planning considerations**

### ***Main Issues***

6.1. The main issues are whether:

- the development is acceptable in the Rural Area
- there are any flood issues arising from the development
- the development impacts neighbour amenity

- there are any access or parking issues arising from the development
- there is any ecological harm from the development.

### ***Change of use of land and buildings in the Rural Area***

- 6.2. The site is located within the Rural Area where Local Plan Policy DM10 applies. Part C specifically relates to land within the Rural Area such as the application site and specifies that subject to compliance with the following four criteria, planning permission will be granted for the change of use of land or buildings in the Rural Area:
- i. the building is of permanent and substantial construction, and works to convert the building would not result in substantial reconstruction; and
  - ii. the building is in keeping with its surroundings, and any alterations or extensions do not harm its original character; and
  - iii. it does not adversely impact on the identified intrinsic character, appearance and beauty of the Rural Area; and
  - iv. the building was constructed less than ten years ago for the purposes of agriculture, but it can be demonstrated that it is no longer required for agriculture.
- 6.3. Policy DM10 also permits engineering operations within the Rural Area where they do not adversely impact upon the identified intrinsic character, appearance and beauty of the Rural Area.
- 6.4. In respect of the above criteria and the visitor reception/café building:
- i. The building has previously been in use as a visitor reception/café building. It is a well-constructed black weatherboarded structure in good condition. No works have been undertaken or were necessary to facilitate its change of use to a shop.
  - ii. The building forms part of a group of buildings within the Marsh Farm Visitor Attraction. It is a traditionally designed building of a type which is commonly found in rural areas in Essex. No alterations have been undertaken to the building.
  - iii. The use of the building as a shop does not impact the intrinsic character, appearance and beauty of the Rural Area. There have been no changes to the building to facilitate the shop use. All associated parking for customers takes place within existing car parking areas as part of the Visitor Attraction.
  - iv. The building was not constructed less than ten years ago for the purposes of agriculture.

The change of use of the building complies with the requirements of Policy DM10 and is acceptable.

- 6.5. The remaining two elements of the application relate to engineering operations within the site. An area of tarmacked hardstanding has been created behind the shop building and part of the overspill car parking area has been hardsurfaced with type 1 planings.
- 6.6. The area of tarmac behind the shop has been laid over an area which was formerly grassed with some existing hardstanding adjacent to the building and a diagonal paths running across it. The total area of hardstanding amounts to about 380m<sup>2</sup>. This part of the site is located behind the shop and adjacent to other landscaped areas of the site. Public views of this area are limited as a result of the position of the building, existing vegetation adjacent and its position in the centre of the site. In the context of the other landscaped areas of the site which surround it, the additional hard surfacing of this area does not adversely impact the intrinsic character, appearance and beauty of the Rural Area.

- 6.7. To the south of the main car park there are two areas of the site which are used for overflow car parking. The lawfulness of this use was established through the grant of a certificate of lawfulness in 2015.
- 6.8. Part of the western parcel of land has had type 1 planings laid over it and it is proposed to extend this to the rest of this part of the overflow car parking. It is not proposed to surface the eastern parcel of land.
- 6.9. When viewed from outside the site, the surfacing of the land with planings changes the appearance of the land from a grassed area to one with a darker colour. The land can be used for car parking without any surfacing however in times of inclement weather it will become muddy. Equally in summer months, parking on the grass will also impact its growth. The use of planings provides a more stable surface for vehicles to park on without the more urban appearance and impermeability of a bound surface material.
- 6.10. In light of the lawful use of the land for car parking and the limited visual impact that the planings have on the intrinsic character and beauty of the Rural Area, the laying of planings on the car park area is acceptable.
- 6.11. The development complies with the requirements of Local Plan Policy DM10.

### ***Flooding***

- 6.12. The site is located within Flood Zones 2 and 3 and a flood risk assessment has been submitted with the application. The change of use of the visitor reception/café building does not impact the risk of flooding, either within the site or to neighbouring properties, or increase this in any way. There is also no greater risk to customers or visitors as a result of the change of use.
- 6.13. The laying of tarmac on an area in the centre of the existing developed site does not result in any significant increase to surface water run off or flooding outside the site. The wider site continues to comprise significant areas of undeveloped and grassed land which are able to absorb any surface water run off. The planings laid to the overflow car park are not a solid, bound material and continue to allow water to soak into the ground.
- 6.14. The development does not give rise to any flood risk issues within the site or to neighbouring properties and complies with Local Plan Policy DM18.

### ***Neighbour Amenity***

- 6.15. All activities related to the use of the building as a shop are contained within the building. As such there is no material change in the nature of activity generated from when it was in use as a visitor reception/café building. The use of the tarmac area to the rear does not generate any additional activity above that already permitted within the site. The laying of planings on an existing car park area would not intensify the use of the site. The development now being applied for within this application does not result in any noise or activity which gives rise to harm to the amenity of neighbouring properties.
- 6.16. It is noted that representations have been submitted detailing issues of noise and disturbance which have been generated by the site. A number of these relate to the past use of the marquee to the rear of the shop for events.

- 6.17. The marquee has been removed from this planning application and does not form part of the development which planning permission is being sought for. It is acknowledged that the running and management of events have previously led to noise complaints however this application relates solely to the change of use of the visitor reception/café building, the area of tarmac to the rear and the laying of planings on part of the overflow car park.
- 6.18. The use of the site has evolved since it was originally run by Essex County Council as an educational Country Park site and it is now an established visitor attraction. The management and running of the wider site and the holding of events are separate issues from the development which is being applied for as part of this planning application. The development which is being applied for does not give rise to noise impacts.
- 6.19. The opening hours for the shop indicated on the application form are longer than those of the visitor attraction. On weekdays and Saturdays the hours of 9am – 6pm are acceptable however it would be reasonable for the opening hours to be restricted to those of the visitor attraction on Sundays, Bank and Public holidays when there is a general expectation of a lower level of activity.
- 6.20. Subject to the imposition of conditions detailed above, the development complies with Local Plan Policy DM29.

#### ***Access and Parking***

- 6.21. A parking accumulation study has been undertaken and submitted by the Applicant and the development has been assessed by the Local Highway Authority (LHA).
- 6.22. It is evident from both visiting the application site and from the submitted documents that there is a large amount of car parking available within the site. Plans have been submitted which show the parking areas laid out in bays to indicate the amount of parking available. However, it is noted that on the ground there are no marked bays. Notwithstanding this, there remains a significant level of parking provision for visitors to use.
- 6.23. The LHA consultation response indicates that the parking accumulation study has demonstrated that adequate parking provision exists within the site for the lawful uses and the development currently applied for. No concerns regarding highway safety and impact on the surrounding road network have been raised.
- 6.24. It was evident from a recent Officer's site visit during the current "Bubble 'n Bop" children's festival during the school holidays that the parking areas were well used and there was no obvious associated parking taking place outside the site.
- 6.25. The existing parking is provided without the need for bound surfaces or marked out bays. Although a condition is requested for the parking areas to be laid out formally and surfaced, this does not relate to the development currently being applied for. In addition, there are sufficient turning areas within the site for delivery vehicles and deliveries can be managed by the applicant.
- 6.26. It is noted that concerns have been raised by local residents regarding the timing of the accumulation study being carried out and national Covid restrictions in force at that time which may have skewed visitor numbers and the study's results. By the end of June 2021 when the parking study was undertaken, there were no restrictions in force regarding meeting other people in outdoor settings and indoor entertainment venues, such as children's play areas, were permitted to open. The timing of the study is therefore considered to be appropriate to assess the parking impact of the development.

- 6.27. The site provides sufficient parking provision to accommodate the needs of the visitor attraction in addition to the shop on the site.

### ***Ecology***

- 6.28. Natural England initially requested additional information in the form of a Habitat Regulations Assessment (HRA) regarding potential impacts from the development on the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and RAMSAR. The Council provided the required HRA and on consideration of this, Natural England has confirmed that the development will not have significant adverse impacts on the above protected sites and they have no objection to the development.

- 6.29. The development therefore does not conflict with the objectives of Chapter 15 of the National Planning Policy Framework and complies with Local Plan Policy DM16.

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

- 7.1. This application is not CIL liable.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

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

Reason:

In order to achieve satisfactory development of the site

#### **Condition 2**

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

9am – 6pm Mondays - Fridays;

9am – 6pm Saturdays; and

10am – 5pm Sundays and Bank Holidays.

Reason:

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

#### **Condition 3**

The building shown on drawing nos. A1973/101 and A2360/107 shall be used for Class E(e) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings and ensuring the appropriate parking provision is provided within the site for the use in accordance with Policies DM29 and DM27 of the Chelmsford Local Plan.

### **Positive and Proactive Statement**

During the life of the application the Local Planning Authority suggested amendments to the proposal in order to improve the development. 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

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**Environment Agency**

Comments
No response received

**Essex County Council Highways**

Comments
<p>It is noted that the Marquee and use for activities associated with the Farm Park has been removed from the proposal.</p> <p>The Staff Car Park was permitted in approval 15/01287/FUL and the 'Overflow' car parking area was established together with D2 (Assembly and Leisure) Uses in approval 14/01331/CLEUD.</p> <p>Within the site there are existing and established on-site car parking areas.</p> <p>There are 956no. car parking spaces proposed adjacent to Marsh Farm Road:</p> <ul style="list-style-type: none"> <li>' The Main Car Park to the north side of the site has 265no. spaces.</li> <li>' The Staff Car Park 61no. spaces to the south side of the site is repositioned to the east</li> <li>' Two Overflow Car Parks to the south of the Staff Car Park: <ul style="list-style-type: none"> <li>• West Side 400no. spaces</li> <li>• East Side 230no. spaces.</li> </ul> </li> </ul> <p>A Parking Accumulation Survey provided by the applicant demonstrates adequacy for the on-site car parking as proposed.</p> <p>Public Right of Way, Footpath no. 53 (South Woodham Ferrers Parish 298) alignment is outside the car park boundary and therefore not materially affected, by the proposed West Field 400 space Overflow Car Park.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The car parking areas shown in the drawing no. P1526 - Figure 1 Event Parking Layout Overview, which shows a total of 956no. car parking spaces (includes 630no. overflow parking spaces), shall be provided and appropriately hard surfaced, to include parking spaces for the mobility impaired as shown. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.</li> <li>2. No unbound material shall be used in the surface treatment of the vehicular accesses to the site within 15 metres of the highway boundary (to Marsh Farm Road).</li> </ol>



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

3. A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority for HGV Vehicles shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

Note that it is recognised that this may result in a small reduction in the overall car parking provision.

4. A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority for coaches shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

Note that it is recognised that this may result in a small reduction in the overall car parking provision.

5. 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.

6. The public's rights and ease of passage over public footpath no. 53 (South Woodham Ferrers Parish 298) shall be maintained free and unobstructed at all times.

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

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:

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](mailto:development.management@essexhighways.org) or by post to:

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

## Ramblers Association

### Comments

No response received

## Natural England

### Comments

#### Original Consultation response:

21.04.2021 - Thank you for your consultation on the above dated and received by Natural England on 30 March 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON CROUCH AND ROACH ESTUARIES SSSI, SPA AND RAMSAR

As submitted, the application could have potential significant effects on Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation:

#### o Habitat Regulations Assessment

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

The proposed development is in close proximity to a European designated site (also referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. The European site

Page 2 of 3

is the Crouch and Roach Estuaries Special Protection Area (SPA), which is also listed as the Crouch and Roach Estuaries Ramsar site, an internationally important wetland, and notified at a national level as the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI). European designated sites are protected under the Conservation of Habitats and Species Regulations 2017, as amended, and the Wildlife and Countryside Act 1981, as amended (the 'Habitats Regulations').

#### Internationally Designated Sites - Further Information Requested - HRA

As a competent authority under the provisions of the Habitats Regulations, Natural England advises that there should be a regard for any potential impacts that a plan or project may have on the European site. The conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the

requirements of Regulations 63 and 64 of the Habitats Regulations have been considered, which are commonly referred to as the 'Habitats Regulations Assessment (HRA)' process, i.e. a HRA has not been undertaken.

This application is in close proximity to the Crouch and Roach Estuaries SSSI, SPA and Ramsar, and as submitted, does not contain sufficient information to conclude that the development is not likely to damage or destroy the interest features for which Crouch and Roach Estuaries SSSI, SPA and Ramsar has been notified and designated.

The Crouch and Roach Estuaries SSSI, SPA and Ramsar is notified and designated for its water-bird assemblage, wetland invertebrate assemblage and wetland plant assemblage. The site is of importance to wintering water-birds, supporting internationally important numbers of dark-bellied brent geese, for which it is also designated. Natural England recommends that further information considering the potential impacts is submitted so the Local Planning Authority can fully assess the implications of the development on the designated site, to fulfil your duties under the Species and Habitat Regulations 2017 (as amended).

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

#### SSSI Further information requested

Our concerns regarding the potential impacts upon the Crouch and Roach Estuaries SSSI coincide with our concerns regarding the potential impacts upon the European site and are detailed above.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI, Natural England will be happy to consider it.

If your Authority is minded to grant consent for this application contrary to the advice relating to the SSSI contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your Authority, requiring that your Authority;

- o Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- o Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

#### Consultation response following re-consultation

25.05.2021 - Thank you for your consultation on the above dated and received by Natural England on 04 May 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development

## SUMMARY OF NATURAL ENGLAND'S ADVICE

### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar, and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

We have previously commented on this development in our letter dated 19 April 2021 in which we stated our concerns regarding the potential impacts on the Crouch and Roach Estuaries SSSI, SPA and Ramsar.

#### European sites - Crouch and Roach Estuaries Special Protection Area and Ramsar

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, Natural England advises that we concur with the assessment conclusions.

#### Crouch and Roach Estuaries Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

## South Woodham Ferrers Town Council

### Comments

There are 18 submissions on the CCC Planning web-site from local residents. The application is also opposed by authorisations signed by 133 local residents. These submissions include much more detail on the issues:

Since this is a retrospective application and the changes applied for have been in effect for several months there has been an opportunity to assess in part the impact of the changes (bearing in mind that we have been in lockdown during most of the time and the change of use applied for would permit further expansion of use and new uses).

It is clear that the use as a substantial retail and event location represents a very substantial change from its previous use as a Farm Park visitors site with a significant educational content.

The location is inappropriate for the scale and type of use intended:

Marsh Farm Road is a lane without a footpath for part of its length so pedestrians visiting the sea wall, country park, Frankland Fields Nature Reserve, and the Allotments use the road way. The heavy traffic generated by Marsh Farm visitors, particularly for events is a danger to these pedestrians. During events there has also been significant traffic congestion on Inchbonnie Road and the two Inchbonnie Road / Ferrers Road roundabouts. In addition there is also a significant noise impact of the site. The change of use represents an inappropriate use for a location neighbouring a country park, SSSI, nature reserve to the south, east and west and residential properties to the north. The hard surfacing of the overspill car park is inappropriate to the location and will allow more frequent and intensive use. I have every sympathy with hospitality businesses that have had to be innovative during the pandemic but this application is not a temporary or time limited application but intended to be a permanent change.

To summarise the Committee objects to this application for the following principal reasons :

- Impact, visually and by noise on the Country Park, sea-wall and other footpaths and on local residents
- Hard surfacing has increased flooding on footpaths used by the public and made them muddy and very difficult to use after wet weather
- Traffic impact
- Represents a substantial change and scale of use from former use, and use not related to the original use.
- Impact visually and by noise on the Country Park, sea-wall and other footpaths and on local residents
- Although the marquees have been removed from the original application one marquee remains.
- Natural England have raised a number of questions relating to the impact on the SSSI and estuary. No answers to these questions have been provided.

## Public Health & Protection Services

### Comments

Please add the Food Safety & Hygiene informative.

## Local Residents

### Comments

19 Objections have been received including representations made by Beechhead Limited, the Residents Liaison Group, on behalf of 64 local households and 116 local residents.

#### Objections:

- The application is retrospective
- The parking accumulation study was undertaken during lockdown restrictions and will not accurately reflect normal visitor numbers
- The parking is not laid out in formal bays – to do so would be harmful to the rural character

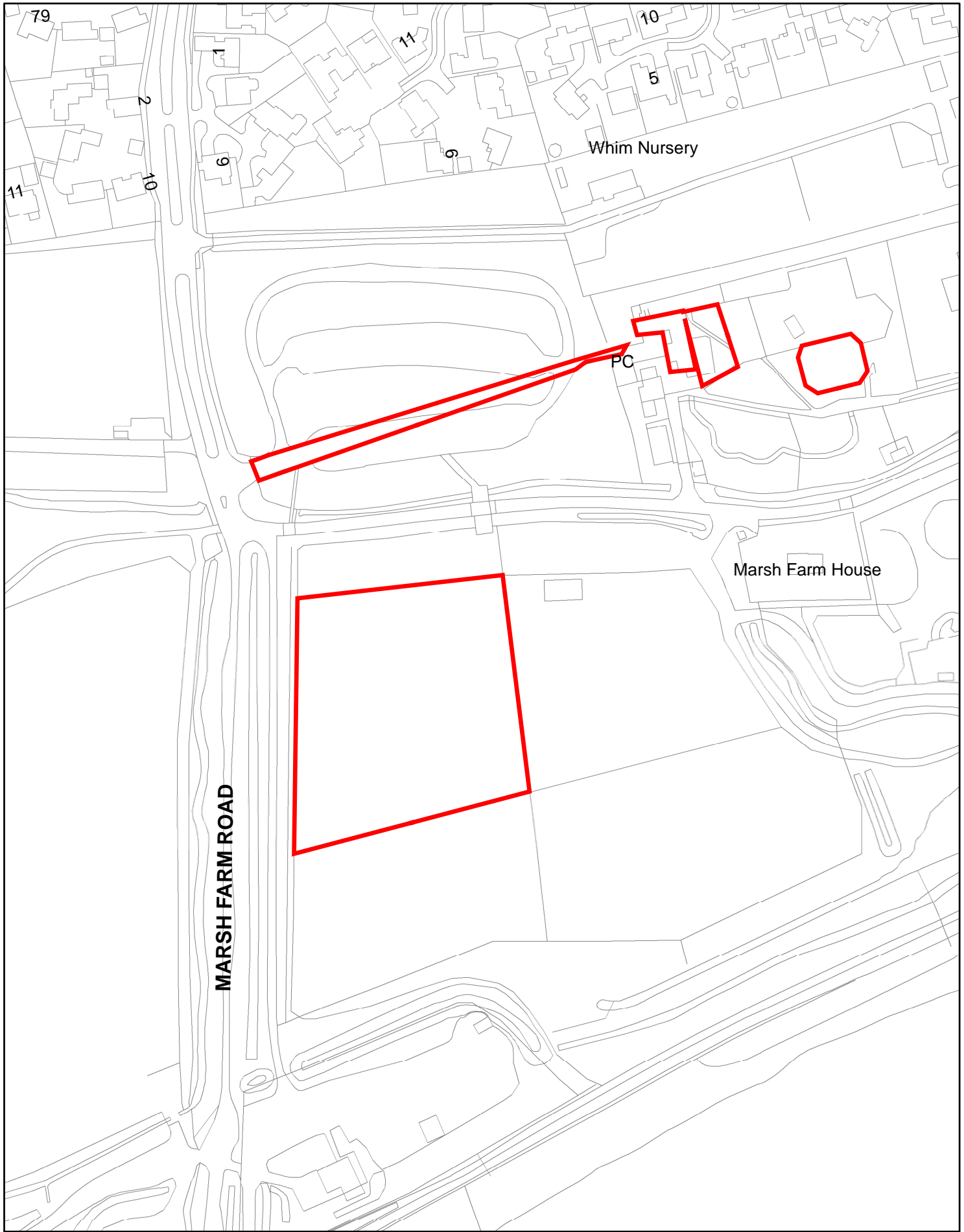
of the area

- The east car park is not in use for parking and should not be assessed as such
- The shop is open for anyone to use, not just visitors to the attraction
- A retail food shop is not necessary here
- There are delivery vehicles accessing the site for the shop
- No retail impact assessment has been undertaken
- Concerns regarding vehicle movements in and out of the site and highway safety
- Visual impact of the marquee
- Noise and disturbance from activities on the site
- Visual impact of road planings on the overflow car park
- Insufficient ecological information has been submitted considering proximity to protected ecological areas
- A shop on the site conflicts with the visitor attraction which is provided for children
- If approved, conditions are requested that the shop should be restricted to Class E(e) retail use only with opening and delivery hours restricted
- Alternative surfacing could be used to the car park

1 representation in support has been received.

Support:

- The shop is in keeping with the rural character of the area
- Surfacing of the car park would be a benefit and avoid being stuck on a muddy day
- The shop is supportive of local businesses and provides locally sourced foods
- It is convenient to pop in after a walk along the river



0 20 40 80 Metres

1:2,000



**Planning Committee**  
**21/00218/FUL**

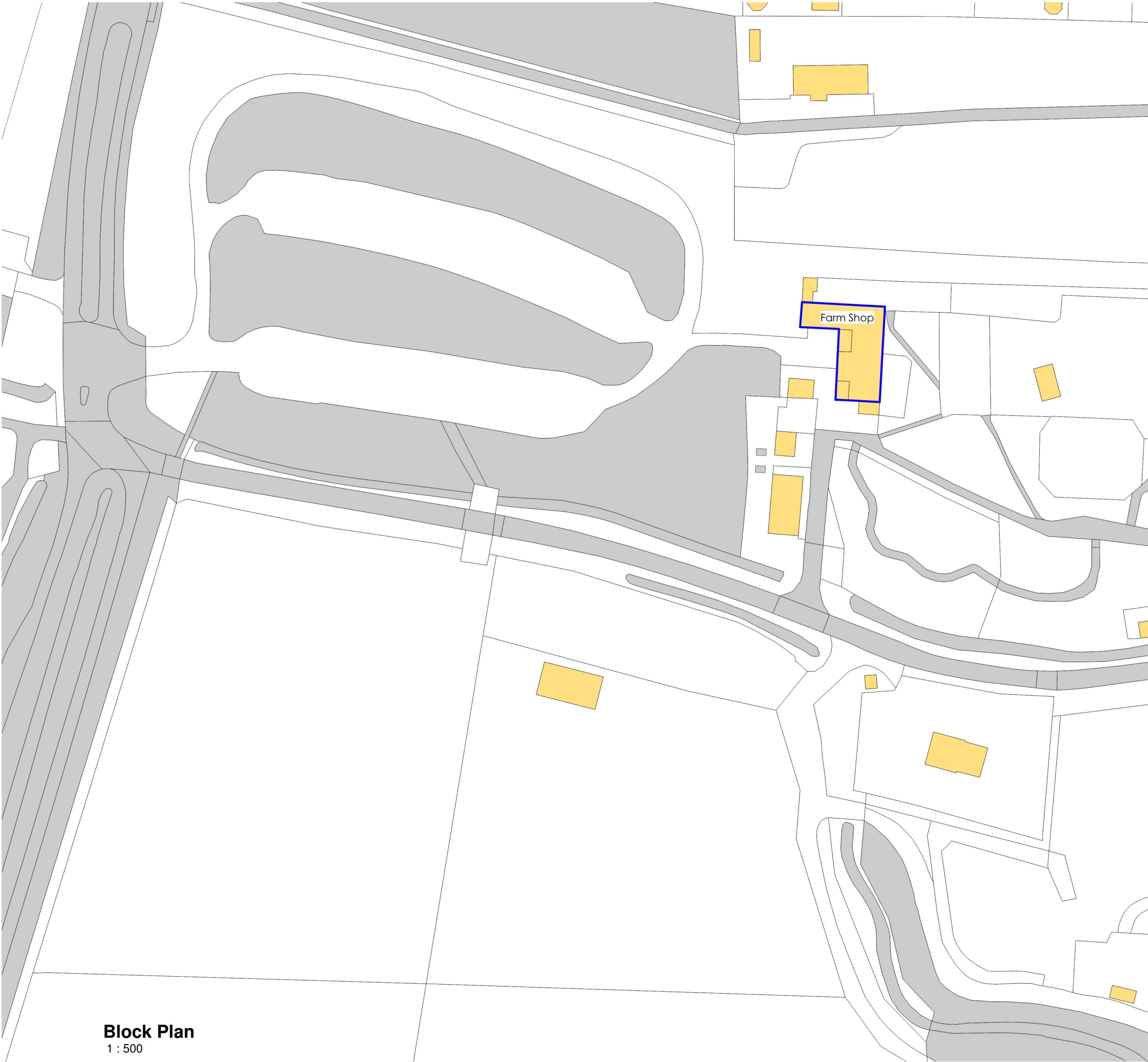
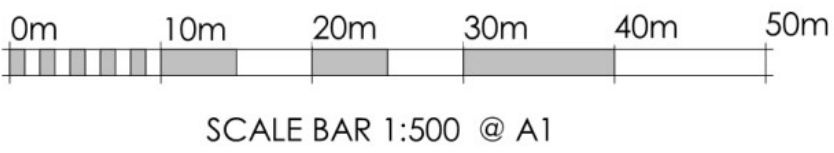
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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

Telephone: 01245 606826



A2360 / 107 : Block Plan - Farm Shop



Block Plan  
1 : 500

**NOTES**  
DO NOT SCALE FROM THIS DRAWING.  
All dimensions to be verified on site before work commences  
All discrepancies to be notified to the Contract Administrator.

Farm Shop - 292 m<sup>2</sup>

Rev	Date	Description
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Drawing Status: **Planning**      Sheet Size: **A1**

 **Alderton Associates**  
CHARTERED BUILDING SURVEYORS

3 Brassie Wood  
Chelmsford  
CM3 3FP  
  
Tel | 01245 460 222  
aldertonassociates.co.uk



**Client**  
Marsh Farm

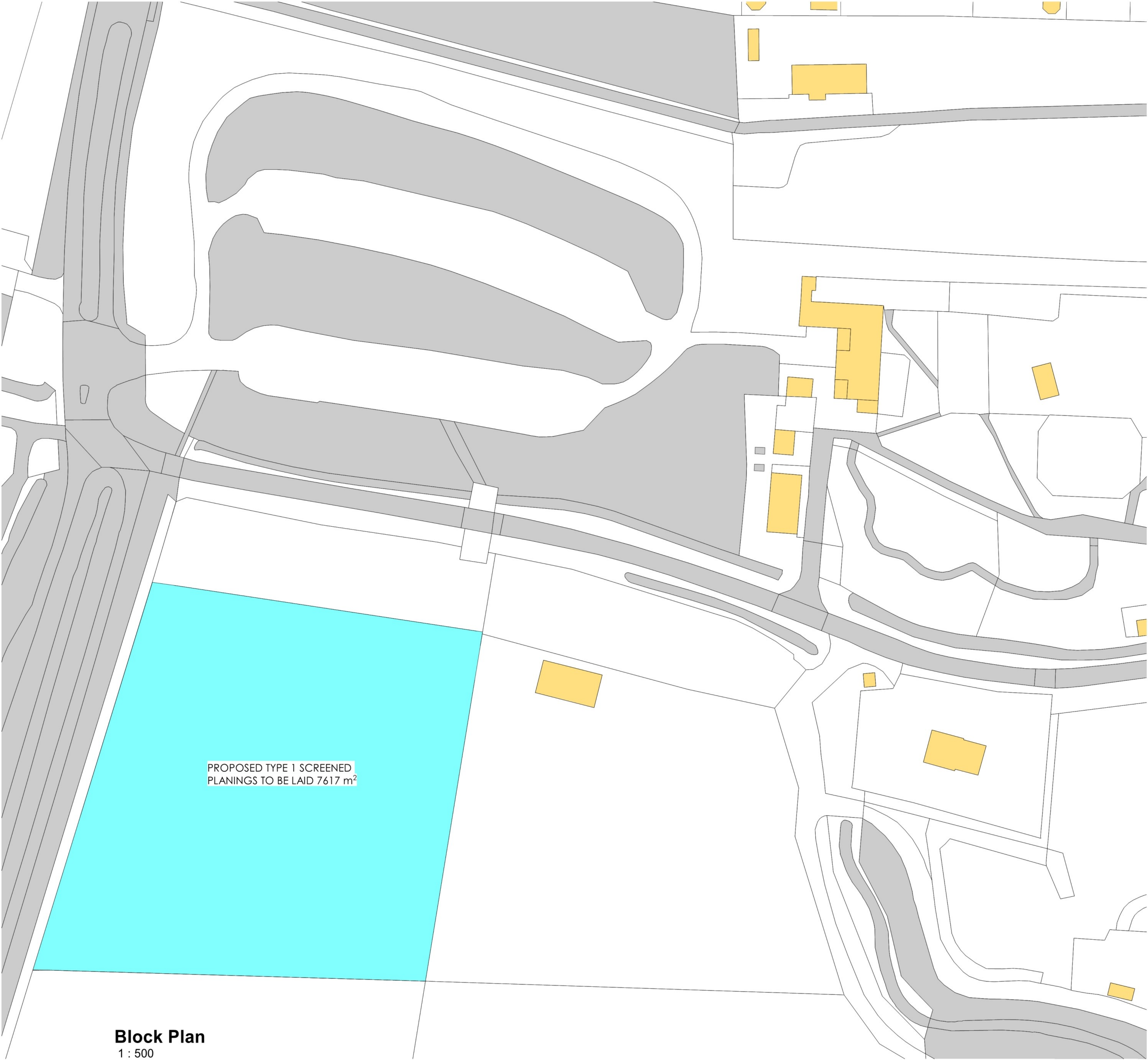
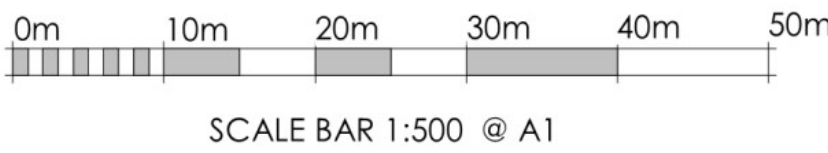
**Site**  
Marsh Farm, South Woodham Ferrers, CM3 5WP

Date	Scale	Drawn	Checked
11/12/20	1 : 500	WG	JS

Title:  
**Block Plan - Farm Shop**  
DWG No: **A2360 / 107**      Rev:



A2360 / 103 : Block Plan - Surfacing



Block Plan  
1 : 500

**NOTES**  
DO NOT SCALE FROM THIS DRAWING.  
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Rev	Date	Description
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Drawing Status: **Planning** Sheet Size: **A1**

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**Client**  
Marsh Farm

**Site**  
Marsh Farm, South Woodham Ferrers, CM3 5WP

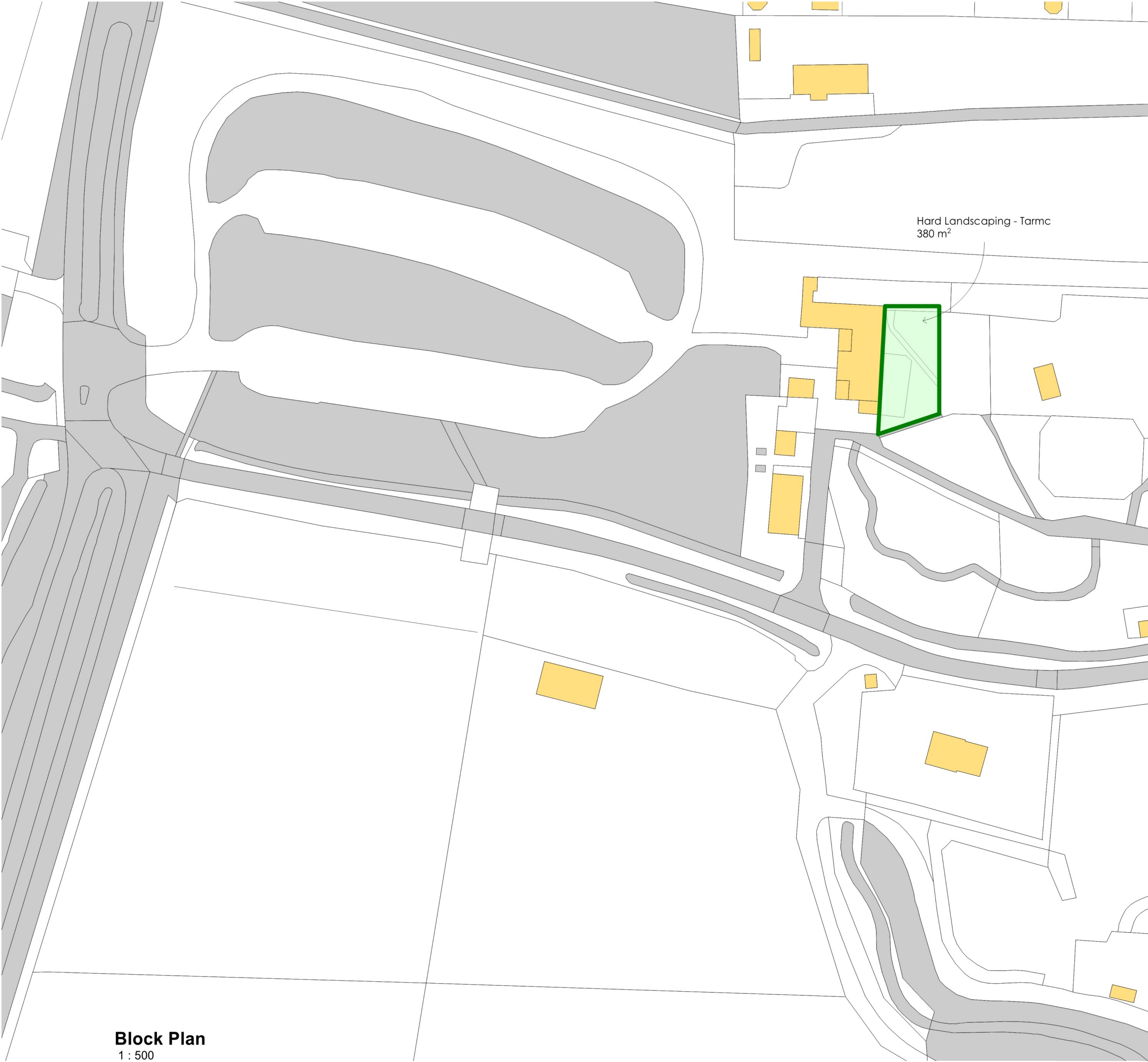
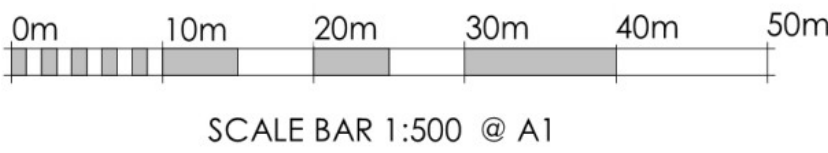
Date	Scale	Drawn	Checked
11/12/20	1 : 500	WG	JS

**Title:**  
**Block Plan - Surfacing**

DWG No: **A2360 / 103** Rev:



A2360 / 111 : Block Plan - Surfacing FS



Block Plan  
1 : 500

**NOTES**  
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Rev	Date	Description
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Drawing Status: **Planning**      Sheet Size: **A1**

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**Client**  
Marsh Farm

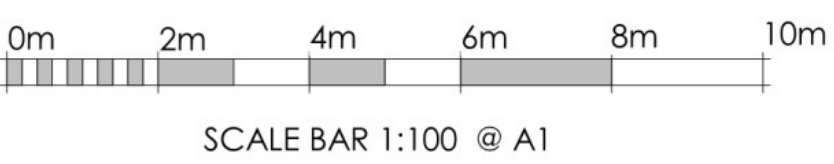
**Site**  
Marsh Farm, South Woodham Ferrers, CM3 5WP

Date	Scale	Drawn	Checked
11/12/20	1 : 500	WG	JS

**Title:**  
**Block Plan - Surfacing  
FS**

DWG No:      Rev:  
**A2360 / 111**





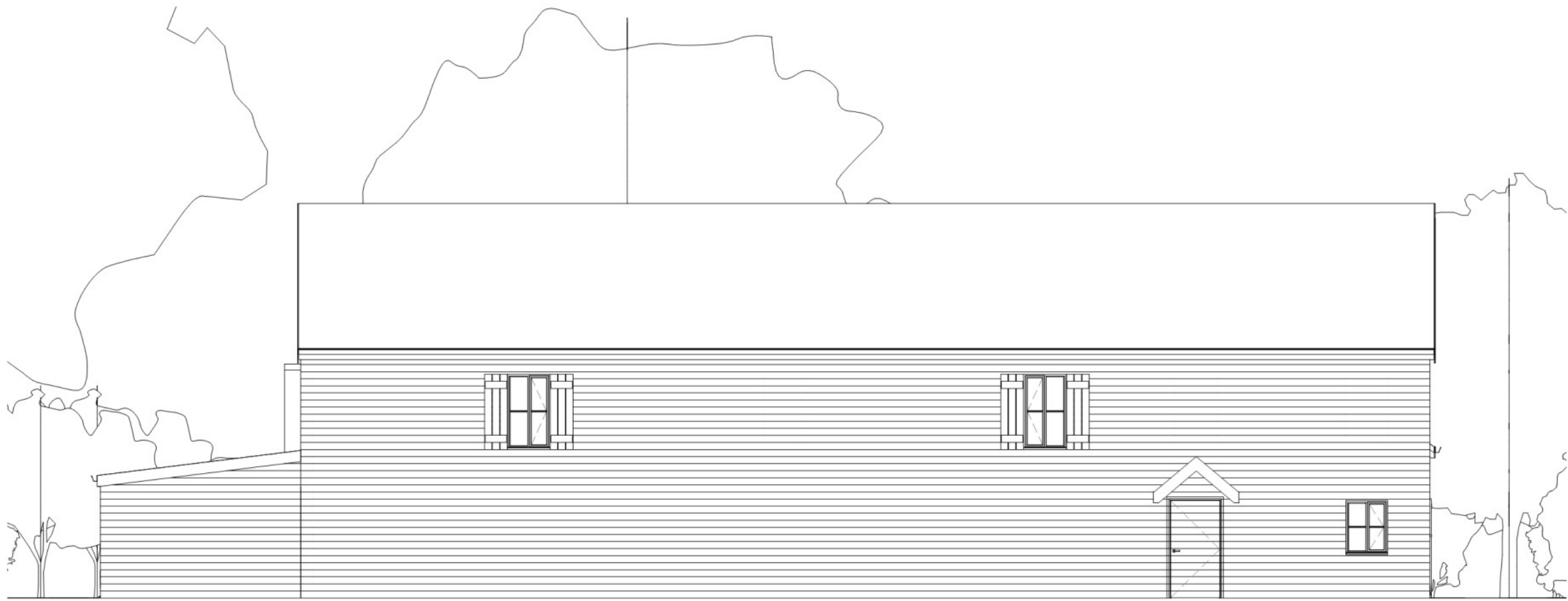
**NOTES**  
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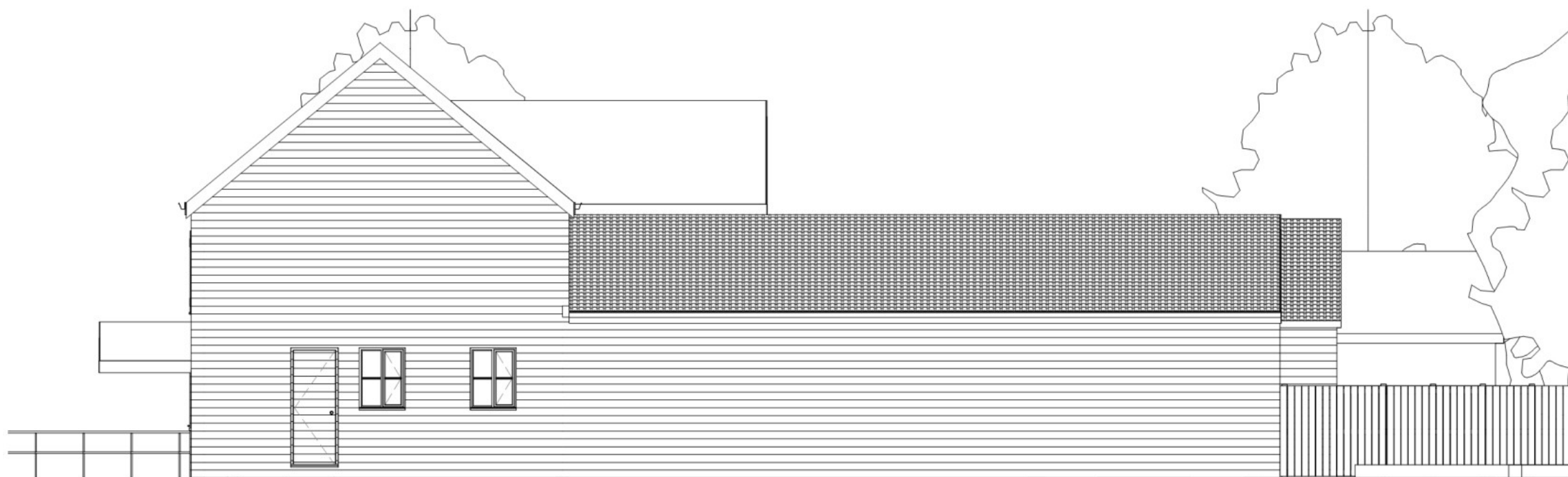
Existing South Elevation  
1 : 100



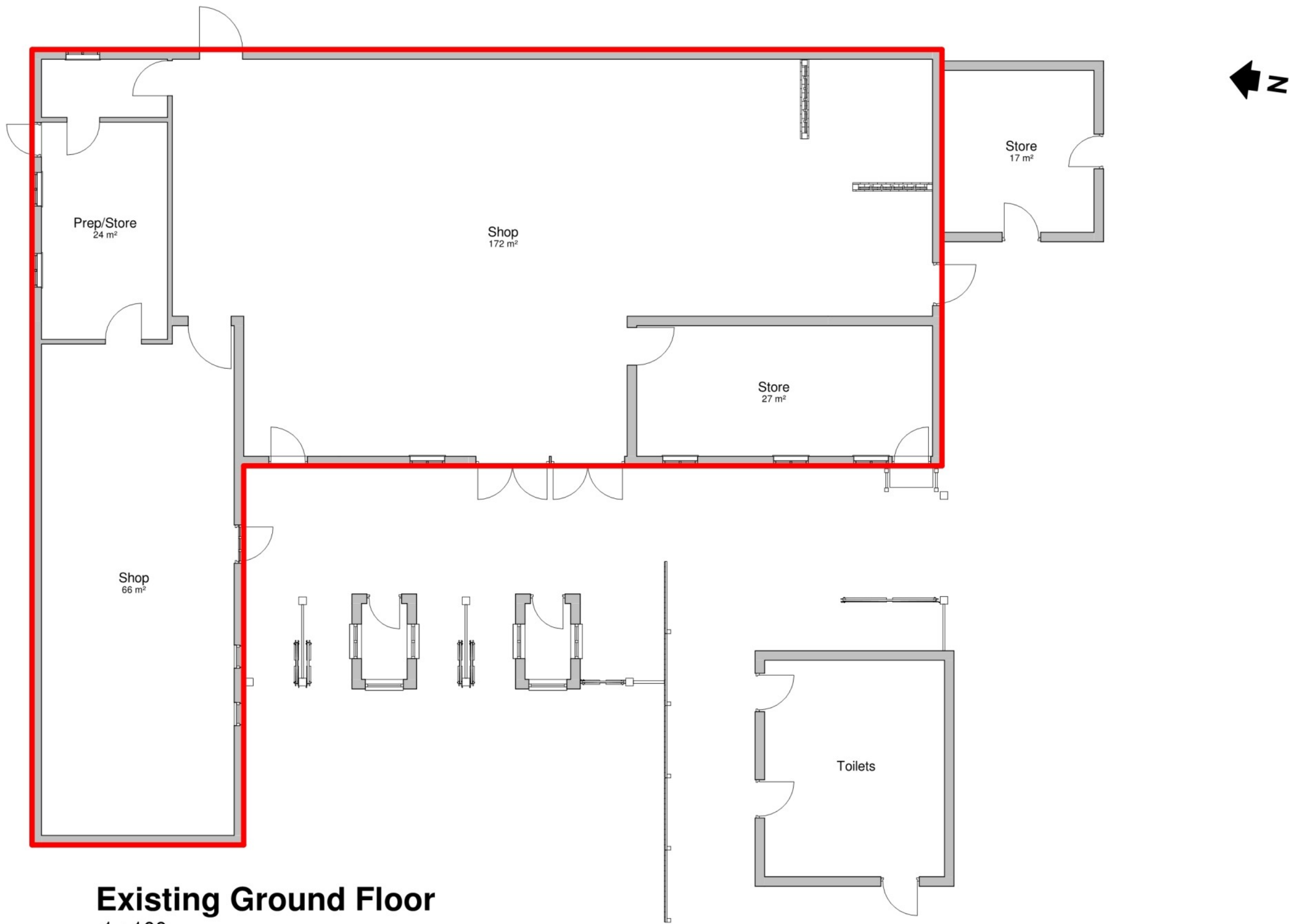
Existing East Elevation  
1 : 100



Existing North Elevation  
1 : 100



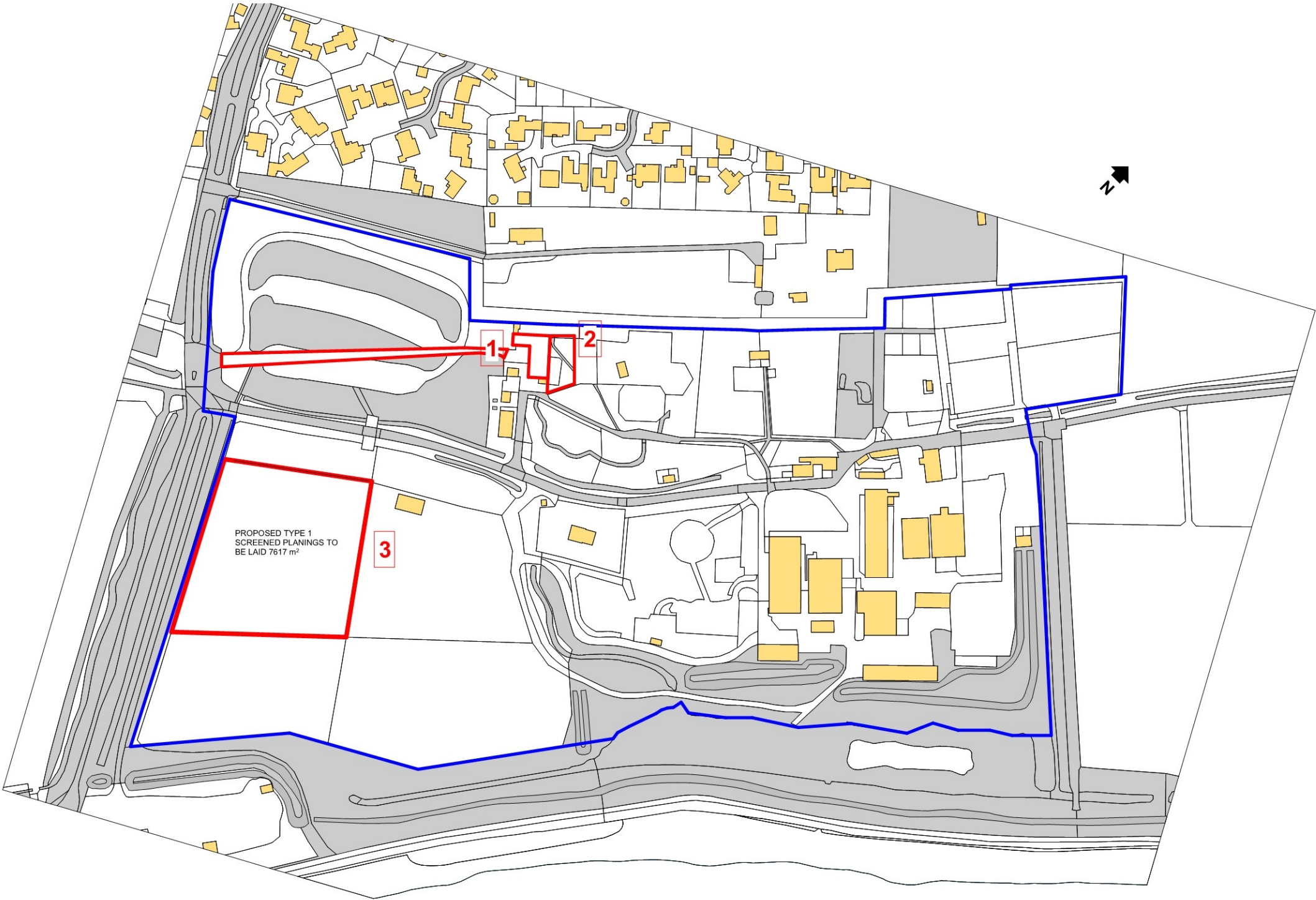
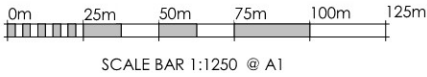
Existing West Elevation  
1 : 100



Existing Ground Floor  
1 : 100

Rev	Date	Description												
<div><div> <b>Alderton Associates</b> CHARTERED BUILDING SURVEYORS</div><div><b>3 Brassie Wood</b> Chelmsford CM3 3FP</div><div><b>Tel:</b> 01245 460 222 aldertonassociates.co.uk</div><div><b>Client</b> Partyman World of Play James Sinclair &amp; Aaron Othman</div><div><b>Site</b> Marsh Farm, South Woodham Ferrers, CM3 5WP</div><div><b>Project:</b> Farm Shop</div><div><b>Title:</b> Existing Plans &amp; Elevations</div></div> <div><table><tr><td><b>Date:</b></td><td>29/01/21</td><td><b>Drawn:</b></td><td>YK</td></tr><tr><td><b>A1 Scale:</b></td><td>1 : 100</td><td><b>Checked:</b></td><td>MC</td></tr><tr><td><b>DWG No:</b></td><td>A1973/ 101</td><td><b>Rev:</b></td><td></td></tr></table></div>			<b>Date:</b>	29/01/21	<b>Drawn:</b>	YK	<b>A1 Scale:</b>	1 : 100	<b>Checked:</b>	MC	<b>DWG No:</b>	A1973/ 101	<b>Rev:</b>	
<b>Date:</b>	29/01/21	<b>Drawn:</b>	YK											
<b>A1 Scale:</b>	1 : 100	<b>Checked:</b>	MC											
<b>DWG No:</b>	A1973/ 101	<b>Rev:</b>												





Site Location Plan  
1 : 1250

NOTES  
DO NOT SCALE FROM THIS DRAWING.  
All dimensions to be verified on site before work commences  
All discrepancies to be notified to the Contract Administrator.

Key

- 1 Farm Shop - 292 m<sup>2</sup>
- 2 Hard Landscaping - Tarmac 380 m<sup>2</sup>
- 3 Car Park - PROPOSED TYPE 1 SCREENED PLANINGS TO BE LAID - 7617 m<sup>2</sup>

Rev	Date	Description
B	16/04/21	Location Amendment

Drawing Status: **Planning** Sheet Size: **A1**

**Alderton Associates**  
CHARTERED BUILDING SURVEYORS

3 Brassie Wood  
Chelmsford  
CM3 3PP  
Tel | 01245 460 222  
aldertonassociates.co.uk

Client  
Marsh Farm

Site  
Marsh Farm, South Woodham Ferrers, CM3 5WP

Date	Scale	Drawn	Checked
11/12/20	1 : 1250	WG	JS

Title:  
**Site Location Plan - All**

DWG No: **A2360 / 109** Rev: **B**



**Planning Committee**  
**7<sup>th</sup> September 2021**

<b>Application No</b>	:	21/00570/FUL Full Application
<b>Location</b>	:	Kinnear House Margaret Woods Road Great Waltham Chelmsford Essex CM3 1DZ
<b>Proposal</b>	:	<b>Demolition of existing dwelling and outbuildings and construction of a replacement dwelling and garage</b>
<b>Applicant</b>	:	Mr & Mrs M Franklin
<b>Agent</b>	:	Sue Bell
<b>Date Valid</b>	:	1st April 2021

Appendix 1      Consultations  
 Appendix 2      Drawings

## **1. Executive summary**

- 1.1. This application is referred to planning committee at the request of a local ward member due to their concerns that the proposal would have an adverse impact on the intrinsic beauty and character of the countryside.
- 1.2. The proposal is for the demolition of one dwelling and outbuildings and the construction of a replacement dwelling and detached garage.
- 1.3. The proposal would not adversely impact the intrinsic beauty of the countryside and would not harm the rural context of the site.
- 1.4. The proposal would not have an adverse impact on neighbouring amenity.
- 1.5. The proposal would not have an adverse impact on protected species.
- 1.6. Approval is recommended.

## **2. Description of site**

- 2.1. The site lies within the Rural Area, outside of any defined settlement.
- 2.2. The existing property is a two-storey detached cottage which is located on the southern side of Margaret Woods Road.
- 2.3. Margaret Woods Road is a sparsely developed rural road which serves the hamlet of Broads Green. There is a cluster of buildings on the opposite side of the road, including a large agricultural building, barns and dwellings.

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

- 3.1. The application proposed the demolition of the existing dwelling and outbuildings within the site and the construction of a replacement dwelling and detached garage.
- 3.2. During the life of the application the proposal was revised to reduce the scale and form of the proposed dwelling.
- 3.3. The replacement dwelling would have a width of 16m, a depth of 6.5m and a height of 7.5m. The building would be two storey with a single-storey flat roof element to the rear. The dwelling would have an internal floor area measuring 196sqm.
- 3.4. The proposal also includes a two-bay, flat roof garage, located to the north-east of the property adjacent to the highway.

## **4. Summary of consultations**

### **4.1. Public Health and Protection Services:**

- EV Charging Infrastructure is required.

### **4.2. Essex County Council Highways:**

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

4.3. *Great Waltham Parish Council:* Object to the proposal; concerns raised:

- Inappropriate design for the area.
- Out of keeping with other buildings in the area.

4.4. *Local Residents:* 12 objections received; concerns raised:

- Contaminated land.
- Site could be of archaeological interest.
- Design and scale will dominate the rural landscape.
- Significantly larger than the existing dwelling.
- Out of keeping with other properties in the area.
- Harmful to the rural character.
- The proposal is a contradiction to planning policy relating to replacement buildings in the countryside.
- The proposed fencing is incongruous with the rural area.
- At odds with Policies DM8 and DM23 of the Local Plan.
- Demolition of a fine period house which forms part of the heritage of Broads Green.

The following comments were received following amendment to the proposal:

- Still out of scale with the existing property.
- Poorly thought-out fenestration.
- Out of character except for the agricultural barn opposite.
- Materials would be at odds with the character.
- Doesn't add to affordable housing stocks of local area.

## 5. Planning considerations

### *Main Issues*

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

- (a) Heritage
- (b) Design and Character
- (c) Neighbour Amenity
- (d) Protected Species

### *Heritage*

- 5.2. Concern has been raised that the building is of historical note, and therefore its demolition would impact the heritage of the area. The cottage dates from c.1900 and was built as part of the Langleys estate, probably as a worker's cottage to house a game keeper or suchlike. The building is constructed of red brick with gabled roofs and oversailing barge boards. It has a simple form, typical of a rural estate cottage. Some of the buildings on the estate were designed by important local architect Frederick Chancellor, but this building does not have a quality of detailing typical of Chancellor's buildings. The building has had minor alterations with replacement windows, a small extension, and some loss of historic features.

5.3. Given the date of the building and its lack of notable architectural quality or historic association, together with the minor alterations to it, whilst it has some character, it does not have sufficient heritage interest to be a non-designated heritage asset.

5.4. The demolition of the dwelling is therefore acceptable and cannot be reasonably resisted.

***Design, Character and Rural Area***

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

5.6. Part C of Policy DM8 relates to replacement buildings and sets out the criteria proposals are required to meet to obtain planning permission. Planning permission will be granted for the replacement of a building provided that: the existing building being replaced is of permanent and substantial construction; and the new building is in the same use as the existing; and the new building would not be out of keeping with its context and surroundings and does not result in any other harm.

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

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

5.9. A large portion of the concern from residents relates to the design and scale of the proposed development. The neighbour objections state that the replacement building would be much larger than the one it is replacing, and its design and material palette are incongruous to the rural location and the wider context of the area.

5.10. The character of the area has a rural aesthetic, with Margaret Woods Road being a sparsely developed country lane. The application site is located opposite a group of dwellings and a farm building. To the immediate north of the site is a steel framed barn which is still in farming use. Further to the west of the site is a large timber framed barn, which has been converted to a residential use. Margaret Woods Road is bounded by mature hedgerow, trees and other vegetation giving the site and the wider context a verdant appearance. This hedgerow is less established travelling west-to-east along Margaret Woods Road so views of the dwelling and the site are easily achieved.

5.11. There are not any restrictive policies in terms of the size and scale of replacement dwellings in the Rural Area. Proposals are considered on a site-by-site basis and replacement buildings in the Rural Area must be compatible with the surrounding context. With reference to the surrounding context of the application site, the complex of farm buildings and dwellings to the north are much larger than the existing property. In particular, the large steel-framed Dutch agricultural barn to the



immediate north of Kinnear House which has a footprint measuring 266sqm and is clearly visible from the highway. The residential curtilage of the site measures 865sqm and there is further land under the applicant's ownership surrounding the curtilage. The replacement built form, measuring 233sqm, would therefore not amount to an overdevelopment of the site and the proposed scale of the development would not be out of keeping with the character of the area. Furthermore, the space available within the site would allow for generous landscaping which would soften the appearance of the dwelling and would fully integrate the house into its rural surroundings.

- 5.12. The replacement dwelling comprises two distinct elements and is a contemporary form of architecture albeit based on traditional forms and proportions. The main form of the dwelling is a dual-pitched, dual-gabled building akin to a converted Essex barn. The two side elevations and gable elements have full height glazing which evokes contemporary styling and the set back position of the glazing behind accentuated window reveals would minimise the prominence of the glazing itself. The use of traditional proportions meets good design standards and reflect traditional proportions of Essex barns. The fenestration on the principal elevation also complements the barn conversion aesthetic and contemporary styling as it is not uniform or overly conventional. This reflects many Essex barn conversion schemes.
- 5.13. The second element is a flat roof rear element which breaks up the form and bulk of the building and provides an interesting feature to the rear elevation. The single storey addition would be modest in size and articulated from the sides of the main element so it would appear as a genuinely distinct element. The use of contrasting but complimentary cladding also assists with this.
- 5.14. The proposal also includes a detached garage to the front of the site. The two-bay garage would have a flat roof and clad in materials akin to the replacement dwelling, a contemporary feature which would be in keeping with the host dwelling. The garage is located forward of the building line of the property, which would preserve views of the attractive side elevations of the dwelling. It would also be set behind landscaping which would soften the appearance of the garage itself.
- 5.15. There would be a change in character in terms of the difference between the existing and proposed developments. The proposed house is more contemporary when compared to the other houses in the farm group to the north, however the design of the replacement house relates well to and reflects the traditional proportions and appearance of former agricultural barns in the area and wider countryside. Overall, the design of the proposed replacement dwelling would not harm the character of the area, nor disrupt the rural context of the site. Views of the property would be readily achieved along Margaret Woods Road and the complex of dwellings to the north; however, the design and scale of the development would not impair these views or adversely affect the identified intrinsic character and beauty of the countryside.
- 5.16. Conditions are recommended to cover matters such as boundary treatments, materials and landscaping. This would ensure that the development would be well-integrated into its rural surroundings.
- 5.17. The replacement dwelling is well-designed and reflects the form and proportions of a traditional Essex Barn. The proposal would not adversely impact the intrinsic beauty of the countryside and would not harm the rural context of the site. The proposal complies with Policies DM8 and DM23 of the Chelmsford Local Plan.

### ***Neighbouring Amenity***

- 5.18. Policy DM29 of the Local Plan states that development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing.
- 5.19. The site sits in relative rural isolation and there are not any properties adjacent to the site. The proposal would not result in any overlooking, overbearing, or overshadowing to neighbouring properties. A neighbour objection has been received from the resident of Willow Cottage, the next property to the east of the site, citing that the development would impact their visual amenities. This property is located roughly 550m from the application site. This level of separation would mean that the proposal would not harm the neighbour's privacy or amenity. Whilst their view of the application site may change, this is not harmful and there is no right to a view in planning terms.
- 5.20. The proposal complies with Policy DM29.

### ***Ecology***

- 5.21. The supporting bat survey assessed the building as having 'low' suitability to support bats and as such necessitated a further activity survey to determine whether bats were present or likely absent.
- 5.22. The further survey was carried out in accordance with best practice and did not record bats roosting in the building. No further surveys are therefore required and in the event that the proposed development is carried out it would not likely result in harm to a protected species.
- 5.23. Biodiversity improvements would also be secured through a recommended condition.

### ***Other Matters***

- 5.24. The proposal is acceptable from a highways and transportation perspective. The proposed garages and space within the site would provide sufficient parking and turning space clear of the highway.
- 5.25. The neighbour objections raise that the site has the potential to have archaeological significance and potential contamination issues due to the nearby quarry. Representation has not been received from the Essex County Council's Heritage department on the matter, and the site is considered to not have any archaeological significance. The Council's Public Health and Protection team have also not raised any objection to the potential contamination of the application site.
- 5.26. The dwelling would be provided with sufficient private amenity and off-street parking provision.

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

- 6.1. The applicant is not CIL liable.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

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

Reason:

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

**Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

**Condition 3**

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 DM23 of the Chelmsford Local Plan.

**Condition 4**

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 DM23 of the Chelmsford Local Plan.

**Condition 5**

Prior to the first occupation of the dwelling hereby permitted, charging infrastructure for electric vehicles shall be installed and retained at a rate of 1 charging point per dwelling.

Reason:

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

**Condition 6**

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

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

e) Management details and a five year maintenance plan.

Reason:

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

**Condition 7**

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

Reason:

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

**Condition 8**

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

Reason:

The erection of additional extensions which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) could be disproportionate in size in relation to the approved building and conflict with the acceptable design and proportions of the dwelling, contrary to Policy DM8 of the Chelmsford Local Plan.

**Condition 9**

Within three months of the occupation of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resultant material cleared from the site.

Reason:

The retention of the existing dwelling in addition to the replacement dwelling hereby approved would be contrary to Policy DM8 of the Chelmsford Local Plan.

**Condition 10**

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

Reason:

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

**Condition 11**

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 12**

Prior to first occupation of the development, the existing vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not exceed 4.5 metres wide and shall be re-provided with a 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.

**Condition 13**

Prior to first occupation of the dwelling the vehicle parking area, car port and drive/turning area shown in the Proposed Plans, Elevation & Site Plan, drawing no. 2020-433-010 Rev B, shall be hard surfaced and constructed ready for use. The vehicle parking area and associated turning area shall be retained 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 14**

Prior to construction, details of the windows and glazing shall be submitted to and approved by the Local Planning Authority.

Reason:

Reflective glazing could be harmful to the intrinsic beauty and character of the countryside, contrary to Policy DM8 and to ensure the windows are appropriately detailed in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 15**

Prior to any above ground construction, details of integral bat bricks and bird boxes to be installed within the development shall be submitted to and agreed in writing with the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

In order to promote biodiversity in accordance with Policy DM16 of the Chelmsford Local Plan.

**Notes to Applicant**

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

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

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

- 3 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

### **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

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**Public Health & Protection Services**

Comments
16.04.2021 - This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated).

**Essex County Council Highways**

Comments
<p>12.07.2021</p> <p>The proposal includes off-street parking; a carport for 2no. vehicles with space for 2no. vehicles parking to the front and space for turning.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>1. Prior to first occupation of the proposed development, the existing vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not exceed 4.5 metres wide and shall be re-provided with an appropriate vehicular crossing of the highway verge.</p> <p>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</p> <p>2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.</p> <p>Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.</p> <p>3. There shall be no discharge of surface water from the development onto the Highway.</p> <p>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.</p> <p>4. Prior to first occupation the vehicle parking area and car port and drive/turning area shown in the Proposed Plans, Elevation &amp; Site Plan, drawing no. 2020-433-010 Rev B, shall be appropriately hard surfaced and constructed ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.</p>

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

5. 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.

Please include the Informative:

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

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

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

## Great Waltham Parish Council

### Comments

20.07.2021 - The Parish Council has No Objection but ask that the large glass is non reflective. We would like to see this built to the highest EPC rating available.

27.04.2021 - The proposed building is not appropriate to the area as the planned design is out of keeping with the traditional buildings in the area. The Parish Council objects to this application.

## Local Residents

### Comments

*Local Residents:* 12 objections received; concerns raised:

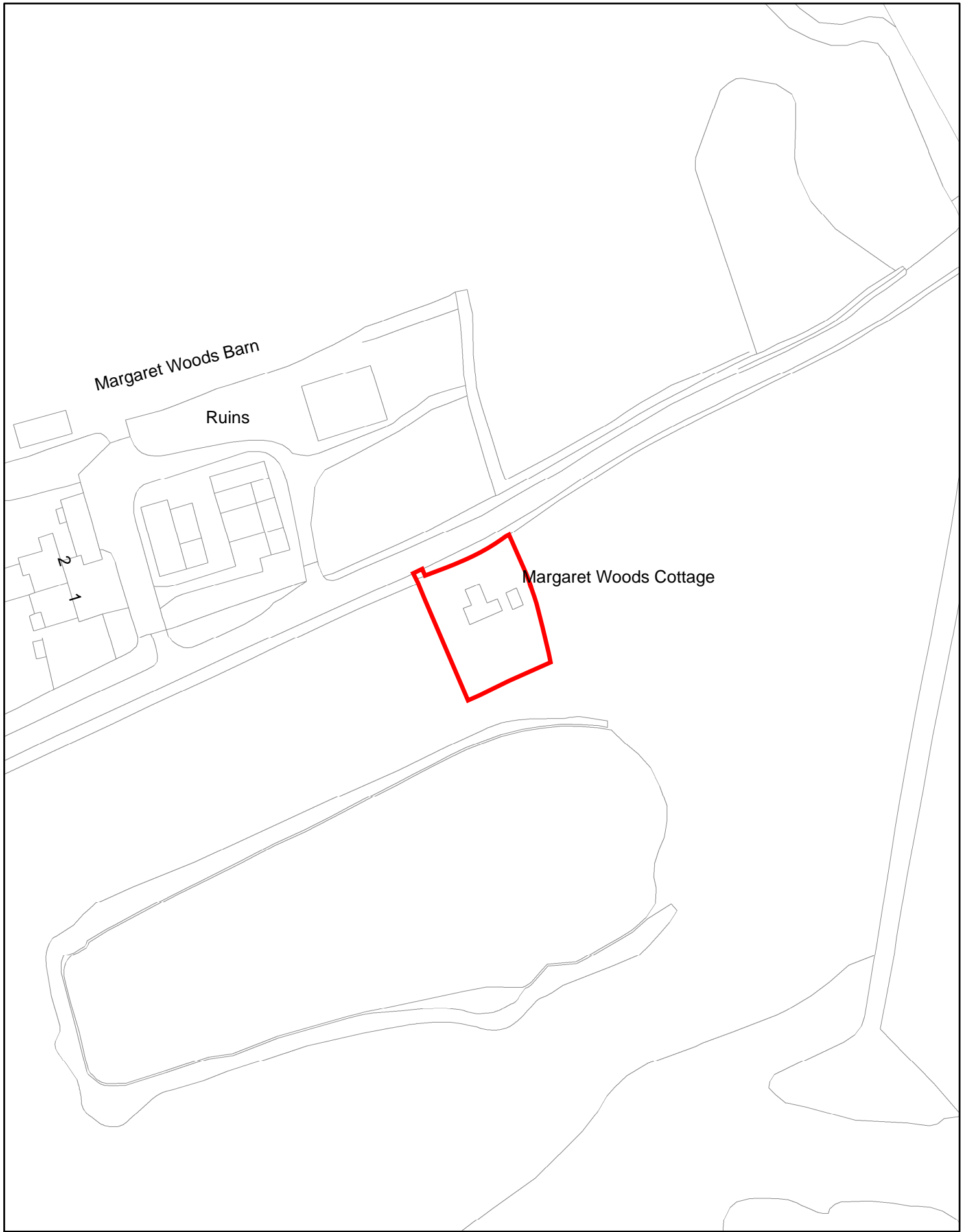
- Contaminated land.



- Site could be of archaeological interest.
- Design and scale will dominate the rural landscape.
- Significantly larger than the existing dwelling.
- Out of keeping with other properties in the area.
- Harmful to the rural character.
- The proposal is a contradiction to planning policy relating to replacement buildings in the countryside.
- The proposed fencing is incongruous with the rural area.
- At odds with Policies DM8 and DM23 of the Local Plan.
- Demolition of a fine period house which forms part of the heritage of Broads Green.

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- Still out of scale with the existing property.
- Poorly thought-out fenestration.
- Out of character except for the agricultural barn opposite.
- Materials would be at odds with the character.
- Doesn't add to affordable housing stocks of local area.



0 12.5 25 50 Metres

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**Planning Committee**  
**21/00570/FUL**

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

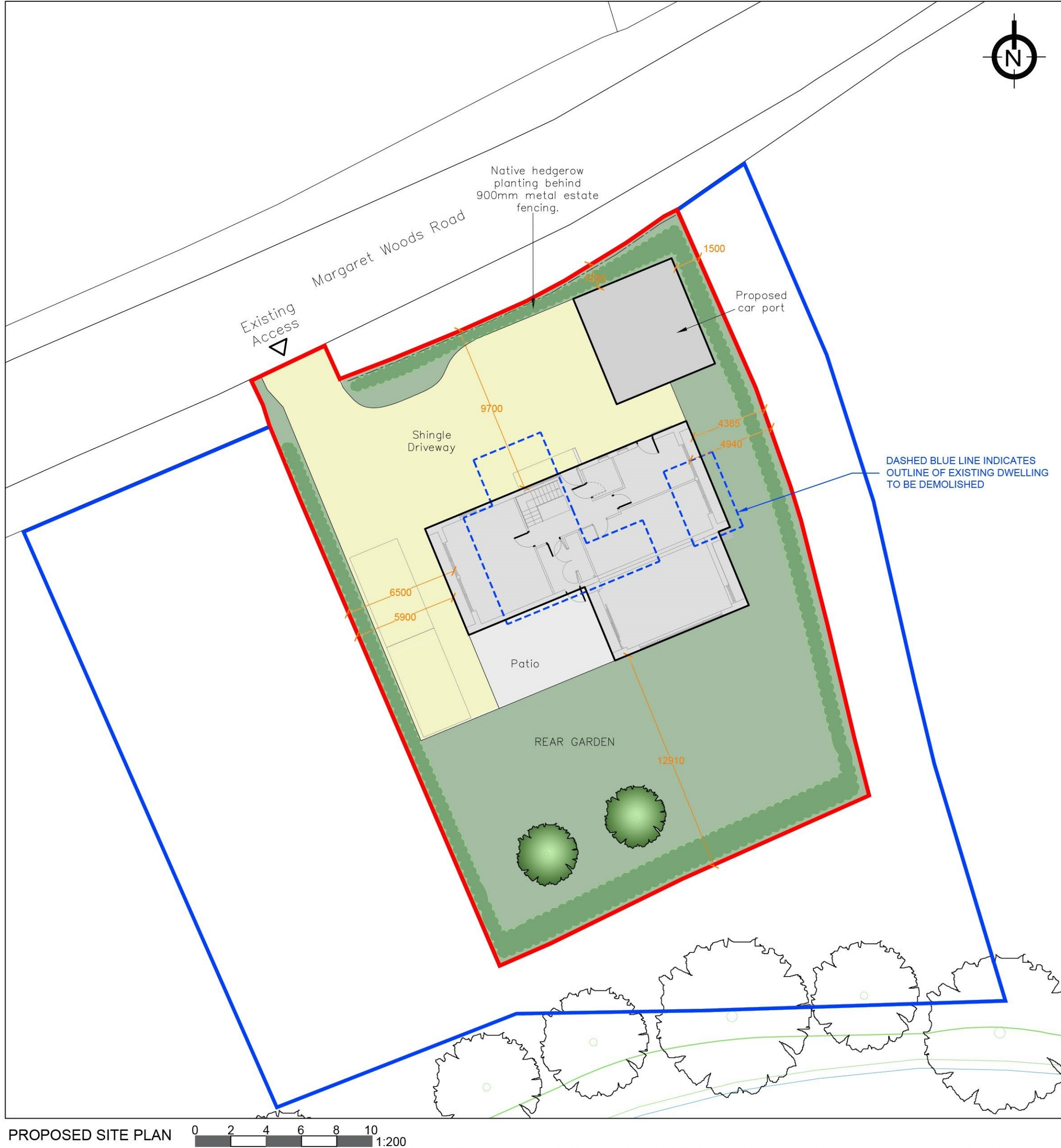
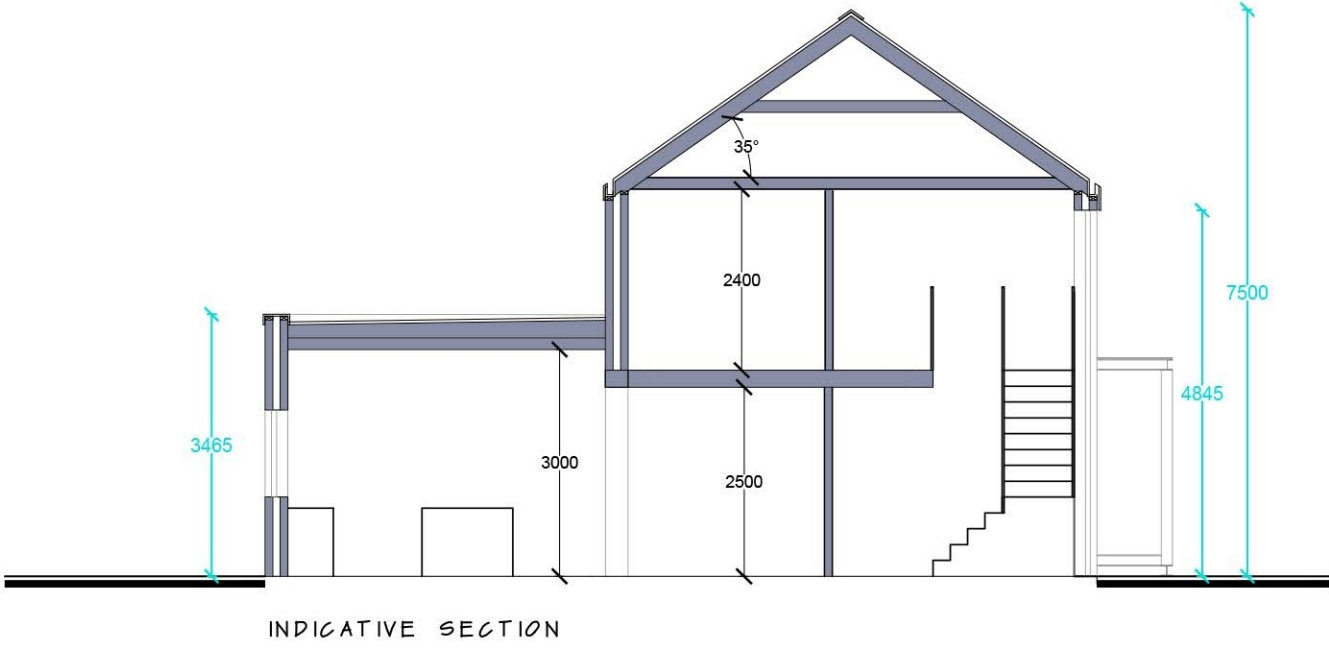
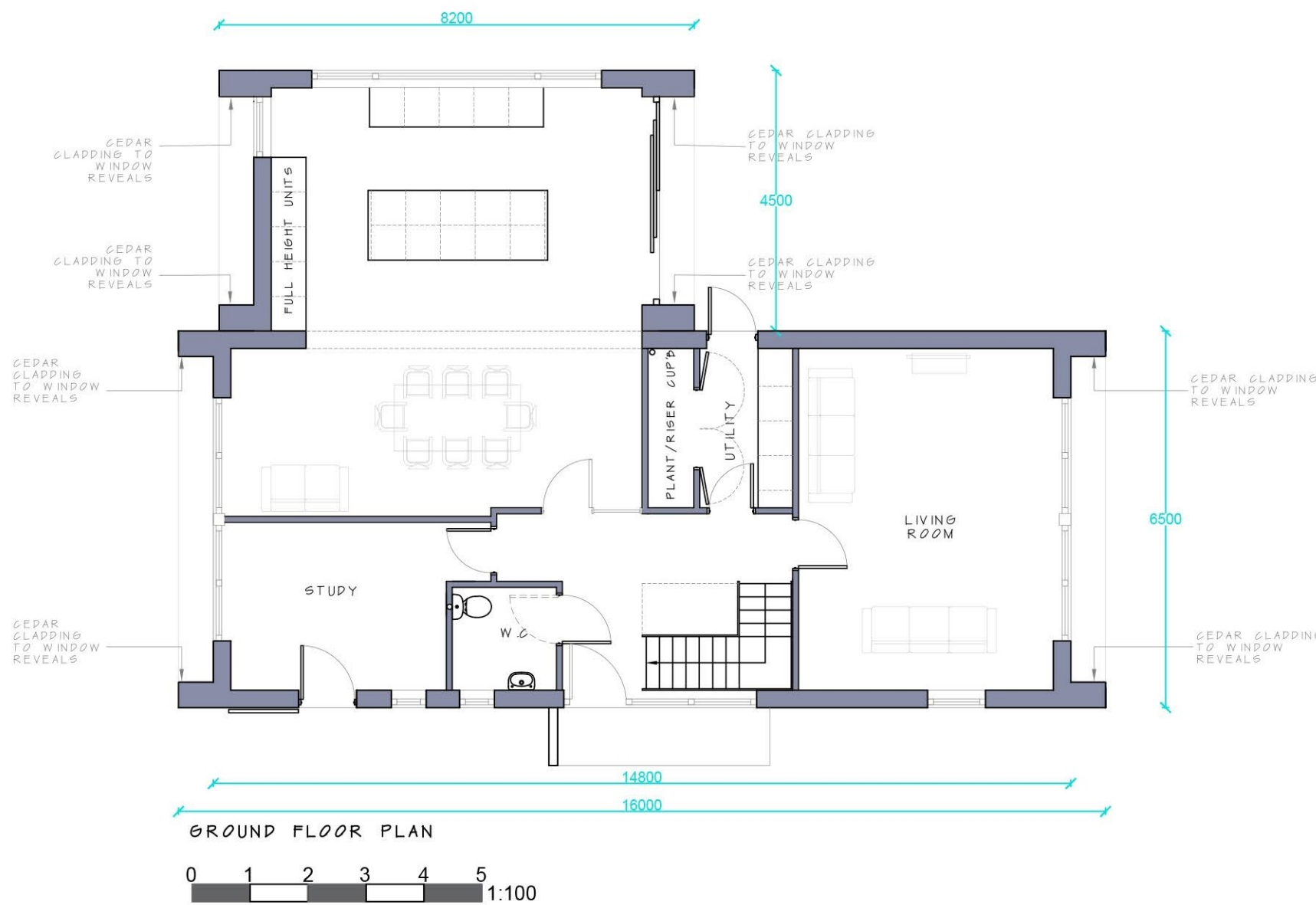
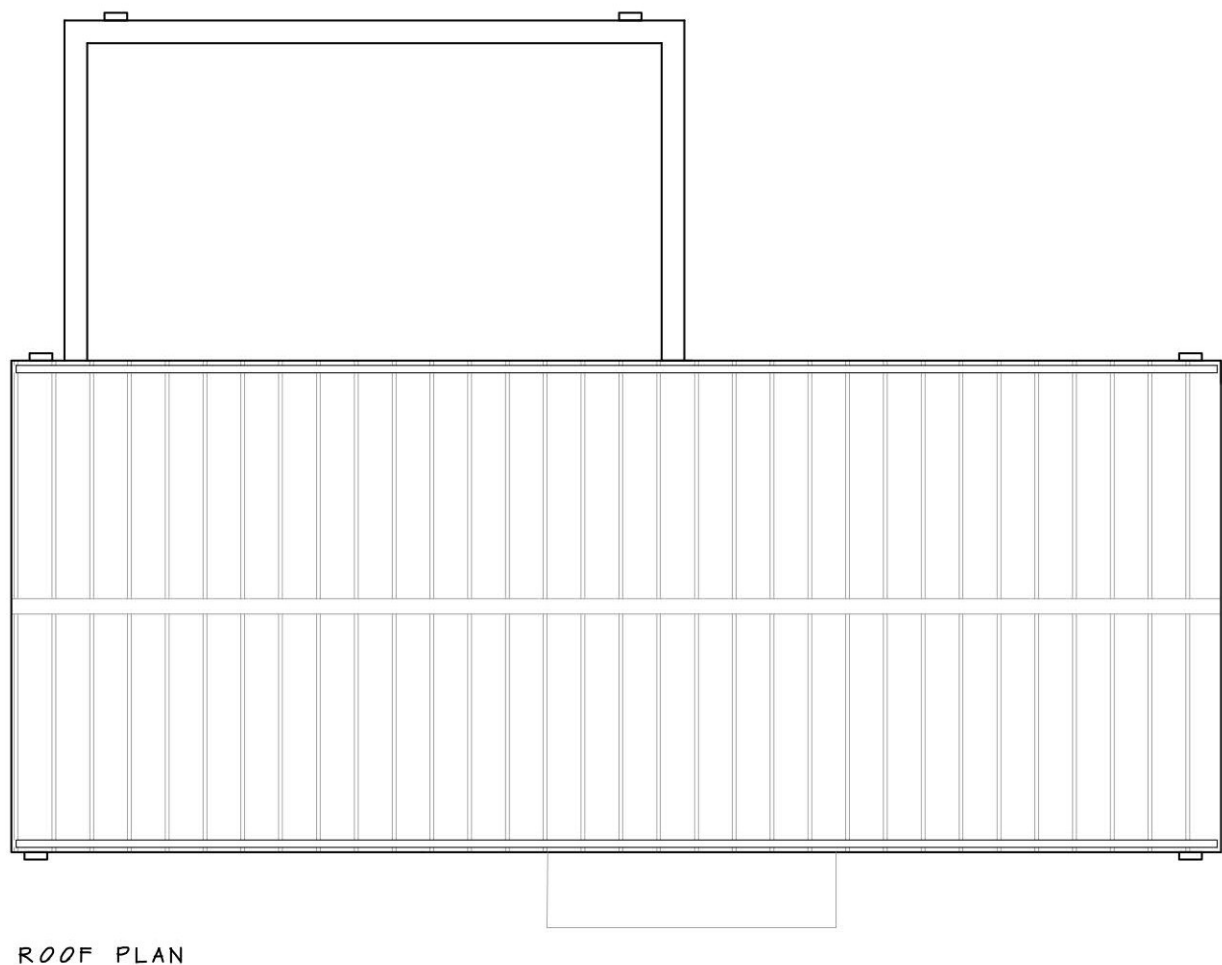
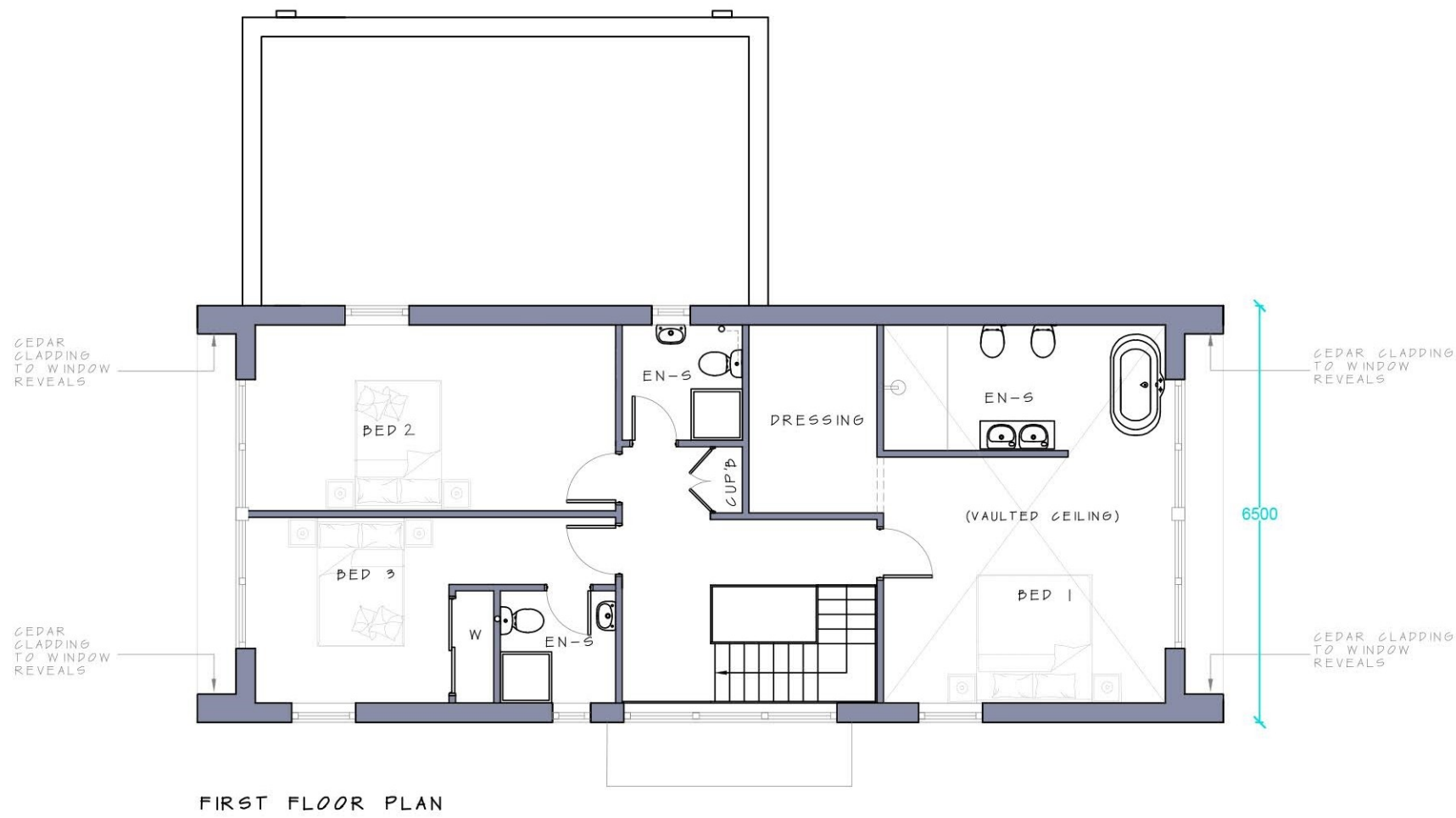
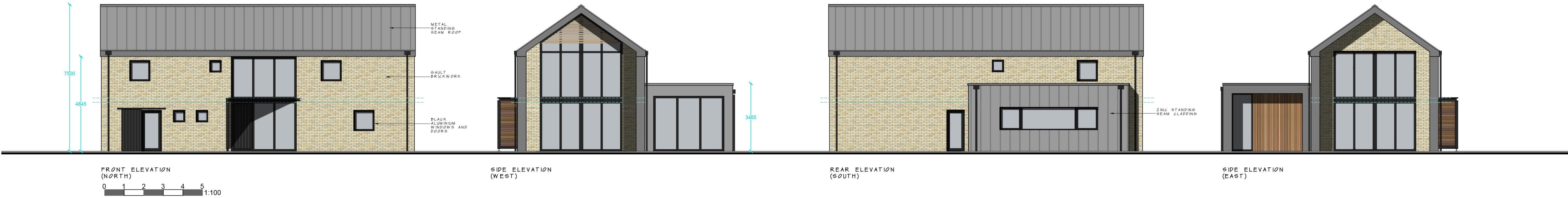
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826



NOTE: All drawings to be read in conjunction with consultant structural engineers, mechanical and electrical consultants, acoustic engineers, energy consultants, specification, and detailed drawings. Drawing to be issued for the purposes shown within the drawing status box.

NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.



REV B - DESIGN ALTERED IN ACCORDANCE WITH PLANNING OFFICERS COMMENTS - 09.06.21  
REV A - DESIGN ALTERED IN ACCORDANCE WITH PLANNING OFFICERS COMMENTS - 24.05.21



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Client : <b>Mr &amp; Mrs Franklin</b>	Scale : <b>1:100 / 1:200 @ A1</b>
Project : <b>Kinnear House(Former Margaret Woods Cottage), Margaret Woods Road, Great Waltham, CM3 1DZ</b>	Status : <b>Planning</b>
Drawing : <b>Proposed Plans, Elevations &amp; Site plan</b>	Dwg No : <b>2020-433-010</b>
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NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.

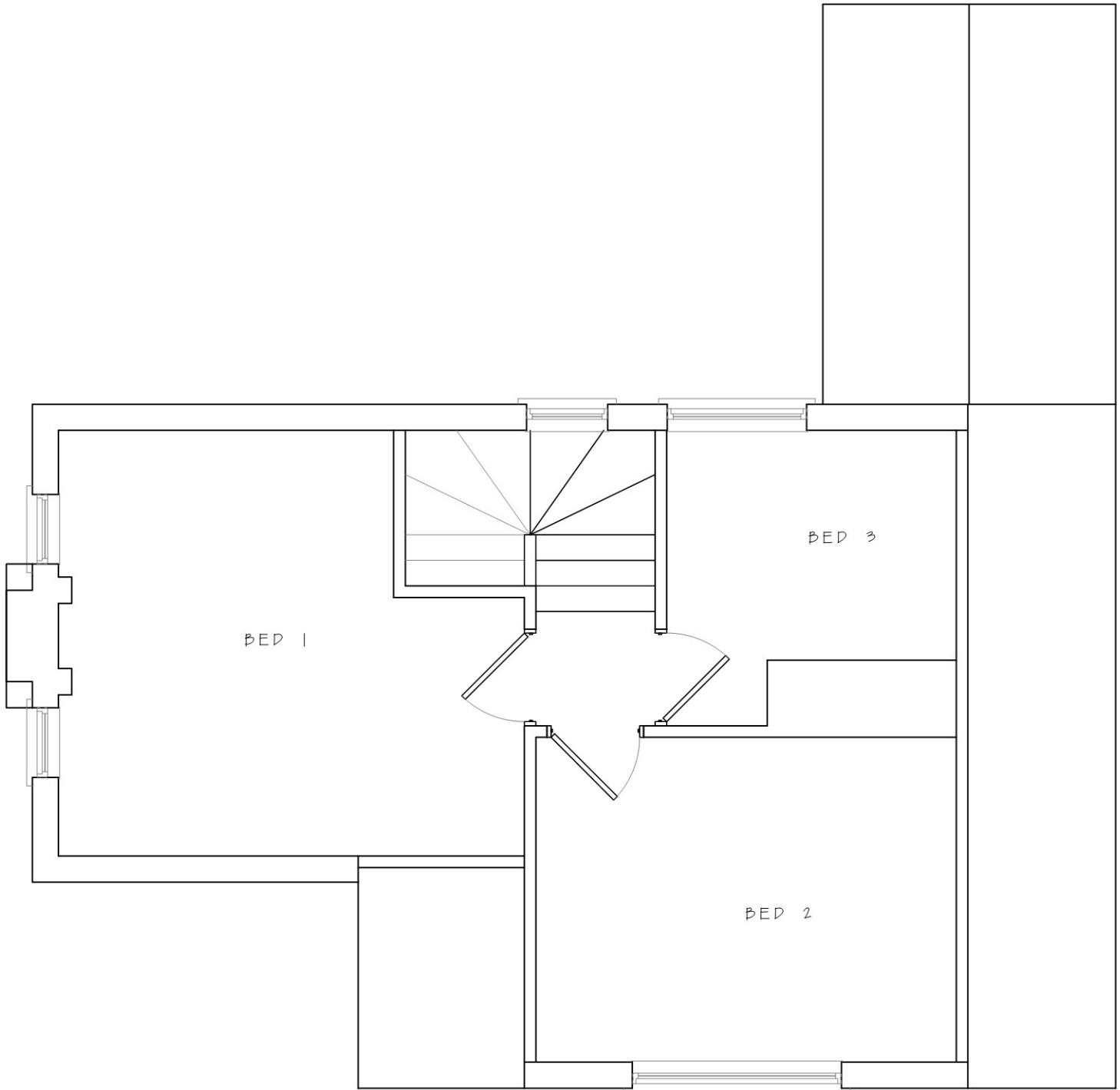


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(WEST)  
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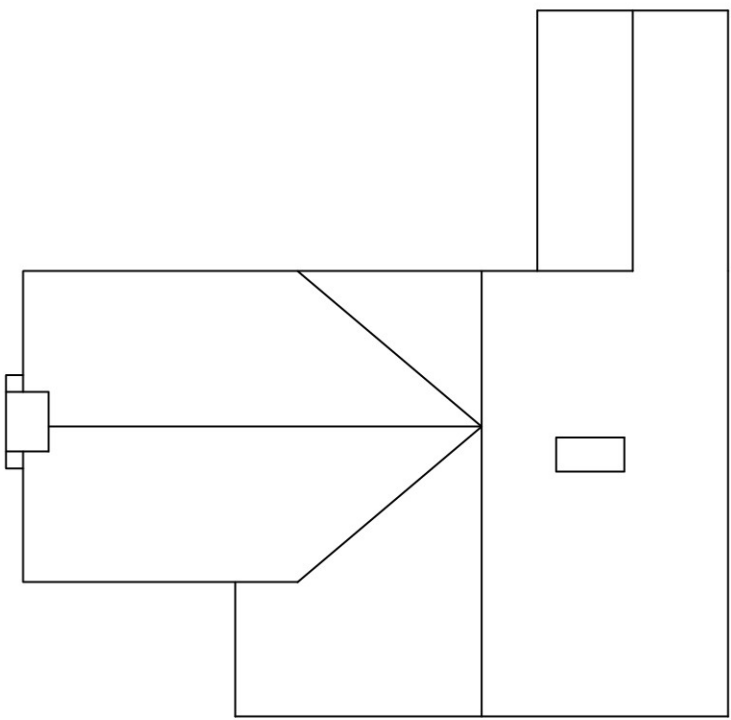
SIDE ELEVATION  
(SOUTH)

REAR ELEVATION  
(EAST)

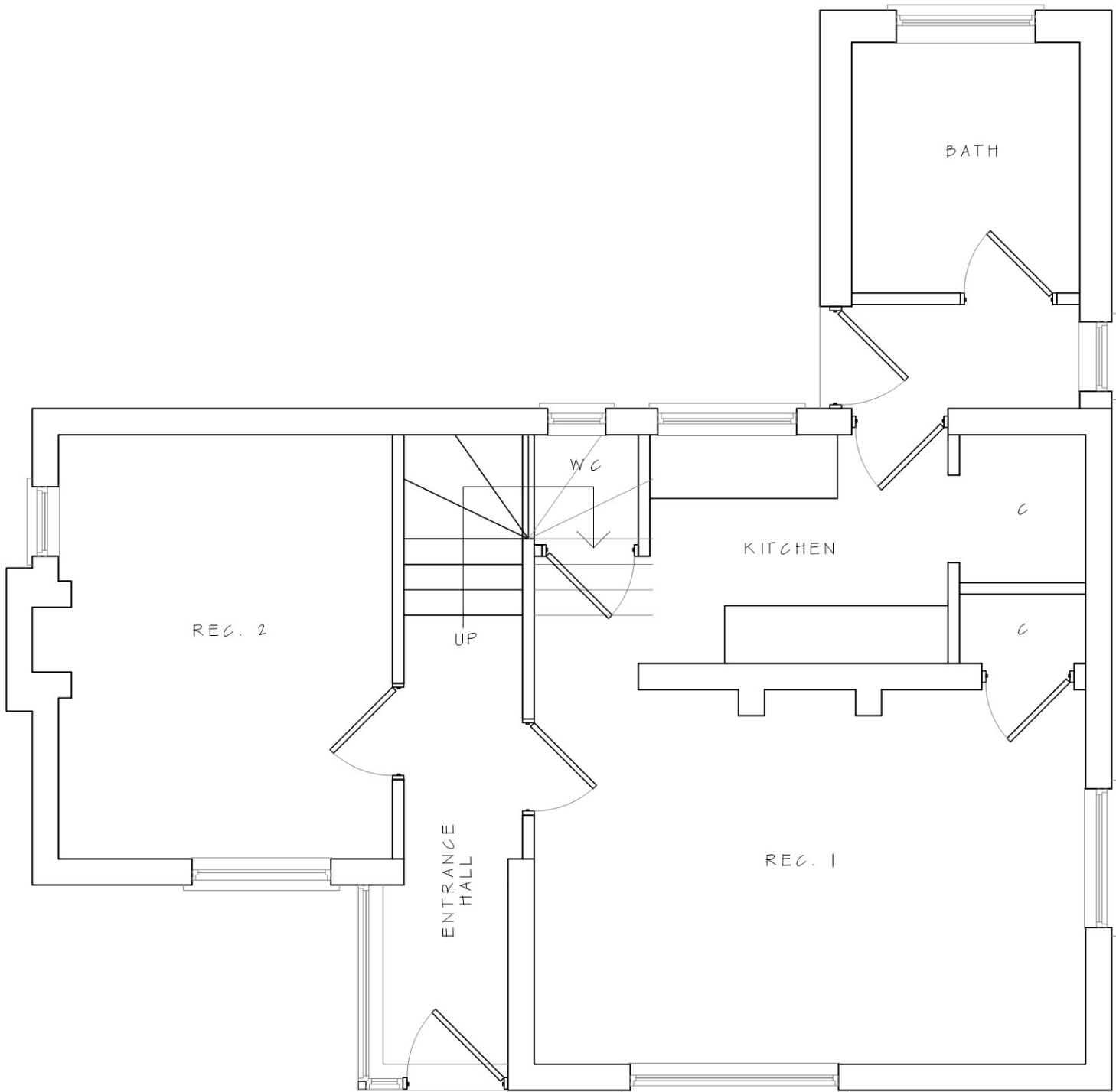
SIDE ELEVATION  
(NORTH)



FIRST FLOOR PLAN

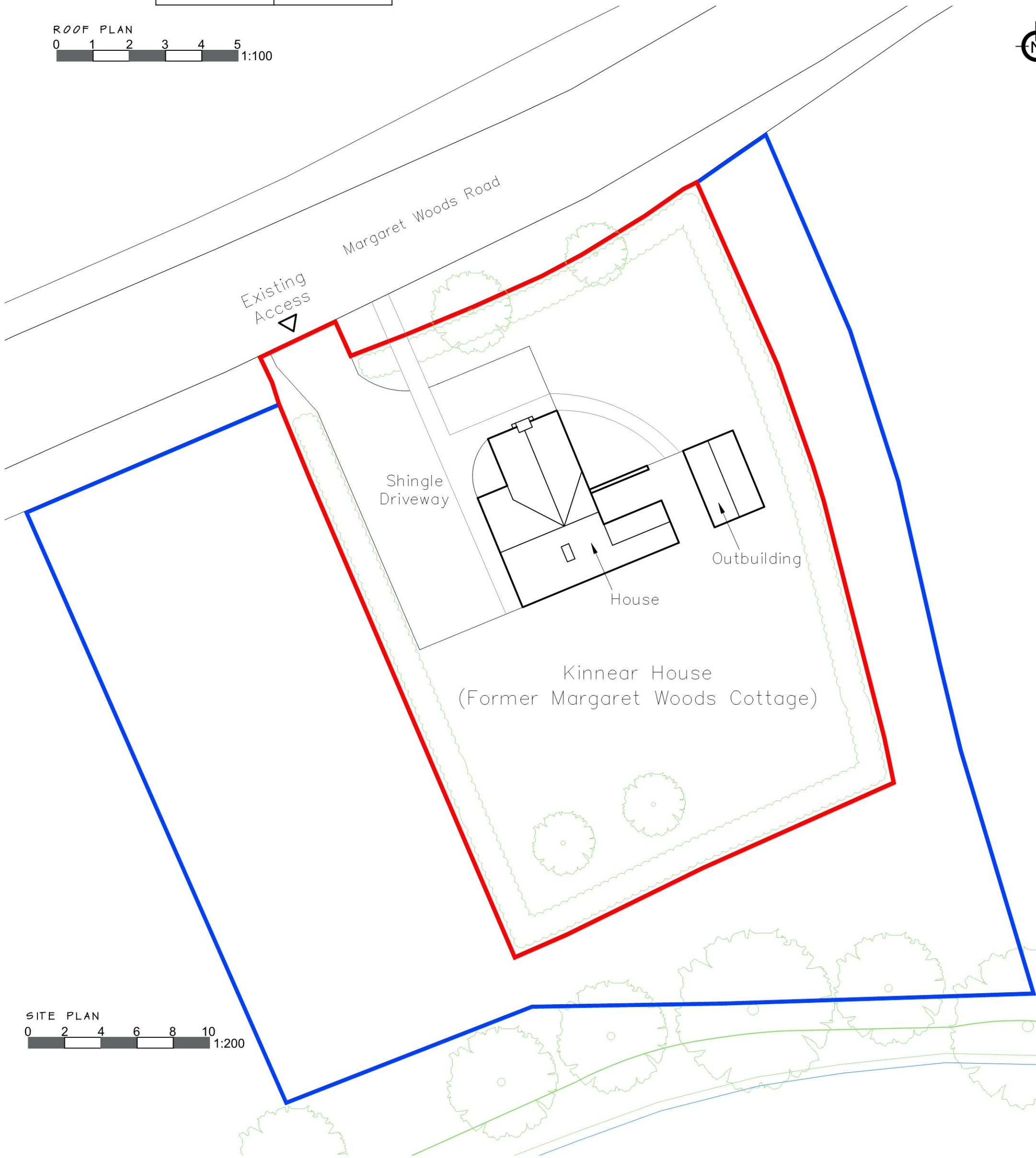


ROOF PLAN  
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GROUND FLOOR PLAN

FLOOR PLANS  
0 1 2 1:50



SITE PLAN  
0 2 4 6 8 10 1:200



LOCATION PLAN  
0 25 50 1:1250



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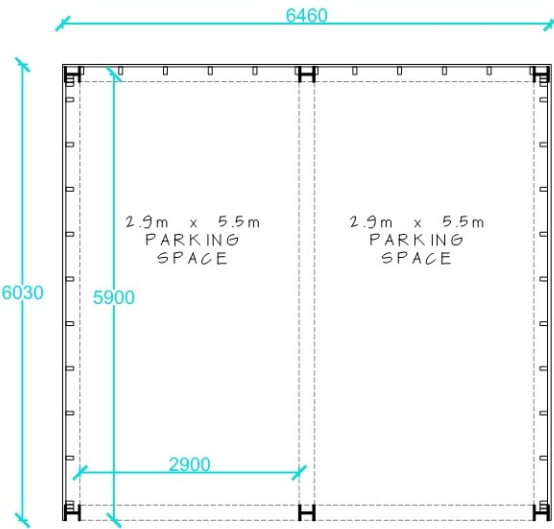
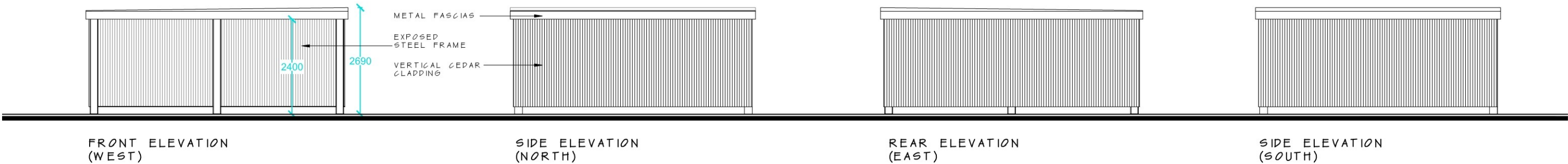
Client : <b>Mr &amp; Mrs Franklin</b>	Scale : <b>1:50/1:100/1:200/1:1250</b>
Project : <b>Kinnear House (Former Margaret Woods Cottage), Margaret Woods Road, Great Waltham, CM3 1DZ</b>	Status : <b>Planning</b>
Drawing : <b>Proposed Plans, Elevs &amp; Site Plan</b>	Dwg No : <b>2020-433-020</b>
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Client : <b>Mr &amp; Mrs Franklin</b>	Scale : <b>1:100 @ A3</b>
Project : <b>Kinnear House(Former Margaret Woods Cottage), Margaret Woods Road, Great Waltham, CM3 1DZ</b>	Status : <b>Planning</b>
Drawing : <b>Proposed Carport Plans &amp; Elevations</b>	Dwg No : <b>2020-433-011</b>
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# PLANNING STATEMENT

Site: Kinnear House (formerly Margaret Woods Cottage), Margaret Woods Road,  
Gt Waltham CM3 1DZ

Proposal: Demolition of dwelling and outbuilding and construction of a  
replacement dwelling and garage

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Appendix 1	Preapplication advice from Chelmsford City Council November 2020
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## 1.00 Site Description

1.01 The site is located on the southern side of the Margaret Woods Road, opposite a group of dwellings and farm building, two of which a few years ago were converted into a residences. To the east of the group, almost opposite the application site, is one steel framed barn in the group that is still in farming use ( see photographs).



1.02 The site that measures 26 m along its frontage and has a depth of 33 m, an area of 886 sq.m, with further land under the applicant's control edged in blue. The site is enclosed



by a hedges and has fields to east and west, with to the south a large lake enclosed by trees. There is a further lake to the north of Margaret Woods Farm. To the north east is a replacement dwelling, The Retreat. This replaced two former properties formerly named Gravel Pit Bungalows that will be referred to later.



- 1.03 The existing dwelling on the site has an established vehicular access in the north west corner off the highway. The dwelling was erected in the early 20th century, as confirmed in preapplication correspondence with CCC. Although constructed as part of the Langley's estate at Gt Waltham, where Langleys, is a listed building, with several lodge houses in its grounds, this dwelling, whilst not unattractive, does not have any special heritage or architectural characteristics, located outside the setting of Langleys. It is an unimproved dwelling. The property is in a T-shape with a gable running parallel to the road, and another projecting forward. The ridge height of the dwelling is just over 7.0 m, and the building overall has the dimensions 9.3 m long and 9 m deep, with a floor area of 85 sq.m. There is a detached outbuilding to the east with a footprint of 12 sq.m. There is no planning history on the site, so it retains all permitted development rights. Margaret Woods Cottage now Kinnear House is shown on plan 433-020.
- 1.04 As stated, there is no planning history relating to the current dwelling but there has been some relevant preapplication discussion with the planning officer prior to the submission of this application. He was presented with draft plans of a 2 gables 'barn' that was considered acceptable in terms of principle but the juxtaposition the two gables was

found to not be possible to support, so an alternative form was investigated, of which there are some examples in the County, where the second gable at the rear was replaced with a simple subservient box shaped outshot, referring to the comment '*This gable feature should be subservient to the main dwellinghouse and of modest depth and proportions*'( see Appendix 1). This revision was found in later correspondence to be suitable for this location.

## 2.00 The Proposal

- 2.01 The proposal seeks to permission for the removal of all buildings on the site and the construction of a detached dwelling that is of a contemporary style, intended to appear as a barn conversion in appearance, the clean lines emulating a modern barn that has been converted to a dwelling, under for example Part Q of the Planning Acts. The front part of the building, 17m long, although the articulated flanks of the dwelling are smaller and would be rectangular in form, 7.01m wide, with the two storey flat roofed part, 8.6m by 4.5m deep, with inset flank walls again at the rear. The height of this rear section in line with the eaves of the main part at 5.35m. There is a small open porch centrally located over the 'hay barn' full height windows at the midpoint of the building.
- 2.02 The accommodation planned on the ground floor is designed for the living space to be mainly open plan, the kitchen accommodated in the single storey rear projection, with 3 bedrooms on the first floor in the main part of the building and the fourth in the secondary structure at the rear.
- 2.03 In terms of design and materials, as discussed with the Council a contemporary design has been chosen, the form intended to portray this to a degree, but materials such as the bricks are within the Essex vernacular range of a mixed gault ( to match opposite) and wood, with metal roof that has an appearance of slate, given a more vernacular appearance. The zinc sheeting on the wall to the rear is less obvious, the flat roof of the outshot in rubberised sheeting also unseen. The windows are uncomplicated in form and a large degree natural lighting is provided by glazing of the gables ends, glazed panels, all having powdered aluminium frames to continue the clean lines that is part of the character of the building. The dwelling will be set back from the highway by about 10m and centralised on the plot.
- 2.04 Acknowledging there is every likelihood that the permitted development rights might be removed there is a replacement garage shown. Although as planned forward of the building line, it would not fall in this category under Class E of the GPDO, but in order

to preserve views from the rear and side of the dwelling, is planned located forward of the building. All details are shown on Plans set by J Bell Deign and Conservation Ltd Plan set 2020 433.

- 2.04 Landscaping will play a large part on this so again the fencing will be estate style with a new hedgerow planted behind that represents a softer and rural character than at present.

### 3.00 Support for the Proposal

- 3.01 Policies within the NPPF and the New Local Plan, May 2020 are not as prescriptive as earlier planning policy documents. So, for example, Policy DM8 of the Local Plan states that planning permission will be granted for new buildings and structures in the Rural Area, where the development will not adversely impact on the identified intrinsic character and beauty of the countryside. Part C of this Policy relates to replacement buildings and states that replacing a building is acceptable, when the existing building is of permanent and substantial construction; the new building is in the same use as the existing; and the new building would not be out of keeping with its context and surroundings, and does not result in any other harm.

- 3.02 The property is a recently resided in dwelling and agreed suitable for replacement to result in an upgrade in building quality. The preapplication advice on the issue of the scale of any replacement was not prescriptive in relation to the replacement of the existing dwelling. What is suitable for one site and setting, would not be so for others. In this group, the location of the buildings that are generally two storeys as is the host property, although at the smaller end of the scale of buildings, but as a sole building on this side of the road there is a potential for inventive design and some increase in height. Generally, two storey buildings can replace two storey ones and the ridge height of the proposed dwelling is only just over 1m higher than the existing cottage's ridge height. The eaves height of the current building is 4.4m whereas the proposed is just over 5.3m, so overall average 1 m increase, but in terms of footprint, the extent of the replacement is not significantly larger than the area of the current given that the dwelling has not been extended, ( see site plan) Currently the dwelling is entitled to be extended by 8m in depth across the rear of the dwelling to a height of 4 m or two storey 4 m in depth. Although the replacement dwelling would be larger than the existing, it is considered that this would be smaller in footprint than if the current property were to be extended under permitted development. The proposed footprint, would be within the area of the



dwelling currently plus a limited area on the western side. The slight increase in height would be offset by setting back the front building line of the proposed dwelling, by 3.5m, in line with the current front parallel section of the dwelling.

3.03 There was some debate in the past by the Council about the scale of the replacement dwelling to the north east, now The Retreat that although maintaining the single storey of the former Gravel Pit Bungalow, did have a greater ridge height and footprint ( see aerial photograph in north eastern corner). The replacement dwelling was allowed, LPA ref: 10/00492/FUL, to be taller and the accommodation larger due on the large site and incorporating a basement. The design of the replacement was also completely different in character to the former bungalows on site, but due to separation distance from other properties and being well designed in itself, it was not felt to harm the intrinsic character and appearance of this part of Broads Green. The property has been further extended by adding a 7m x 4 m by 4.5 m in height rear addition, ref: 19/01804/FUL. It is considered that the proposal here would draw on many of these similar circumstances regarding scale and plot size capacity.

3.04 One of the greatest contrasts with the existing dwelling as a result of this proposal is in terms of appearance, the change in character between the existing and the proposed is the marked, with regard to design. The design of the proposed house, it is acknowledged would be more contemporary when compared to other houses in the group, although it results in the simple one that would be akin to if, for example, the 20<sup>th</sup> century barn opposite was to be converted to a dwelling. This brings the fairly angular concept into acceptable rural style and there are examples of this form in local villages, to include Little Baddow and Danbury. The use of gault brick, and a section of cedar cladding, with the metal roof that from a distance looks like slate, accords with the established surroundings of the opposite farm group. The homes in the area are all different and use varying materials. So for example, there is no uniform character, but noticeably timber and light bricks are predominant. It is considered that the scale and pitch of the roof as well as materials are reflective of the surroundings. Although there are no flat roofed sections, this proposal includes is a small rear subservient element that would not be highly visible from the front nor from the side, as it is articulated off both flank elevations. The lower cartlodge at the front would also add a further to the articulation of the ridge heights.

3.05 Overall, the proposed design is considered as acceptable and the proposal would not be harmful to the intrinsic character and beauty of the area or wider countryside nor would

it not conflict with the purposes of protective policies in either the New Local Plan nor the NPPF. Whilst the existing traditional design would be altered quite dramatically by the proposal, this in itself does not cause harm to the character of the area. The essence of the NPPF 2019 sees a shift towards recognising the character of the rural surroundings which at this juncture is very varied, rather than the stricter protectionist approach of DC policies. Para 131 states, for example, in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The proposed dwelling would be larger than the one it is replacing, but it would be an appropriate size considering the other properties in the group and the site's size. The recently adopted SPD Making Places states that variety is important and that some taller dwellings can be accommodated if there is space around them to balance the impact experienced at a street level which can otherwise be overbearing owing to the presence of height. The proposed replacement dwelling would be located set back on a large site of the building, so it would not dominate the streetscene and be proportionate to the plot. The fact that it is on its own, on a large plot, results in there being more potential to have an alternative style building that fits into the general group, through mutual use of materials.

- 3.06 The proposed dwelling would have an acceptable relationship with all neighbouring properties, as it would not result in overbearing or overshadowing of the neighbouring properties given the degree of separation. The dwelling would have sufficient private amenity and off-street parking provision.
- 3.07 Finally, LP Policy DM23 High Quality and Inclusive Design states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. This does not mean replication but as stated above it presents the theme of the built environment linked in this case, through materials not necessarily forms, where the distance from the group any other building allows for innovation in the design. This liberal use of glazing, employment of green energy initiative tolerates a building of superior sustainability credentials that would be a landmark feature in this setting, but still comply with the above listed planning policies at all levels.



**HYBRID ECOLOGY LTD**  
*joined up thinking*

## **Bat Survey**

**Kinnear House, Margaret Woods Road,  
Great Waltham, Essex**

**On behalf of:  
Mr. Frankin**

**Prepared by:**  
Gemma Holmes BSc (Hons) ACIEEM

**Report version control:**  
Version 1:  
August 2021

## Summary

Hybrid Ecology Ltd was instructed by Mr. Franklin to carry out a bat survey at Kinnear House, Margaret Woods Road, Great Waltham, Essex CM3 1DZ. The survey was required to support a planning application for demolition of the existing house and outbuildings and construction of a new property. The planning application is being considered by Chelmsford Council under 21/00570/FUL.

Chelmsford Council considered there to be a reasonable likelihood of bats being present and affected and requested that a Preliminary Roost Assessment (and further dusk/dawn surveys where necessary) was carried out ahead of determination.

The surveys were project managed by Gemma Holmes (BSc Hons) who holds a Class 2 bat survey licence and has 13 years' experience surveying for bats. All other surveyors met the CIEEM Competency for Species Survey (Bats) – Guidelines.

A Preliminary Roost Assessment (PRA) was carried out on 26<sup>th</sup> July 2021. During the PRA, a small number of potential roost/access features were found, including missing roof tiles. No evidence of bats was found in loft spaces. The property was assigned "low" bat roost suitability and required one dusk survey to be undertaken between May-August inclusive in accordance with Bat Conservation Trust (BCT) Guidelines.

The dusk survey was carried out in suitable conditions on 3<sup>rd</sup> August 2021. No bats were seen exiting the property. A small number of common species including common pipistrelle, soprano pipistrelle and noctule were seen foraging around the garden.

**No bats were seen exiting during the dusk survey and this report concludes likely absence. Since the work is unlikely to result in killing, injury roost obstruction, roost obstruction or disturbance to bats, a mitigation licence is not required from Natural England. Work can proceed without restriction. If at any point bats are encountered, work must cease and ecological advice immediately sought.**

**This report is valid for 12 months, beyond which it is recommended that a repeat inspection is carried out, with further dusk/dawn surveys if deemed appropriate.**

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# 1.0 Introduction

## Personnel

- 1.1 This report has been prepared by Gemma Holmes; Consultant Ecologist at Hybrid Ecology Ltd. Gemma is a qualified ecologist with 13 years' experience in professional survey work and is an Associate member of the Chartered Institute of Ecology and Environmental Management. Gemma holds a level 2 licence to survey for bats in the UK (Licence number 2016-27305-CLS-CLS).

## Purpose/context

- 1.2 Hybrid Ecology Ltd was instructed by Mr. Franklin to undertake a Preliminary Roost Assessment (PRA) and bat emergence survey at Kinnear House (formerly Margaret Woods Cottage), Margaret Woods Road, Great Waltham, Essex CM3 1DZ. The site includes a detached derelict property, outbuildings and small garden. The proposal involves demolishing the house and building a replacement. Existing and proposed site plans are provided in Appendix 1 and Appendix 2. A location plan is included as Figure 1.
- 1.3 Bats (all species) are legally protected under the Conservation of Habitats and Species Regulations (2019, EU Exit) and Wildlife and Countryside Act (1981, as amended) from killing, injury, disturbance, roost destruction and roost obstruction. Building work can result in the destruction of/disturbance to bat roosts and trigger offences under the above legislation, in the absence of appropriate controls. Therefore, the purpose of the survey was to identify and characterise bat roosts so that the Local Planning Authority have the necessary information to determine a planning application.

## Surveys

- 1.4 Surveys consisted of an initial Preliminary Roost Assessment and dusk survey carried out in July/August 2021. Surveys were undertaken by a team of competent, experienced and licenced surveyors in compliance with the BCT Guidelines (2016).

## Limitations

- 1.5 Bats are transient and highly mobile, and there is a risk that certain species of bat could be missed during surveys. Given that these surveys were carried out in the peak activity season, spread 2 weeks apart and supplemented by a thermal camera, there is no reason this data cannot be relied upon for planning purposes.
- 1.6 Due to the nature of bats as mobile species, this report is valid for 12 months, after which point bat use of the building may have changed to warrant a repeat inspection.

**Figure 1.** Location plan



## 2.0 Planning Policy and Legislation

### Legislation

2.1 In Britain, all bat species and their roosts are legally protected, by both domestic and international legislation. This means you may be committing a criminal offence if you:

- Deliberately take, injure or kill a wild bat
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
- Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
- Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat
- Intentionally or recklessly obstruct access to a bat roost

*Please refer to the legislation for the precise wording - the above is a summary only:*

- *Wildlife and Countryside Act (1981) (as amended)*
- *Conservation of Habitats and Species Regulations (2019) (as amended).*

### Licensing

2.2 A European Protected Species (EPS) licence can be issued by Natural England for scientific, research purposes (including survey work) in relation to bats and great crested newt. An EPS licence can be issued by Natural England for the disturbance of an EPS in relation to a development. Licences can only be granted if there is no satisfactory alternative or if the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range and can only be obtained once planning permission has been granted.

## 3.0 Methodology

### Desktop study

- 3.1 The immediate landscape was assessed for any significant bat-roosting and foraging habitats (woodland, water etc.) connecting to the site.
- 3.2 Multi-agency Geographical Information for the Countryside (MAGIC) was used to identify any European Protected Species licenses relevant to the site location.

### Preliminary Roost Assessment/habitat appraisal

- 3.3 The PRA was carried out on 26<sup>th</sup> July 2021 by Oliver Coyne, who is an accredited agent under level 2 bat licence reference 2016-27305-CLS-CLS. A systematic search was made on Kinnear House and outbuildings to identify potential or actual bat access points and roosting places (typical access features include gaps beneath ridge tiles, loose/slipped/missing roofing tiles, gaps between soffit boxes and external walls, lifted lead flashing and gaps behind weatherboarding). The search included the ground, particularly beneath potential access points, where accessible. A systematic search was also made of the interior to identify potential bat access points and roosting places and to locate evidence of bats, including droppings and feeding remains.
- 3.4 Trees on the site were also assessed for potential roost features (knot holes, woodpecker holes, flaking bark etc.)
- 3.5 Suitability for roosting, commuting and foraging was assessed in accordance with Table 1.

**Table 1.** Guidelines for assessing suitability of sites for bats (BCT, 2016)

Table 4.1 Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement.		
Suitability	Description Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions <sup>1</sup> and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation <sup>2</sup> ).  A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential. <sup>3</sup>	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.  Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions <sup>4</sup> and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens.  Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions <sup>5</sup> and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge.  High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.  Site is close to and connected to known roosts.



### Emergence survey

- 3.6 As potential bat roost/access features were found during the PRA, the house was assigned “low” bat roost suitability and required one dusk/dawn survey to be carried out in accordance with BCT Guidelines. The dusk survey was carried out on 3<sup>rd</sup> August and was led by Gemma Holmes. A team of two surveyors were stationed to cover all possible bat access locations identified during the PRA - see Figure 2. Both surveyors were equipped with Echo Meter Touch 2 Pro bat detectors, and Clu-lite torches with red filters. Notes and recordings were made for any bats emerging or re-entering or for any foraging or commuting occurring on or adjacent to the site.
- 3.7 Behaviour was recorded in 2 minute intervals, within which the number of “passes” were recorded. Dusk surveys were carried out up to 30 minutes prior to dusk, until up to 2 hours after, and the dawn survey was carried out up to 2 hours prior to dawn, until just after sunrise.

### Thermal imaging

- 3.8 A Flir A65 thermal camera was used during the dusk survey, positioned to the south-west of the house, operated by surveyor 2 (S2).

**Figure 2.** Surveyor and thermal camera positions during dusk survey



## 4.0 Results

### **Desktop study:**

#### Landscape context:

- 4.1 The site is situated in a rural location in Great Waltham, Essex. The immediate environment includes a large reservoir to the immediate south of the garden. There is a further larger fishing reservoir beyond this, also to the south. Surrounding the reservoirs is arable land. There is a farm to the north-west beyond Margaret Woods Road which includes several large barn conversions.
- 4.2 The habitat suitability for foraging is high, with direct connectivity to two large reservoirs where there will be high insect activity.

#### Local EPSM licences

- 4.3 The closest European Protected Species Mitigation Licence granted by Natural England for bats is 1.3km to the north of the site in Great Waltham (ref: 2014-4613-EPS-MIT). Given the distance and intervening land-use, this is not relevant to this project.

### **Preliminary Roost Assessment/habitat appraisal:**

*Please see photographs in Appendix 3.*

- 4.4 The house is a detached building aligned east/west. Walls are brick and the roof is pitched and covered with traditional tiles. Windows and door frames are PVC. The house is generally in good condition and well-sealed. Two missing tiles were noted to the south of the roof, ridge tiles are intact and sealed. Lead flashing is generally in good, sealed condition. No gaps were noted around door or window frames and no droppings were found on external walls or window/door ledges. The house contains two small loft spaces which are lined with traditional felt. No evidence of roosting bats (e.g. droppings, staining on timbers, insect remains) were found inside and the spaces are generally cluttered with limited available flying space. Bat roost potential is therefore limited to the gaps under tiles and between tiles and felt.
- 4.5 Outbuildings include a garage and simple shed structures to the north-east, none have potential for roosting bats.
- 4.6 There are no trees on site with potential roost features. The garden is overgrown, and boundaries are defined by managed hawthorn hedgerows. Small oak and cherry trees exist to the south. Observable species in the garden include perennial rye grass, poppy, ragwort, yarrow, fescue sp. bristly oxtongue, white-dead nettle, red clover. Conditions in the garden are generally good for foraging bats.

### **Dusk emergence survey**

- 4.7 The weather conditions and survey data are provided in Table 2 and Table 3.
- 4.8 In summary, no bats were seen emerging from Kinnear House during the dusk survey. The first bat heard was a noctule seen flying over the site at 20:59, 15 minutes after sunset.

- 4.9 The first pipistrelle sp. was seen at 21:07, 23 minutes after sunset flying north to south along the western boundary hedgerow (arriving from the north). Activity thereafter was dominated by common and soprano pipistrelle occasionally foraging around the rear garden and along the western boundary hedgerow.
- 4.10 A review of the thermal camera footage in FLIR Tools software did not identify any bats re-entering the house.
- 4.11 Foraging activity was concentrated around the rear garden but was generally low, despite the good connectivity to suitable habitat.

**Table 2.** Weather conditions

Date	Sunset / Sunrise Time	Start Time	End Time	Temperature (°C)		Wind (mph)	Rain	Cloud Cover
				Max	Min			
3 <sup>rd</sup> August	20:44	20:20	22:45	15	13	6	None	Clear

**Table 3.** Survey results

Surveyor	Summary of activity recorded	Emergence from target building
S1	First bat: 20:59 (Noctule) Last bat: 21:59 (Common pipistrelle) <b>Summary of activity:</b> 13 passes recorded. First pipistrelle recorded at 21:08, arriving from the north. Several pipistrelle sp. seen foraging over garden.	No
S2	First bat: 20:59 (Noctule) Last bat: 21:58 (Common pipistrelle) <b>Summary of activity:</b> 12 passes recorded. Small numbers of bats seen arriving from the north and flying along the western boundary hedge, before foraging briefly around rear garden.	No

#### Other species considerations

- 4.12 Several active house martin nests were identified under eaves. Nesting birds are legally protected from direct harm, therefore demolition will be carried out between September – February, when nests will be inactive, or following a nest check by an ecologist confirming inactivity.
- 4.13 Wherever possible, compensatory nest provision for house martin should be included in the development. Suitable nest features are provided in Appendix 4.

## 5.0 Discussion and mitigation

### Roosting bats

- 5.1 The surveys did not identify roosting bats in Kinnear House. Therefore, there is no requirement for a European Protected Species Mitigation License (EPSM) prior to work commencing since demolition will not trigger any offences under wildlife legislation. It is recommended that work proceeds as soon as possible, taking into account that bats are transient and highly mobile, often switching roost locations regularly.
- 5.2 If at any point during work bats are encountered, work must cease until the advice of an experienced bat ecologist has been sought.

### Foraging bats

- 5.3 The site supports small numbers of common bat species including common pipistrelle and soprano pipistrelle. The work will be largely confined to the existing footprint and therefore will not result in the loss of habitats used for this purpose, nor will it result in the severance of habitats. The garden will be retained.
- 5.4 Bats can be affected by external lighting. Site lighting around the garden will be avoided during both the construction and operational phases. If lighting is needed, it should be directed only to the area needed. This site does not require a detailed lighting strategy for bats.

### Enhancement measures for bats

- 5.5 The site could be enhanced for roosting bats by installing bat boxes/features on the new building. Bat features can be integrated or externally mounted. Bat boxes on buildings could comprise bat tiles, bricks or tubes, or externally mounted boxes on gable ends. Bat boxes on buildings should be installed above 2 metres and face south, south-west or south-west, where possible. Recommended artificial roost features are included in Appendix 4.



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**Appendix 1.** Existing site plan



NOTE: All drawings to be read in conjunction with consultant structural engineers, mechanical and electrical consultants, acoustic engineers, energy consultants, specification, and detailed drawings. Drawing to be issued for the purposes shown within the drawing status box.

NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.

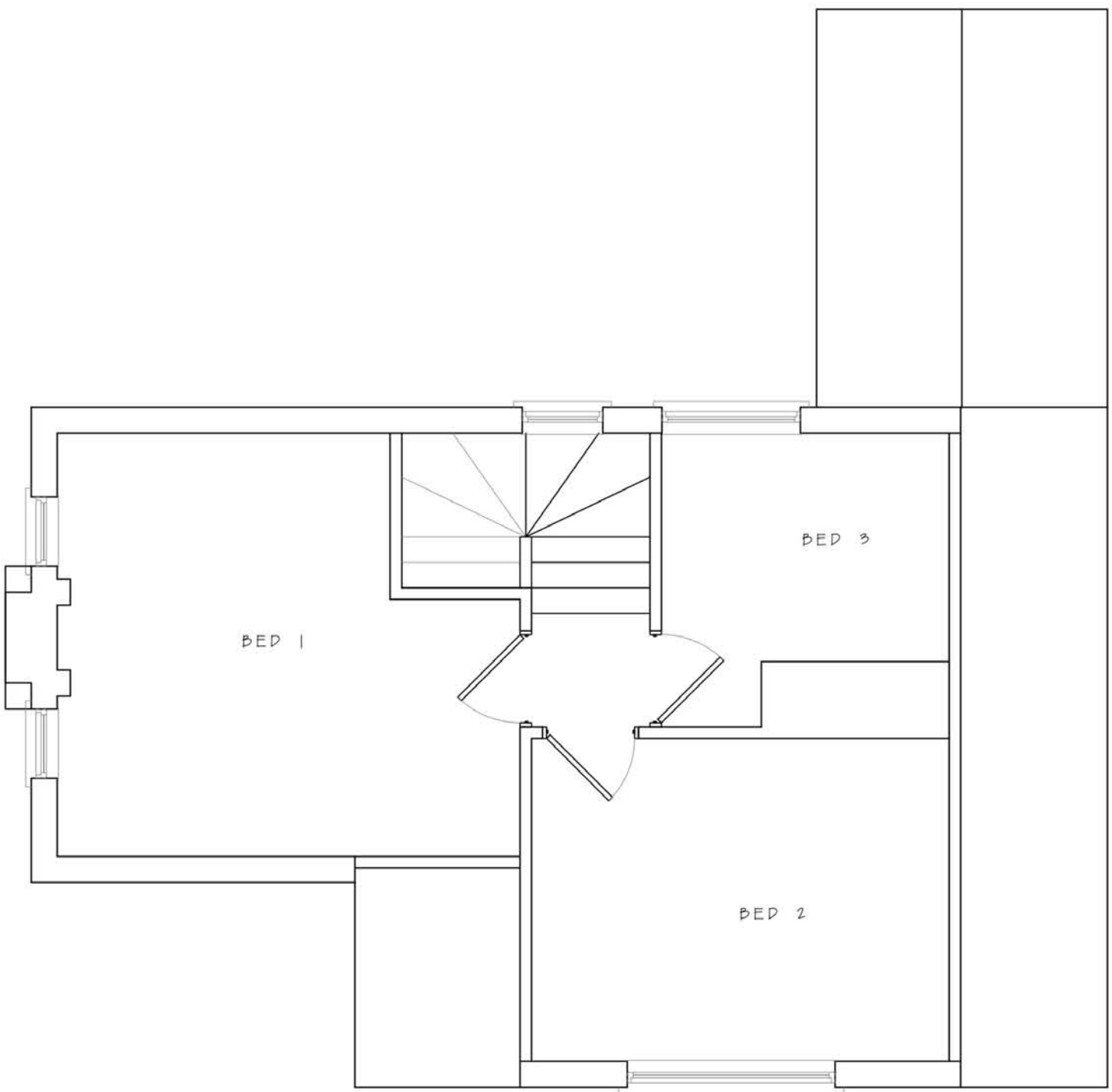


FRONT ELEVATION  
(WEST)  
0 1 2 3 4 5 1:100

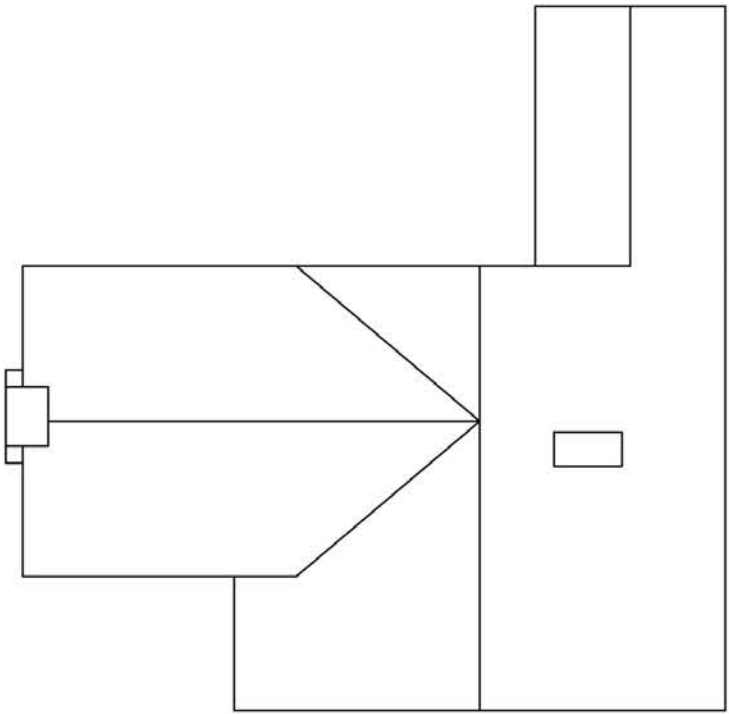
SIDE ELEVATION  
(SOUTH)

REAR ELEVATION  
(EAST)

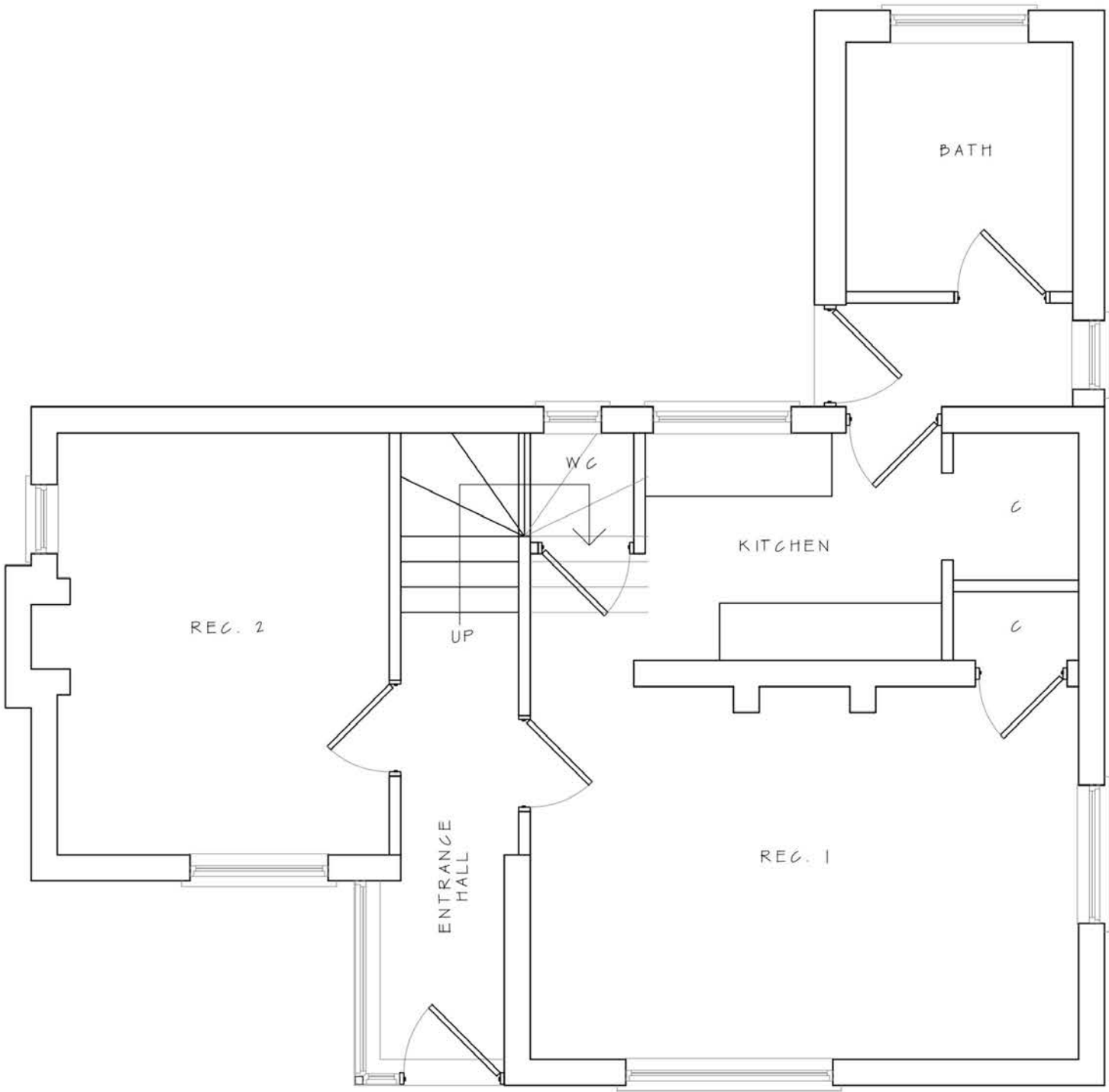
SIDE ELEVATION  
(NORTH)



FIRST FLOOR PLAN

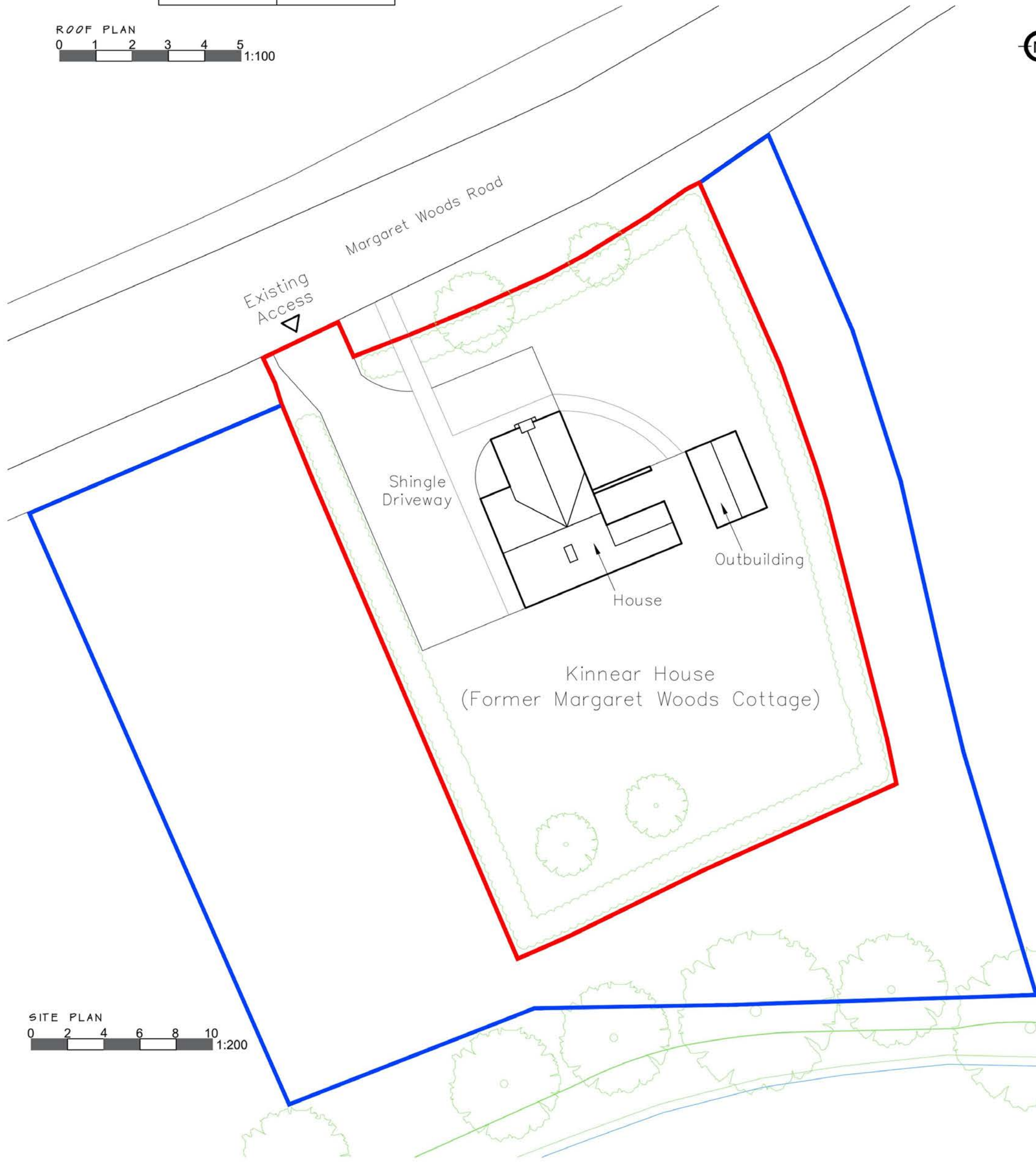


ROOF PLAN  
0 1 2 3 4 5 1:100

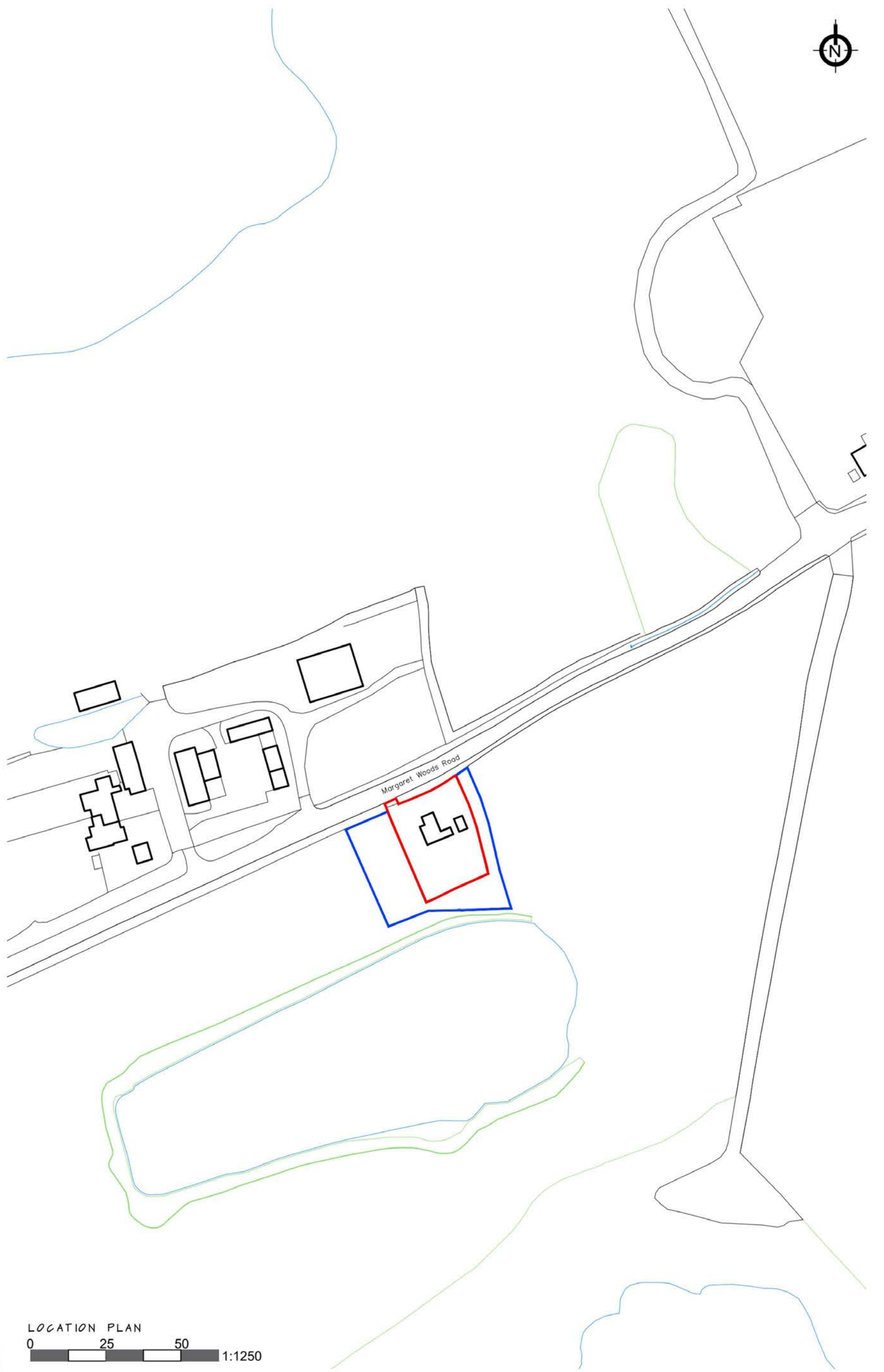


GROUND FLOOR PLAN

FLOOR PLANS  
0 1 2 1:50



SITE PLAN  
0 2 4 6 8 10 1:200



LOCATION PLAN  
0 25 50 1:1250



**jbell**  
**design and**  
**conservation ltd**  
Suite 9, Holly House Business Centre  
220-224 New London Road, Chelmsford, CM2 9AE  
T: 07484 791794  
E: jbell@designandconservation.co.uk

Client : <b>Mr &amp; Mrs Franklin</b>	Scale : <b>1:50/1:100/1:200/1:1250</b>
Project : <b>Kinneir House (Former Margaret Woods Cottage), Margaret Woods Road, Great Waltham, CM3 1DZ</b>	Status : <b>Planning</b>
Drawing : <b>Proposed Plans, Elevs &amp; Site Plan</b>	Dwg No : <b>2020-433-020</b>
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C:\Users\jbell\OneDrive - designandconservation.co.uk\020 Projects\2020-433 Margaret Woods, Great Waltham\Existing Margaret Woods

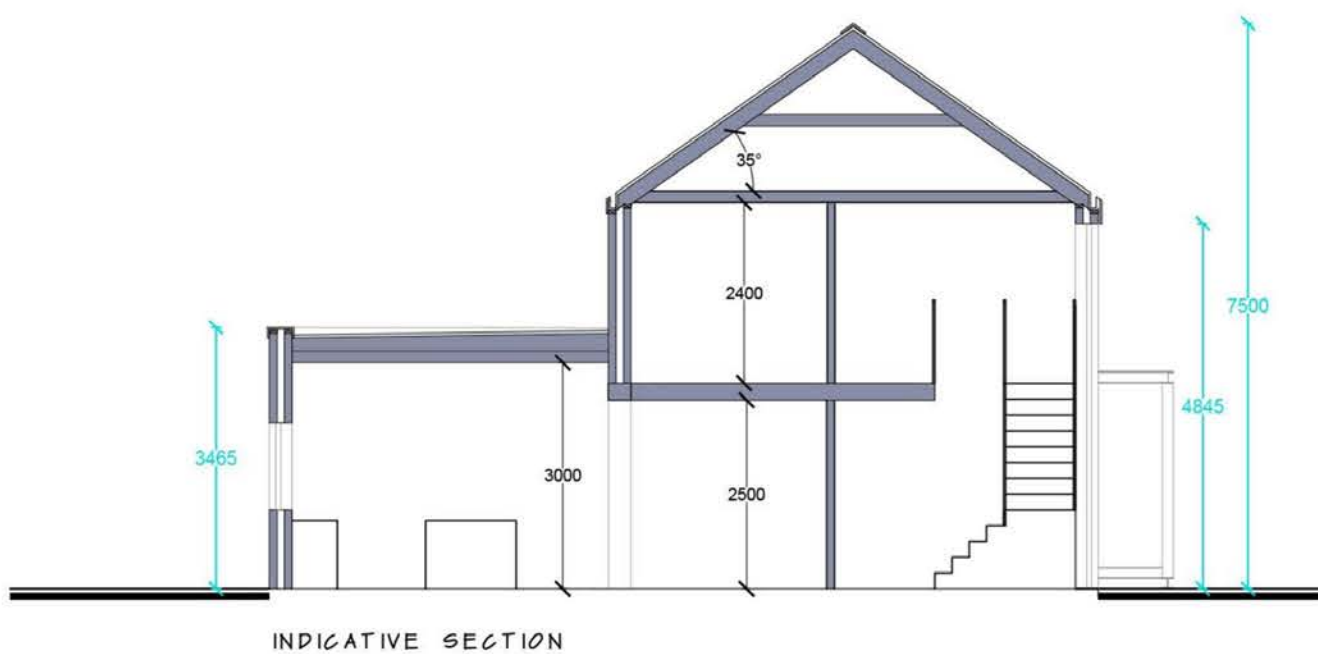
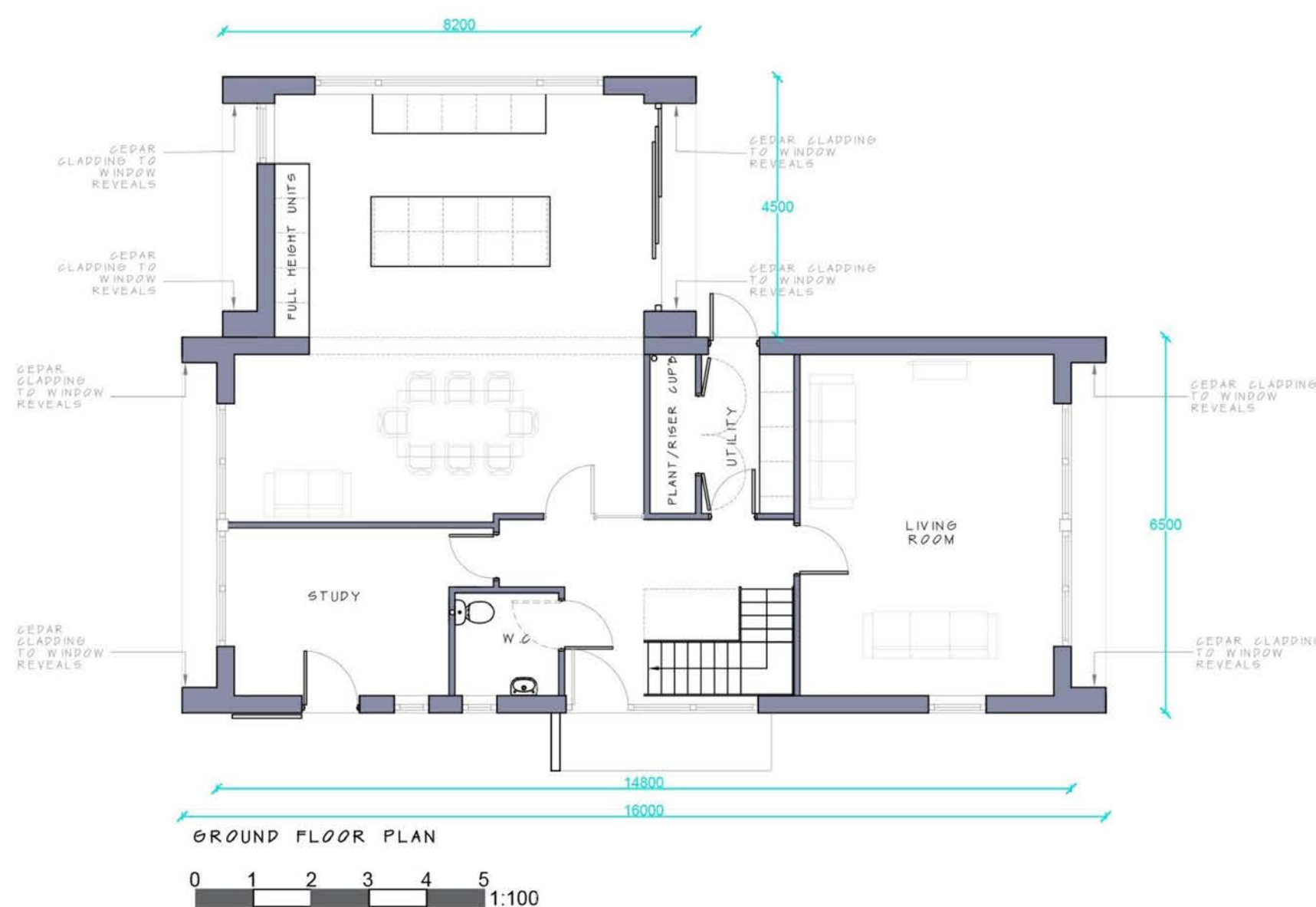
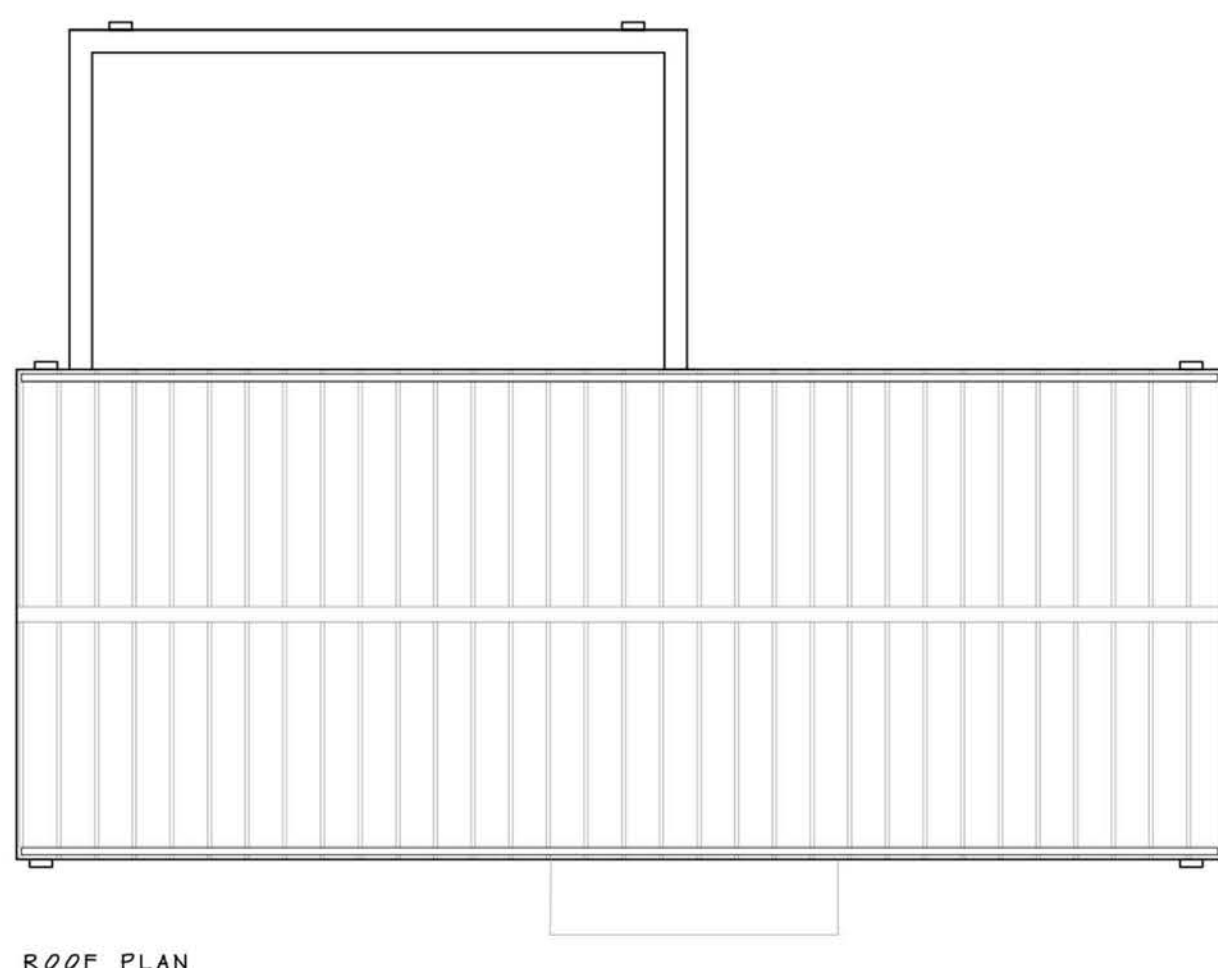
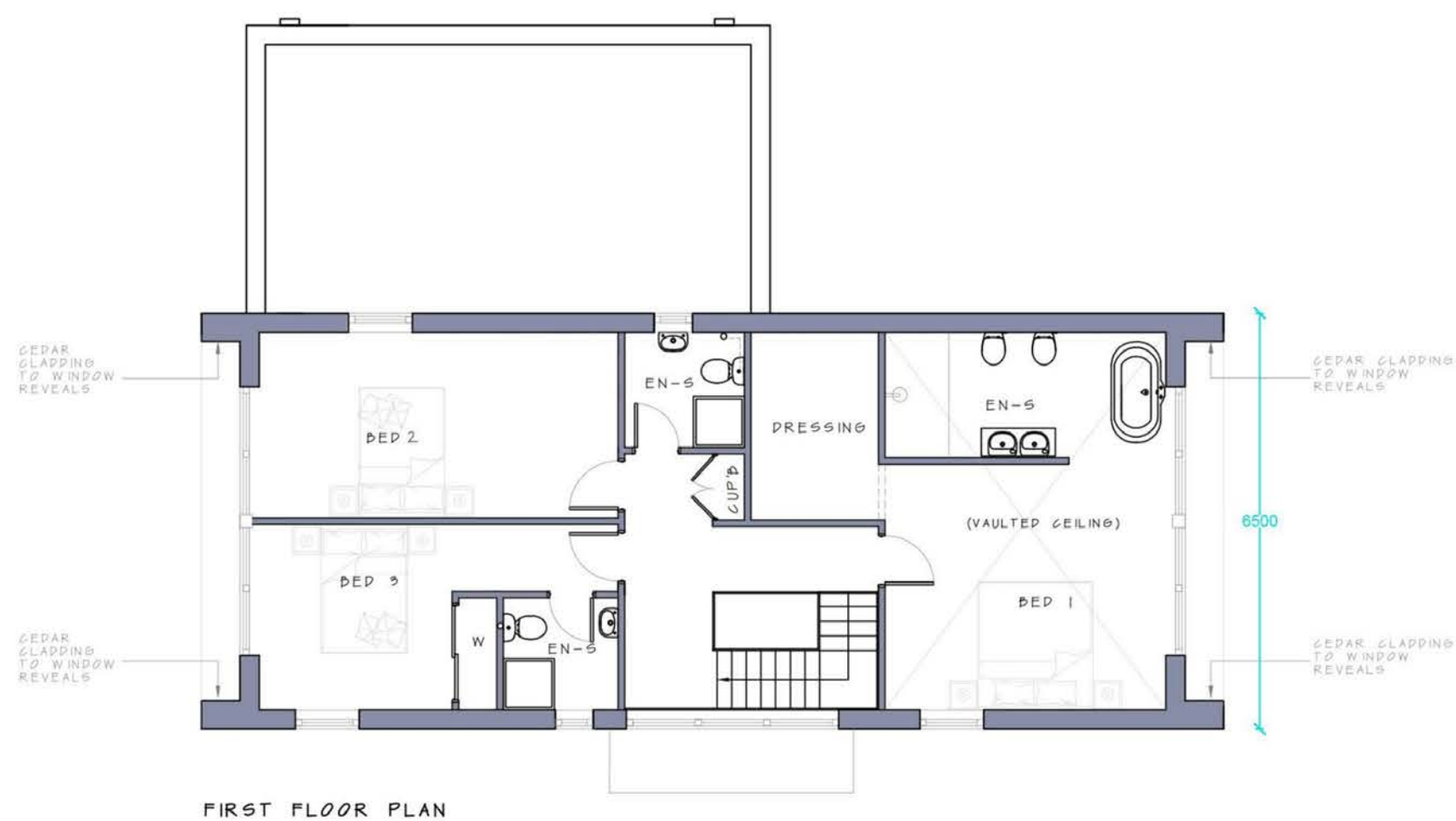
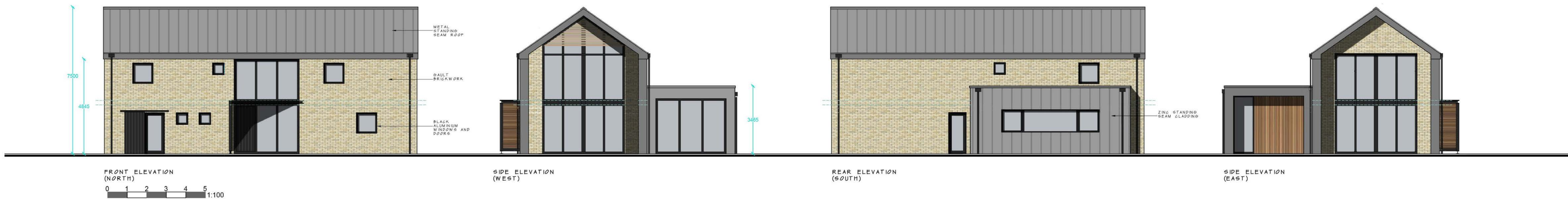


## **Appendix 2.** Proposed site plan



NOTE: All drawings to be read in conjunction with consultant structural engineers, mechanical and electrical consultants, acoustic engineers, energy consultants, specification, and detailed drawings.  
Drawing to be issued for the purposes shown within the drawing status box.

NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.



REV B - DESIGN ALTERED IN ACCORDANCE WITH PLANNING OFFICERS COMMENTS - 09.06.21  
REV A - DESIGN ALTERED IN ACCORDANCE WITH PLANNING OFFICERS COMMENTS - 24.05.21



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Client : <b>Mr &amp; Mrs Franklin</b>	Scale : <b>1:100 / 1:200 @ A1</b>
Project : <b>Kinnear House(Former Margaret Woods Cottage), Margaret Woods Road, Great Waltham, CM3 1DZ</b>	Status : <b>Planning</b>
Drawing : <b>Proposed Plans, Elevations &amp; Site plan</b>	Dwg No : <b>2020-433-010</b>
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### Appendix 3. Photographs



a) Southern aspect of house



b) Western gable – intact, well-sealed



c) Missing roof tile on southern aspect



d) Loft space, no evidence of roosting bats



e) House martin nests



#### Appendix 4. Artificial bat roosts and bird boxes



- a) Habibat 003 Built in Bat Box faced with red brick. Dimensions 44 x 21.5 x 10.2 cm plus facing bricks. Self cleaning.






- b) Schwegler 1FR Bat Tube, to be integrated into building wall, and either bricked in or rendered. Self cleaning. Dimensions: 47.5 x 20 x 12cm.



- c) Beaumaris woodstone bat box for gable ends

## WoodStone® House Martin Nest

These nests have been developed specifically for House Martins and research has shown that the white coloured back panel helps to attract these agile birds.

Entrance Variations Available:		
		
Right-Hand	Left-Hand	Double
Please select your preference from the drop down at the top of the page.		

Fixings are included, making the nests simple to hang under the eaves of your house or outbuildings.

- d) House martin artificial nest boxes ([\(Woodstone House Martin Nester, \(wildcare.co.uk\)\)](http://Woodstone House Martin Nester, (wildcare.co.uk)))

**Self Assessment of the ability of the dwelling to support protected species.**

**Kinnear (Margaret Woods Cottage), Margaret Woods Road, Gt Waltham**

The proposal is for the demolition of the dwelling and the outbuilding and the construction of a replacement dwelling. The dwelling although is not occupied at present, it is entered regularly and the roof space has been entered by the current owner.

A visual survey of the buildings took place in January 2021, where it was concluded that the dwelling was not a suitable as roosts for bats. There is no evidence that they have been present or likely to be so. The building has closed soffits, is in reasonable good condition with no gaps in the roof, so does not present an environment suitable for bats.

November 2020



**Planning Committee**  
**7<sup>th</sup> September 2021**

<b>Application No</b>	:	21/01112/FUL Full Application
<b>Location</b>	:	50 Oak Lodge Tye Springfield Chelmsford Essex CM1 6GZ
<b>Proposal</b>	:	<b>Retrospective application for construction of rear garden fence.</b>
<b>Applicant</b>	:	Mr Michael Kilbey
<b>Agent</b>	:	
<b>Date Valid</b>	:	26th May 2021

### Contents

Appendices:

Appendix 1      Consultations  
 Appendix 2      Drawings

## **1. Executive summary**

- 1.1. This application is referred to planning committee at the request of a local ward member.
- 1.2. The application seeks retrospective permission for a plant support structure within the rear garden of the application property, which is located within the Urban Area of Chelmsford.
- 1.3. The development has an acceptable appearance and would not result in any harm to the visual amenities of the area. The development would not adversely affect the amenity of any neighbouring residential properties.
- 1.4. The application is recommended for approval and would not require any planning conditions as the application is part-retrospective.

## **2. Description of site**

- 2.1. The application property is a detached house located within the Urban Area of Chelmsford, where the principle of development is acceptable. The property backs on to White Hart Lane.
- 2.2. The properties that back on to this section of White Hart Lane have various boundary treatments of different heights including fences, walls and tall hedges.

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

- 3.1. This application seeks retrospective permission for a plant support structure erected along the north western garden boundary. It extends for the majority of the length of the boundary and with a height of 2.2m. The support trellis is already in situ – the part of the structure closest to the house has a height of 2.2m the remaining part is taller at 2.58m. The proposal is for the structure to be uniform in height at 2.2m.
- 3.2. The trellis is set just off the existing timber fence line of the property shared with No 52 Oak Lodge Tye.

## **4. Other relevant applications**

- 4.1. N/A

## **5. Summary of consultations**

- Public Health & Protection Services – No comments with regards to this application.
- Springfield Parish Council – Objection to height and appearance.
- Local residents – Comments received in support of the application. Comments received from neighbouring property concerning the height of the fencing, appearance and precedent.

## 6. Planning considerations

### ***Main Issues***

- 6.1. Impact on neighbouring amenity.
- 6.2. Visual impact on street scene.

### ***Planning considerations***

- 6.3. The plant support structure with a height of 2.2m would stand taller than the existing 1.8m boundary fence between the application site and No. 52 Oak Lodge Tye. Whilst taller than the boundary fence, the trellis would not be unduly overbearing or cause a harmful level of overshadowing to the neighbouring property.
- 6.4. The plant support is made from timber slats and is grey in colour. A domestic garden space has a mixture of materials and colours, and the horizontal grey timber slats would not be considered a harmful addition within the garden environment.
- 6.5. Glimpsed views of the plant support are visible from White Hart Lane but sitting amongst a variety of garden boundary treatments the plant support would not be a harmful addition to the wider street scene.

## 7. Conclusion

8.1 The principle of development is acceptable as the property lies within the Urban Area. The proposal would comply with policies DM23 and DM29 of the Local Plan and is acceptable.

### **RECOMMENDATION**

**The Application be APPROVED**

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

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**Public Health & Protection Services**

Comments
09.06.2021 - No PH&PS comments with regard to this application.

**Springfield Parish Council**

Comments
<p>29.06.2021 - Springfield Parish Council object to this application for the following reasons:</p> <p>(a) height over 2 metres;</p> <p>(b) due to the colour and position, which would not be compatible with the street scene;</p> <p>(c) a request is made to Chelmsford City Council Ward Councillors to call in the application to be discussed by Chelmsford City Council Planning Committee.</p>

**Local Residents**

Comments
<p>Two letters of support</p> <p>The Trellis that has been added, which is not a fence as the fence was already in place. For me personally this has been a very welcome addition. It has not only blocked completely the view from our garden of the sight of all high vehicles making their noisy way along White Hart Lane it has been thoughtfully thought out. We have many endangered species in Oak Lodge Tye. My daughter has just completed a study at Writtle College part of this study was a study on 'improving wildlife in an urban garden' The planting which we can see from our garden offers refuge to frogs, common lizard, and many birds on the RSPB red list. The garden has a water feature the trellis which plants are being grown up will offer further habitat for nesting birds. These are just my views but I would not like to see the additional trellis removed.</p> <p>The structure appears to be located inside of an existing fence and appears to be well made and of good quality.</p> <p>We have no reason to object to the structure as it neither impacts or impedes us in a negative way visually or in any other way.</p>



Having read the planning application it appears that the occupiers are intending to use the structure to create a future plant based screen that will reduce the ability of high sided lorry drivers to peer into their private garden space whilst in queueing traffic on White Hart Lane, which runs directly past the back of our properties.

As we ourselves suffer from the same lack of privacy in our own private garden space, our view is that the occupiers are entitled to protect their own private garden space and if this is the intention then we support the decision they have taken to create the structure.

#### One letter raising objections

We object to planning permission being granted for the construction for the following reasons:-

##### (i) Height

The three higher sections of the "screen" (the first three from the rear of the curtilage) are at a height (as measured by the Council Planning Officer) of 2.58 metres, which exceeds the maximum height permitted by the Permitted Development Rights by 0.58 metres (29%). We are concerned that once the climbing plants become established they may grow to a height slightly more than 2.58 metres. Should they grow significantly through the slats in the screen towards "our side", as they have putatively started to do, pruning from the Applicant's side could be difficult.

The two lower sections of the "screen" are at a height of 2.2 metres, which exceeds the maximum height permitted as above by 0.2 metres (10%).

The existing boundary fence, inclusive of its gravel board, is 1.8m in height. Thus, the Applicant would be able to raise the height by 0.2m within the regulations.

##### (ii) Appearance

We find the appearance of the "screen" unsightly and of industrial appearance. Comprising wooden slats painted battleship grey, it is, in our opinion, out of keeping with a garden and domestic environment. Its appearance is not unlike the type of screening sometimes used to hide fans and air conditioning equipment in an industrial context or to hide a waste bin compound.

##### (iii) Idiosyncrasy

The height of the screen as erected is not normal and marks our property out as "different".

##### (iv) Precedent

In addition to our interest as owners of the affected adjoining property, as local residents, we would be concerned if the approval of this Application resulted in other garden fences in excess of 2 metres in height appearing in the locality.



Kilbey  
50 Oak Lodge Tye  
CM1 6GZ

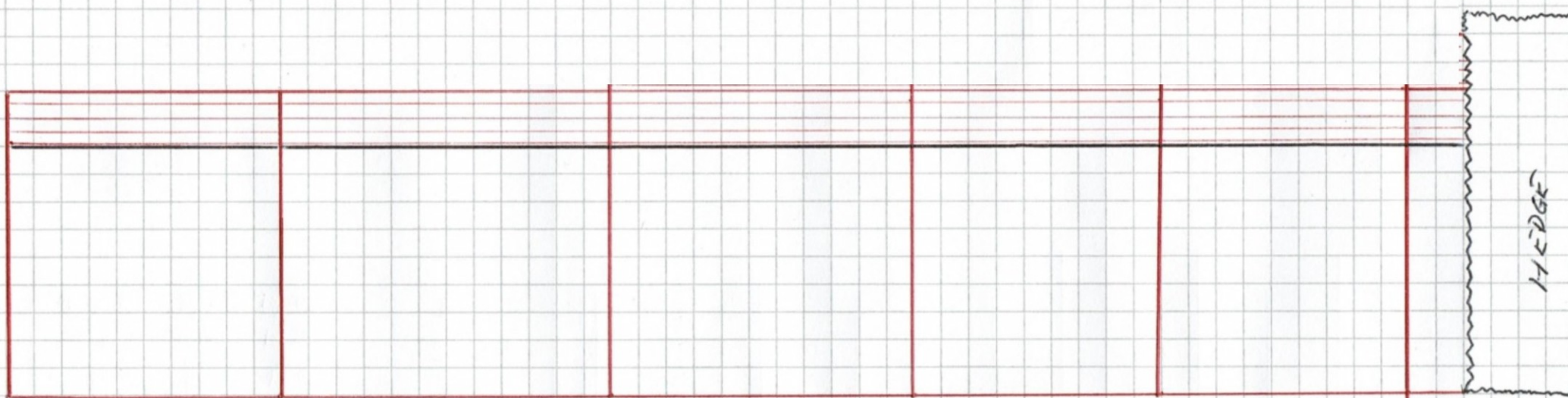
Proposed Plant Support reduced to 220cm height  
If Planning Permission is required

Each square represents 20cm

Each Red Vertical Line : 6 Posts : c.220cm

Each Red Horizontal Line : Baton : 5cm x 2.5cm  
28 Batons

Black Horizontal Line : Boundary fence height : 180cm





LAND REGISTRY		TITLE NUMBER <b>EX 324662</b>	
CE SURVEY ERENCE	TL 7308	SECTION C	Scale 1/1250
ESSEX DISTRICT CHELMSFORD			© Crown copyright 1986

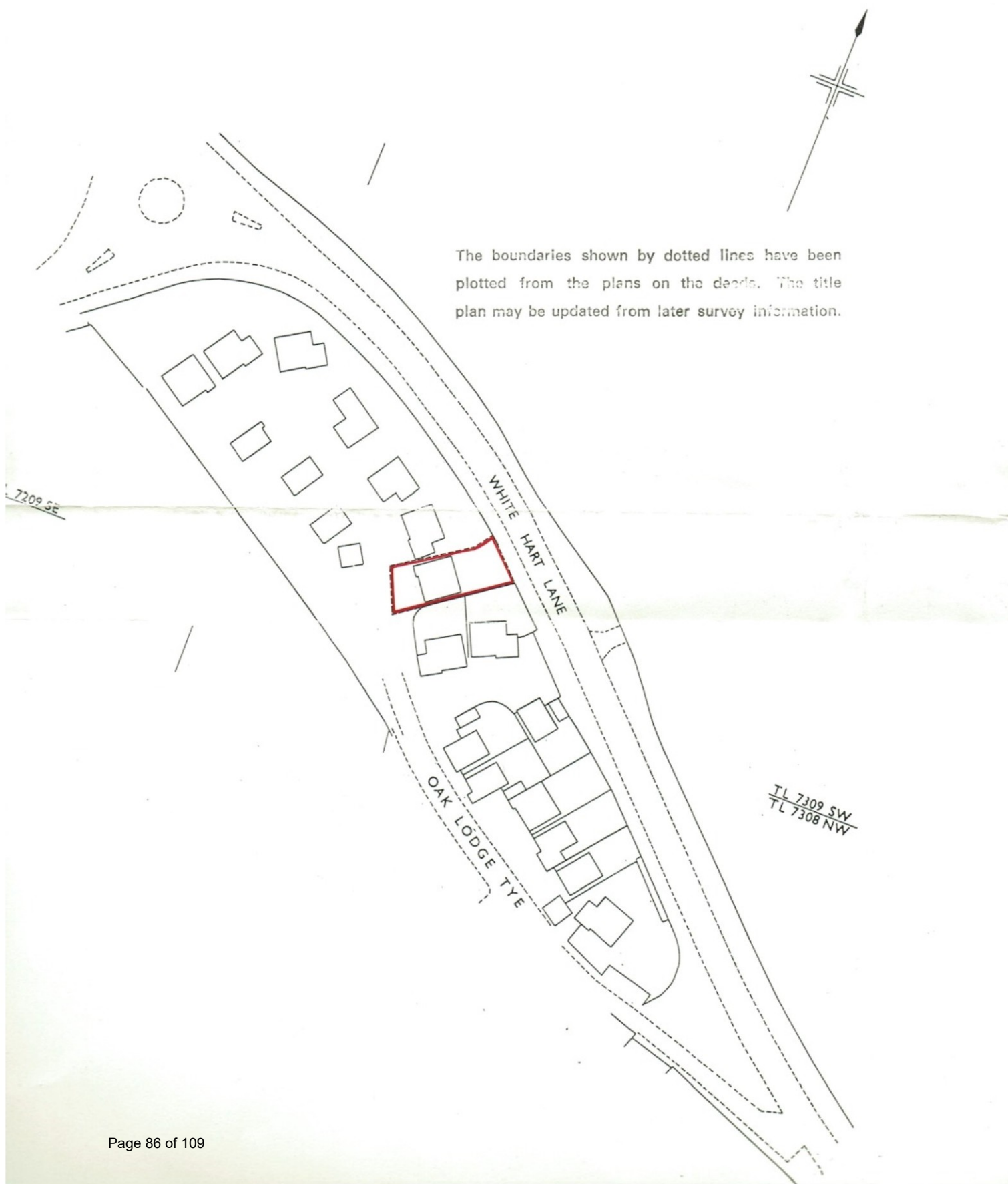






Photo 1: View of Plant Support, facing North



Photo 2: View of rear of house, facing West





Photo 3: Boundary Fence



Photo 4: Boundary Fence, first post of Plant Support



Photo 5: Close up view of First post, Not fixed to boundary fence



Photo 6: Lower section of Plant Support









Photo 9: Full view of Plant Support facing North West



Photo 10: View of back garden, facing South



Photo 11: View of higher section of Plant Support



Photo 12 : View of back garden, facing East





Selection photos showing  
Lorry Cabs still visible through  
Plant Support







**Planning Committee**  
**7<sup>th</sup> September 2021**

<b>Application No</b>	:	21/01161/FUL Full Application
<b>Location</b>	:	34 Moss Path Galleywood Chelmsford Essex CM2 8YG
<b>Proposal</b>	:	<b>Two storey side extension. Extension to existing crossover</b>
<b>Applicant</b>	:	Mrs s LODGE
<b>Agent</b>	:	Mr Ashley Robinson
<b>Date Valid</b>	:	9th June 2021

### Contents

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

### Appendices:

Appendix 1	Consultations
Appendix 2	Drawings



## **1. Executive summary**

- 1.1 The application has been referred to Planning Committee at the request of a local ward councillor because of concerns raised by neighbours and the Parish Council relating to the adverse impact on the street scene.
- 1.2 The proposal is for a two storey side extension to an end of a terrace house and for the widening of the existing dropped kerb.
- 1.3 The extension would be subservient in form with a set-back front elevation on the first floor and a set-in rear elevation and a ridge height below that of the main house. A gap of 2.3m would be retained between the side wall of the extension and the edge of the pavement.
- 1.4 The 1.8m tall garden boundary fence along Ketleys would be retained.
- 1.5 The physical form of the extension is one of subservient size and design. Whilst it would widen the application house, its form would not harm the host property or the visual amenity of the street scene. The subservient form and the 2.3m set-back of the extension from the pavement would allow for an adequate sense of openness within the street scene to be maintained.
- 1.6 Sufficient garden area and off-road parking would remain to the enlarged property.

## **2 Description of site**

- Defined Settlement of Galleywood, principle of development acceptable
- Two storey end of terrace three bedroom property situated on a corner plot between Ketleys and Moss Path
- The property is served by two existing vehicular accesses; one on the western boundary and the other on the rear, northern boundary
- Existing off-street parking to the front of the house for 2 cars
- Street scene comprised of gable-ended two storey terraced and semi-detached houses

## **3 Details of the proposal**

- 3.1 The extension be attached to the western facing gable wall. It would be subservient in form with a set-back front elevation on the first floor and the set-in rear elevation. The extension would measure 3.8m in width. A gap of 2.3m would be retained between the side wall of the extension and the edge of the pavement. The extension would create a ground floor living space with a small wc and lobby area with a double bedroom with en-suite above. A full-height ground floor window and a bathroom window are proposed in the side elevation facing the street. The extension would be finished in materials to match the host building.
- 3.2 The 1.8m tall boundary fence along Ketleys would be retained.
- 3.3 The crossover from Ketleys to the front driveway is shown to be extended southwards by about 2m.

## **4 Other relevant applications**

20/01979/FUL - Refused 10th March 2021

Creation of an additional dwelling by constructing a two storey side extension to existing dwelling. New fencing and parking facility.

17/00406/FUL - Refused 30th May 2017

Two storey side extension to existing terrace to provide an additional dwelling.

17/00036/REFUSE - Appeal Dismissed 20 March 2018

Two storey side extension to existing terrace to provide an additional dwelling.

89/1222 - Refused 11th September 1989

Two storey side and single storey front extension

## **5 Summary of consultations**

5.1 Essex County Council Highways - the impact of the proposal is acceptable to the Highway Authority, subject to conditions

5.2 Public Health & Protection Services - no comments

5.3 Galleywood Parish Council - The Parish Council objects to this planning application for the same reasons as the previous planning application. The proposed extension would effectively build forward of No 21, the proposed parking and access facility would not be in keeping with the street scene and there is no provision for a front garden/space facility which would also not be in keeping with the current street scene.

5.4 Local residents - the following concerns were raised:

- the proposal is no different to the previous proposals;
- the extension wouldn't be in keeping with the estate;
- it would set a precedent for similar development in the area;
- there is a lack of parking on the estate;
- the proposal will impact the privacy of neighbours.

## **6 Planning considerations**

### **6.1 Main Issues**

- whether the development is in keeping with the character of the area
- whether the extension would adversely impact on availability of off-road parking the extension would adversely impact the already inadequate parking on the estate;
- whether the extension would have any harmful impact on neighbouring property

#### **6.1.1 Planning principle and history**

6.1.2 Domestic extensions are acceptable in principle in this location providing they comply with relevant national and local policies and are acceptable in terms of design, relationship with the area and neighbouring properties.

6.1.3 The recent planning history of the site shows that several planning proposals have been made for an independent dwelling on the side of No 34 Moss Path (see planning history). In 2017, 2018 and 2020 planning applications were all refused for the construction of a new end of terrace house. The refusal reasons related to the proposed built form which would have adversely

impacted the character of the street scene and the area; the proposed schemes would have not provided adequate private amenity space internally and externally for the occupiers of the new house and the host; inadequate parking provision for the new and existing properties.

- 6.1.4 The current proposal is not for a new house, it is for a domestic side extension to the existing dwelling. The scale of the current proposal has been noticeably reduced in comparison to the most recent scheme. The width of the side element has been reduced from 4.2m to 3.8m. The depth of the first floor has also been reduced from 7m to 6.2m. The first floor front elevation is set back from the main front elevation rather than being a seamless design. The distance between the flank elevation of the extension and the edge of the pavement has been increased from 1.8m to 2.3m.

#### 6.1.5 *Character of the street scene*

- 6.1.6 The site lies within a high-density residential area comprised of terraced and semi-detached houses with very little open public space. Properties are generally set back from the road with open frontages and hardstanding to accommodate parking to the front where houses front the highway. Many homeowners in the area have removed vegetation from the front of their houses to provide more off-road parking. Properties in the vicinity are simple in form and traditional in appearance. Many properties have been extended. There are examples of two storey side extensions close by, in particular at nos. 17 and 20 Ketleys.
- 6.1.7 The application house is an end of terrace with the flank elevation facing the road; the front of the house faces a pedestrian path. The front garden of the house has been mostly laid with hardstanding and is accessed from Ketleys providing at least 2 parking spaces. There is a single garage at the rear of the plot.
- 6.1.8 It is noted that previous planning proposals for side additions at No 34 were refused stating that the side additions would have visually infilled the space on the side of the dwelling depriving the area from a valuable visual relief and open space in an otherwise built-up area. The fundamental difference with the current proposal and the previous schemes is that the current extension would not create a separate residential unit, therefore, there would be no need for additional parking, garden space or intensification of the use of this corner plot. The physical form of the extension has been also reduced to one of a subservient size and design. Whilst it would widen the application house and bring the building closer to the highway, its scale and form is such that it would not harm the visual amenity of the street scene. The set-back of the extension from the pavement by 2.3m would allow for the retention of an adequate sense of openness in the street scene.
- 6.1.9 The extension would sit forward of the front building line of the terraces to the north and south, bookended by Nos 17 and 21 Ketleys. There is sufficient separation between the terrace blocks for this siting not to appear unduly awkward or intrusive within the street scene.
- 6.1.10 The extension would retain a gap of about 18m between its side elevation and the houses located on the opposite side of Ketleys, Nos. 18 and 20. This degree of separation would ensure that the development would not appear overbearing within the street scene.
- 6.1.11 It is considered that the proposed extension would satisfactorily fit within the street scene and would reflect the already common type of domestic extensions in the area.

#### 6.1.12 *Parking*

6.1.13 Widening of the access southwards is acceptable to the highway authority subject to reinstating of any redundant dropped kerb to full height. The northern part of the existing access would become redundant as it would directly face the proposed extension. Planning conditions are suggested to achieve reinstatement of the northern part of the access and the proposal will not alter the available kerb side parking space availability.

#### 6.1.14 *Neighbour relationships*

6.1.15 The siting of the extension is such that it would not be overbearing or result in overshadowing of any neighbouring property. A gap of 18m would remain between its side elevation and the terrace located on the opposite side of Ketleys, Nos. 18 and 20. The front facing bedroom window would face over the frontages of the terrace to the south bookended by No 21 Ketleys. The new window would not materially alter the relationship currently experienced between existing first floor window in 34 Moss Path and No 21 Ketleys.

6.1.16 For the reasons set out above, the proposal is considered to be responsive to the local character and the existing built environment of the area. The proposal would have no impact on street parking availability and relationships with all neighbouring property would be acceptable. The development complied with policy DM23 of the local plan.

## 7 Community Infrastructure Levy (CIL)

This application is not CIL liable.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

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

Reason:

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

#### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

#### **Condition 3**

Prior to the first occupation of the extension hereby permitted

- i) the proposed dropped kerb crossing of the footway shall be constructed as indicated on drawing no 3 and,
- ii) The redundant dropped kerb directly facing the extension shall be reinstated to full height.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

### Notes to Applicant

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

#### Noisy work

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

#### Light work

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

In some circumstance further restrictions may be necessary.

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

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

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

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

- 3 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:

Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.

Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

### Positive and Proactive Statement

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



**Background Papers**

Case File

---

**Galleywood Parish Council**

Comments
07.07.2021 - The Parish Council OBJECTS to this planning application for the same reasons as the previous planning application. The proposed extension would effectively build forward of No 21, the proposed parking and access facility would not be in keeping with the street scene and there is no provision for a front garden/space facility which would also not be in keeping with the current street scene

**Public Health & Protection Services**

Comments
17.06.2021 - No PH&PS comments with regard to this application. 24.06.2021 - No PH&PS comments with regard to this application.

**Essex County Council Highways**

Comments
<p>Date:- 30th July 2021</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.</p> <p>Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.</p> <p>Note - MUD / DEBRIS ON HIGHWAY</p> <p>Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.</p> <p>2. Notwithstanding the details shown in the Proposed Block Plan, drawing no. 3. The parking hardstand shall</p>

be extended and surfaced in an approved bound material, to the south side. This will require removal of the existing flower bed and must include a suitable boundary feature to prevent vehicles over running Moss Path footway (which is public highway) to enable access to the remaining parking area to the front of no. 34.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to protect pedestrians and other users of Moss Path in accordance with policy DM1 and to provide access to the parking area in accordance with policy DM8 and in the interest of highway safety.

3. The parking area in 2 above shall be re-provided with a dropped kerb crossing of the footway not exceeding 3.6 metres wide, incorporating the reinstatement of any redundant dropped kerb to full height.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

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.

Please include the Informative:

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

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

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

## Local Residents

Comments
<p>Representations received</p> <ul style="list-style-type: none"> <li>- this application is fundamentally no different than all the previous applications made by this applicant.</li> <li>- the entire estate was built on the premise that the estate would be open plan.</li> <li>- tis application is for a new dwelling despite the description.</li> <li>- the proposed extension would be setting a very dangerous precedent not only for this property but the entire estate.</li> <li>- there is currently totally inadequate parking on this estate, where people have do have rear access to their properties and garaged parking, still choose to park along Ketleys, across drive ways and fire hydrants.</li> <li>- the proposed parking for this application is less than it currently has, which will be forcing other neighbours to find alternative parking.</li> <li>- the proposal will have total viewing access over the side of my property and a gross invasion of my privacy at no 21 Ketleys</li> </ul>



0 12.5 25 50 Metres

1:1,250



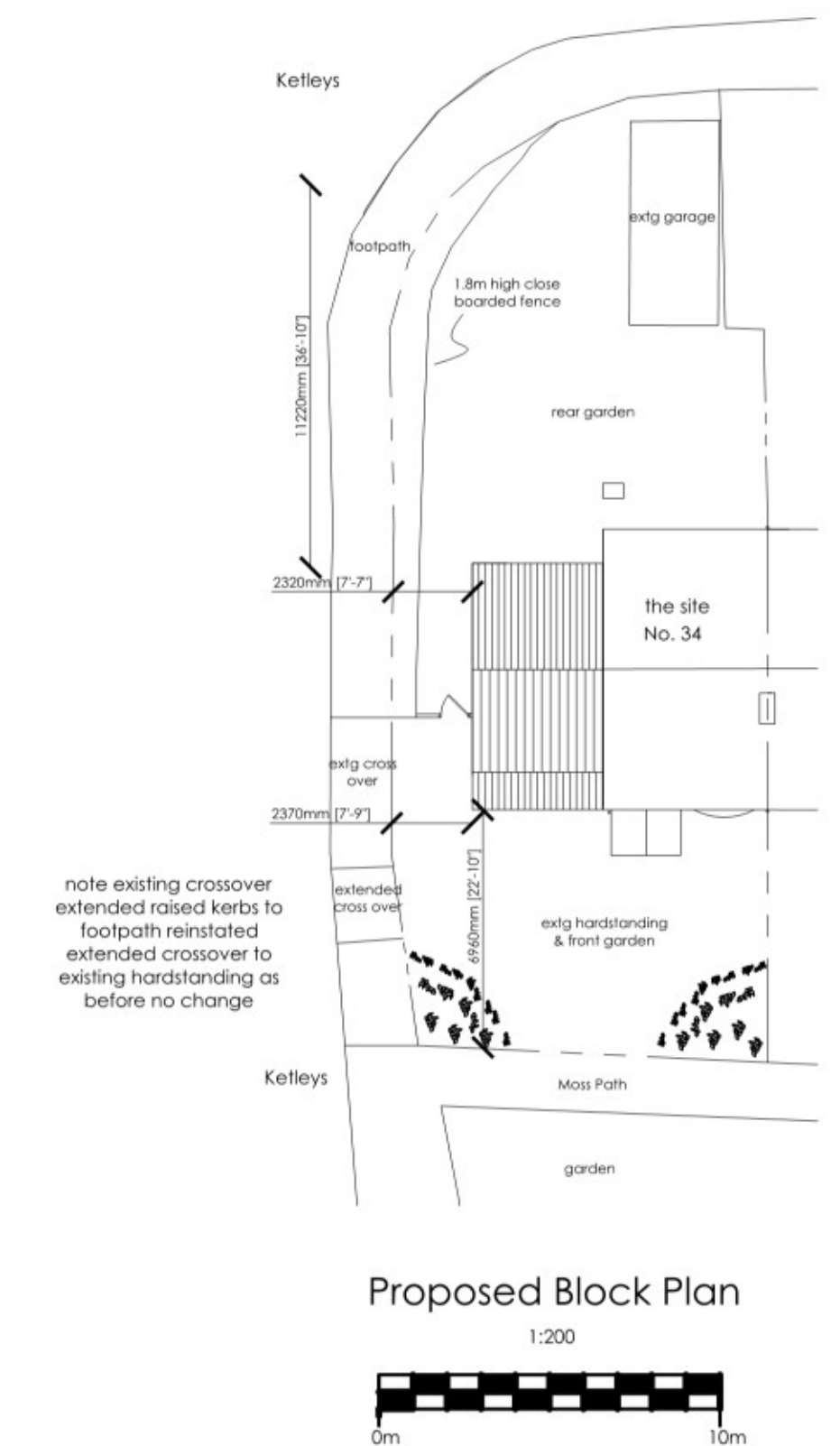
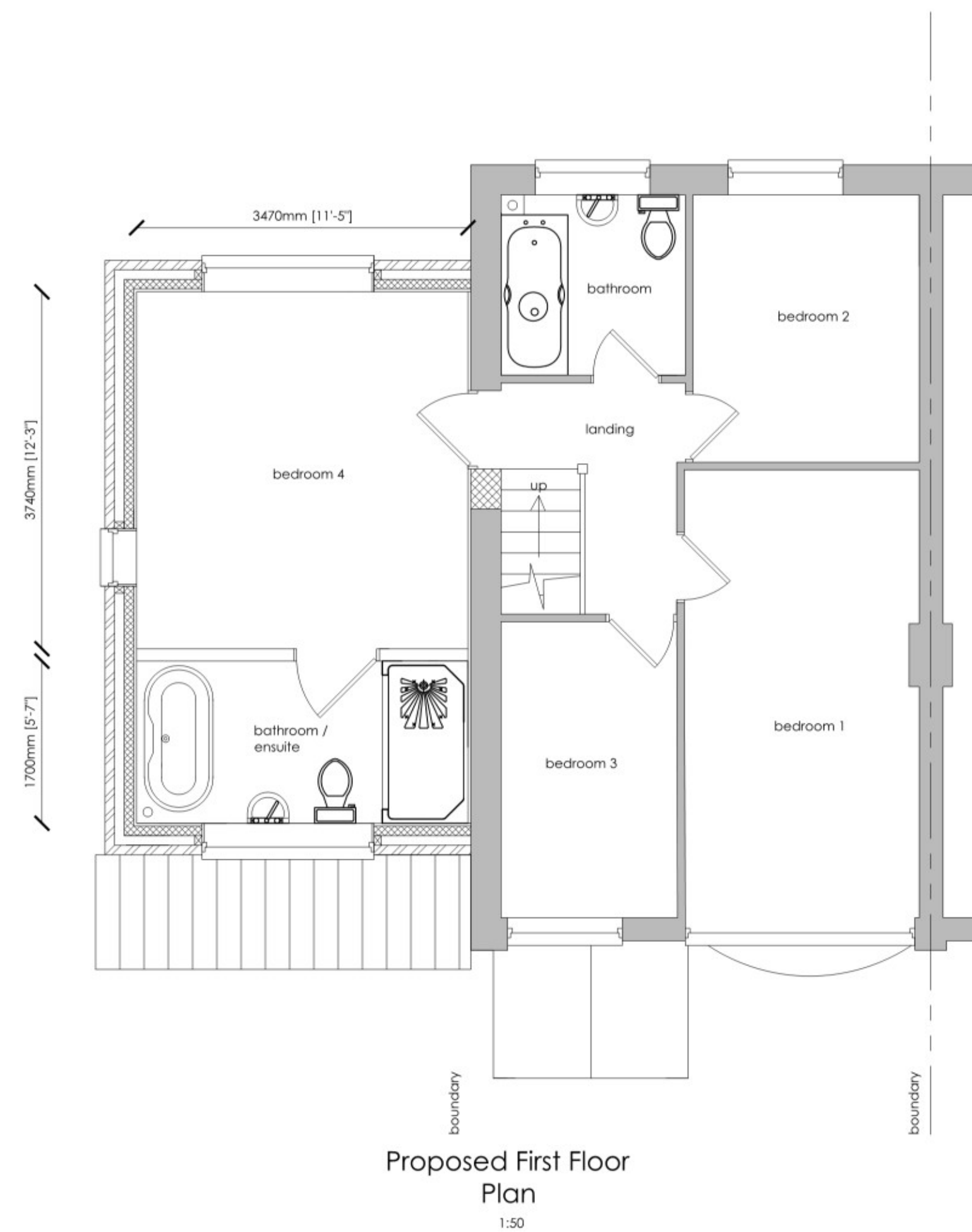
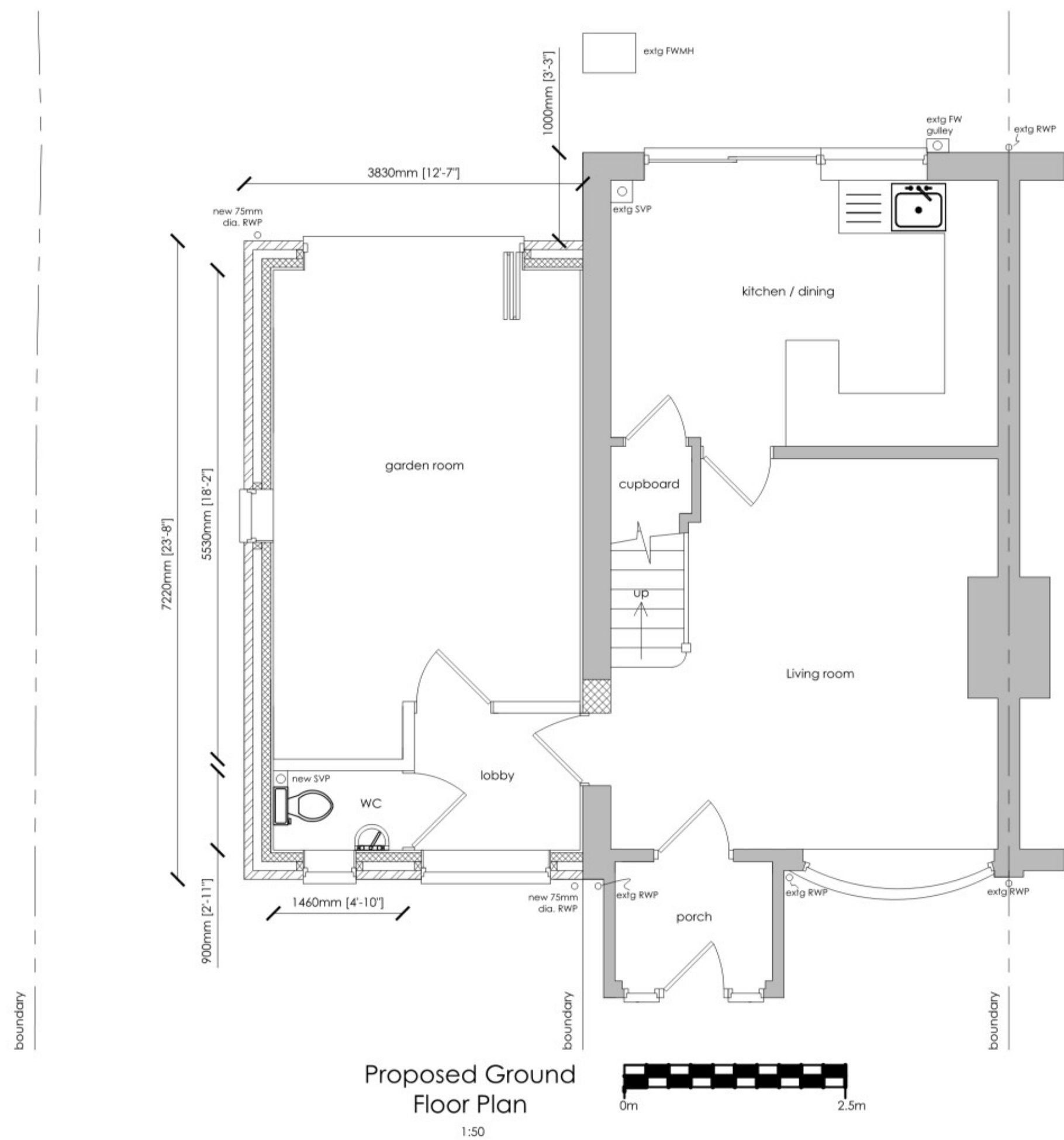
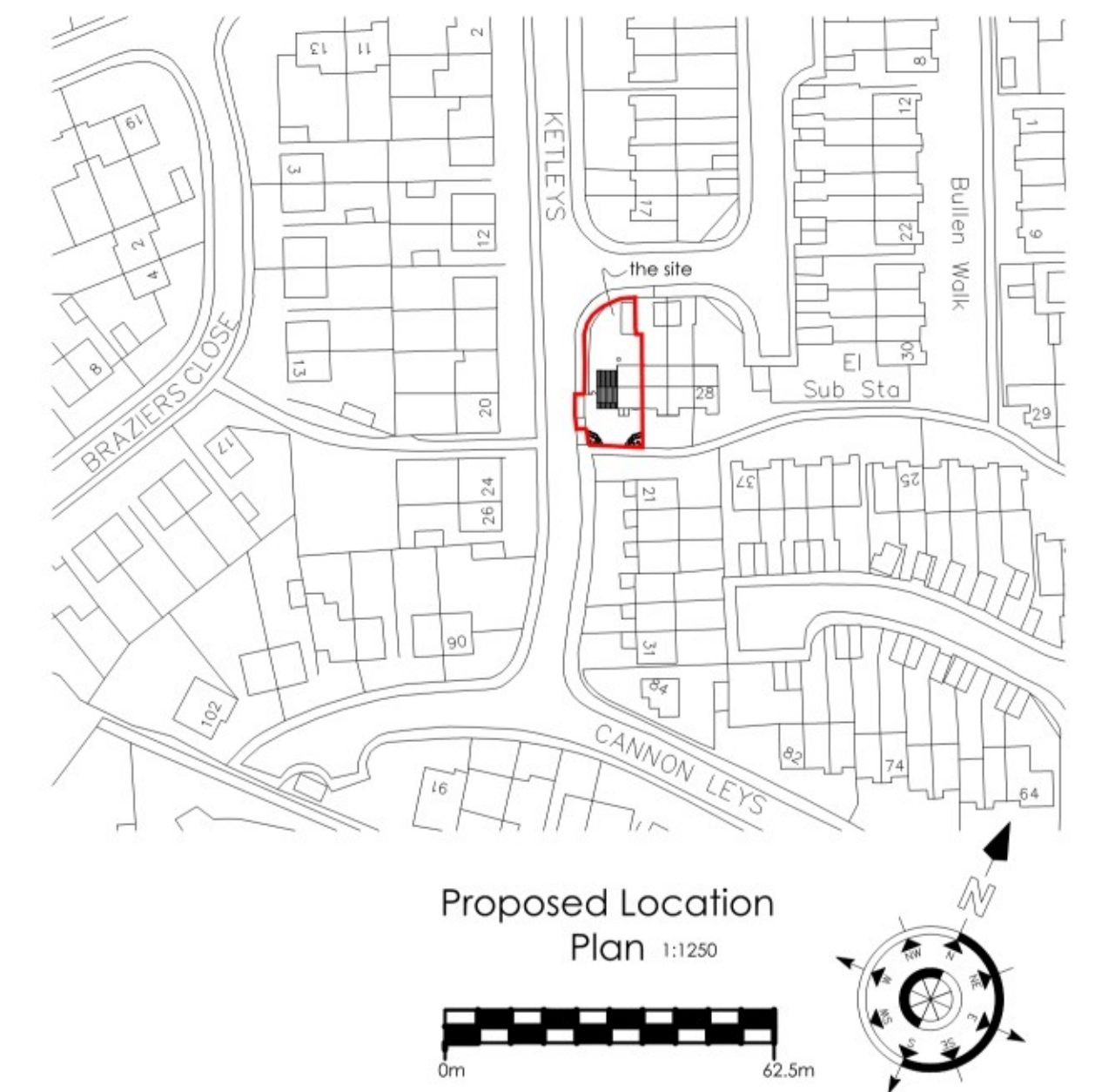
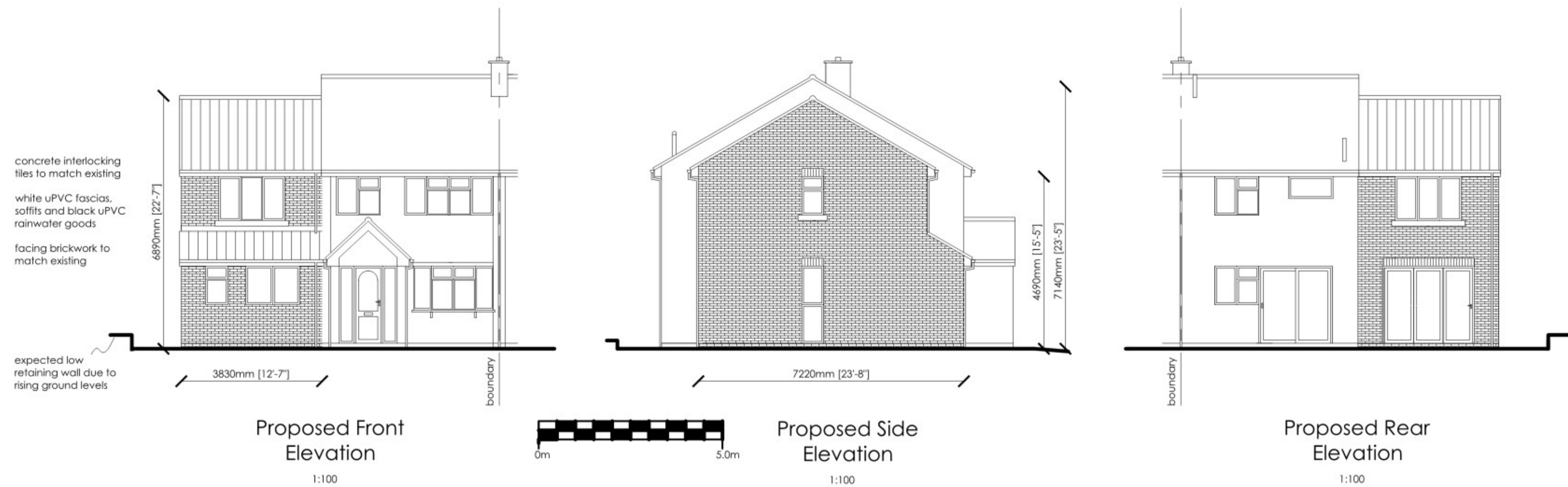
**Planning Committee**  
**21/01161/FUL**

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

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

Telephone: 01245 606826





Two storey side extension at  
34 Moss Path  
Galleywood CM2 8YG

**ASHLEY ROBINSON PROPERTY DESIGNS**  
112 INCHBONNIE ROAD, SOUTH WOODHAM FERRERS CM3 5ZW TEL 01245 321800

Scale: 1:50, 1:100, 1:200, 1:1250 @ A1	Date: May 2021	Drwg No: 3
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CAD COPYRIGHT TO A.R.PROPERTY DESIGNS 2020

# Appeals Report

Appeal Decisions received between 07/06/2021 and 25/08/2021

## PLANNING APPEALS

Total Appeal Decisions Received	17	
Dismissed	16	94%
Allowed	1	6%
Split	0	0%

## Written Reps

### Barracks Field Waltham Road Boreham Chelmsford CM3 3AX

<b>Reference</b>	20/00801/CLEUD
<b>Proposal</b>	For the replacement of 1No. mobile home on land which has a previous certificate of lawful use for the siting of 3No. mobile homes.
<b>Appeal Decision</b>	Appeal Allowed - 22/06/2021
<b>Key Themes</b>	- Whether the structure amounts to a twin caravan or is a building.
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	- The Inspector considered that the structure amounts to a twin caravan and is not a building.
<b>Costs Decision</b>	None

### Barns West Of Claydons Farm Bungalow Back Lane East Hanningfield Chelmsford

<b>Reference</b>	20/00757/CUPAQ
<b>Proposal</b>	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from an agricultural Building to 5No. dwellings (use class C3).
<b>Appeal Decision</b>	Appeal Dismissed - 08/06/2021
<b>Key Themes</b>	- whether the development would be permitted development under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). - whether the appeal buildings would be within the curtilage of a listed building and thereby excluded by schedule 2, part 3, Class Q.1 (m); - whether the proposed development would consist of building operations other than those listed in schedule 2, part 3, paragraph Q.1 (i) of the GDPO.
<b>Agreed with CCC on</b>	- the Inspector agreed that two of the buildings were within the curtilage of a listed building and therefore the proposal did not amount to permitted development under the provisions of Class Q.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

Notes: The Inspector did not consider the building operations as he had already determined that the proposal did not amount to permitted development.

### The Old Manor Broomwood Lane Ramsden Heath Billericay CM11 1JR

<b>Reference</b>	20/01413/FUL
<b>Proposal</b>	Proposed replacement dwelling
<b>Appeal Decision</b>	Appeal Dismissed - 09/07/2021



<b>Key Themes</b>	Whether inappropriate development; impact on character of the area.
<b>Agreed with CCC on</b>	Would be materially larger; greater harm to openness; very special circumstances do not exist.
<b>Disagreed with CCC on</b>	Not harmful to character of the area.
<b>Costs Decision</b>	None

#### Meepswood Park Lane Ramsden Heath Billericay Essex

<b>Reference</b>	20/01444/FUL
<b>Proposal</b>	Change of Use of existing stable block to holiday accommodation
<b>Appeal Decision</b>	Appeal Dismissed - 08/07/2021
<b>Key Themes</b>	Green Belt
<b>Agreed with CCC on</b>	Inappropriate development; Conflict with DM10; encroachment of countryside
<b>Disagreed with CCC on</b>	Impact on openness
<b>Costs Decision</b>	None

#### Brooklands Old Roxwell Road Writtle Chelmsford Essex CM1 3SU

<b>Reference</b>	20/01620/FUL
<b>Proposal</b>	Proposed replacement dwelling house
<b>Appeal Decision</b>	Appeal Dismissed - 08/07/2021
<b>Key Themes</b>	Visually and spatially harmful to the Green Belt and design is harmful to character of area
<b>Agreed with CCC on</b>	Visually and spatially harmful to the Green Belt and design is harmful to character of area
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

#### Site At 5 Victoria Road Chelmsford

<b>Reference</b>	20/01534/FUL
<b>Proposal</b>	Proposed change of use of commercial unit to form 2 no. Apartments (c3 - dwellinghouse). Addition of four windows to rear and alterations to front of building
<b>Appeal Decision</b>	Appeal Dismissed - 08/07/2021
<b>Key Themes</b>	The lack of suitable living environment for future occupiers The lack of private amenity space
<b>Agreed with CCC on</b>	The lack of suitable living environment for future occupiers
<b>Disagreed with CCC on</b>	The lack of private amenity space
<b>Costs Decision</b>	None

#### Land West Of Farrow Road Chelmsford Essex

<b>Reference</b>	20/00761/FUL
<b>Proposal</b>	Retrospective application for retention of Vehicle Parking Facility, hardstanding and related development, and landscaping
<b>Appeal Decision</b>	Appeal Dismissed - 19/08/2021



<b>Key Themes</b>	- whether the proposal would constitute inappropriate development and harm Green Belt openness- The effect of the proposal on the character and appearance of the area- If there are any very special circumstances that would outweigh the harm.
<b>Agreed with CCC on</b>	- That the proposal would be inappropriate development which would be harmful to the Green Belt and its openness. - That the proposal would harm the character and appearance of the area. - That there would be no very special circumstances that would outweigh the harm to the Green Belt.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land North Of New Barnes Cottages Ingatestone Road Highwood Chelmsford Essex

<b>Reference</b>	20/01636/FUL
<b>Proposal</b>	Retrospective application for the construction of new stable building with tack room, hay storage room, foals rearing area, (Altered scheme to that previously approved under application 19/01585/FUL).
<b>Appeal Decision</b>	Appeal Dismissed - 20/08/2021
<b>Key Themes</b>	Green Belt - inappropriate development? Openness and effect on character and appearance.
<b>Agreed with CCC on</b>	Inappropriate development. Harmful to openness, character and appearance. No very special circumstances.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land Adjacent Mead Cottage Butts Green Road Sandon Chelmsford

<b>Reference</b>	20/02000/FUL
<b>Proposal</b>	Demolition of existing storage barn, stables and garage. Construction of new single storey dwelling and conversion of existing haybarn to form new stables/ tack room/ hay store with attached garage. Existing garage to Mead Cottage demolished and replaced
<b>Appeal Decision</b>	Appeal Dismissed - 20/08/2021
<b>Key Themes</b>	Whether the site is in a suitable location for rural housing and the effect on the character and appearance of the area. Whether the development would provide safe access to the highway
<b>Agreed with CCC on</b>	The proposal fails to provide safe access and is harmful to the character and appearance of the rural area and in a location not suitable for new housing.
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

#### Land East Of Willowside East Hanningfield Road Sandon Chelmsford Essex

<b>Reference</b>	21/00035/CUPAQ
<b>Proposal</b>	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from Agricultural Buildings to 1 dwellinghouse (Class C3).
<b>Appeal Decision</b>	Appeal Dismissed - 19/08/2021
<b>Key Themes</b>	Whether the proposal would be permitted development under Class Q.
<b>Agreed with CCC on</b>	Building works would amount to more than a conversion.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**41 Broomfield Road Chelmsford CM1 1SY**

<b>Reference</b>	20/01608/FUL
<b>Proposal</b>	Formation of access.
<b>Appeal Decision</b>	Appeal Dismissed - 19/08/2021
<b>Key Themes</b>	effect on highway safety.effect on on street parking.
<b>Agreed with CCC on</b>	agreed on harm to highway safety and on loss of on street parking provision
<b>Disagreed with CCC on</b>	None
<b>Costs Decision</b>	None

**5 Victoria Road Chelmsford CM1 1NZ**

<b>Reference</b>	21/00512/FUL
<b>Proposal</b>	Change of use of commercial unit to form 2 residential apartments (C3 - Dwellinghouse). Alterations and additions to fenestration and four windows to the rear.
<b>Appeal Decision</b>	Appeal Dismissed - 08/07/2021
<b>Key Themes</b>	The lack of suitable living environment for future occupiers The lack of private amenity space
<b>Agreed with CCC on</b>	The lack of suitable living environment for future occupiers
<b>Disagreed with CCC on</b>	The lack of private amenity space
<b>Costs Decision</b>	None

**Householder****Hazeleigh Riffhams Lane Danbury Chelmsford Essex CM3 4DS**

<b>Reference</b>	20/00874/FUL
<b>Proposal</b>	Single storey rear extension. First floor extension. 1No. roof window to front and 1No. roof window to side.
<b>Appeal Decision</b>	Appeal Dismissed - 12/07/2021
<b>Key Themes</b>	Design; Relationship with the neighbouring property.
<b>Agreed with CCC on</b>	There will be a harmful impact on the amenity of Ramor, the neighbouring property; The extensions would result in a poorly designed house.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**13 Cherry Garden Road Great Waltham Chelmsford Essex CM3 1DH**

<b>Reference</b>	20/01537/FUL
<b>Proposal</b>	Proposed formation of access across verge.
<b>Appeal Decision</b>	Appeal Dismissed - 02/07/2021
<b>Key Themes</b>	highway safety, effect on character and appearance.
<b>Agreed with CCC on</b>	access would be harmful to highway safety
<b>Disagreed with CCC on</b>	the permeable surface would allow grass to grow through therefore the loss of green space would not be unacceptable
<b>Costs Decision</b>	None

**40 Egbert Gardens Runwell Wickford SS11 7BW**

<b>Reference</b>	20/01555/FUL
<b>Proposal</b>	Ground floor front extension, two storey rear extension and first floor extension to the side elevation.
<b>Appeal Decision</b>	Appeal Dismissed - 12/07/2021
<b>Key Themes</b>	Whether the proposed exxtensions would result in overbearing and loss of light to neighbouring property.
<b>Agreed with CCC on</b>	Agreed with CCC that proposed extensions would be oppressive to neighbour of No. 38 egbert gardens and that the extn would cause overbearing.
<b>Disagreed with CCC on</b>	Disagreed that the proposal would cause a loss of light to No. 38 egbert gardens.
<b>Costs Decision</b>	None

**Greenmead 184 Galleywood Road Great Baddow Chelmsford Essex CM2 8NB**

<b>Reference</b>	21/00220/FUL
<b>Proposal</b>	Construction of a single storey garage.
<b>Appeal Decision</b>	Appeal Dismissed - 19/07/2021
<b>Key Themes</b>	Green Belt, openness and character and appearance
<b>Agreed with CCC on</b>	Inappropriate development in Green Belt and Harmful to openness
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

**33 Mill Lane Stock Ingatestone Essex CM4 9RY**

<b>Reference</b>	20/02022/FUL
<b>Proposal</b>	Retrospective application for the construction of 2 sets of wooden gates.
<b>Appeal Decision</b>	Appeal Dismissed - 26/07/2021
<b>Key Themes</b>	Affect of proposal on green belt. Affect of proposal on appearance of rural and local area.
<b>Agreed with CCC on</b>	Agreed on affect to character of area in contravention of policy DM23. agreed with poor design.
<b>Disagreed with CCC on</b>	None.
<b>Costs Decision</b>	None



## ENFORCEMENT APPEALS

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

### Written Reps

#### Charvilles Blind Lane West Hanningfield Chelmsford CM2 8UF

<b>Reference</b>	19/00358/ENFB
<b>Proposal</b>	Use of artists studio (19/01288/CLOPUD) to provide primary residential accommodation
<b>Appeal Decision</b>	Appeal Dismissed - 09/07/2021
<b>Grounds of Appeal</b>	Grounds of appeal: (a) planning permission should be granted; (f) the steps to comply are excessive; (g) the time to comply is too short.
<b>Agreed with CCC on</b>	Planning permission should not be granted as inappropriate development in the Green Belt not outweighed by other considerations. Steps for compliance are not excessive.
<b>Disagreed with CCC on</b>	Longer period of compliance (9 months) is reasonable.
<b>Costs Decision</b>	None

## TREES APPEALS

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

### Householder

#### 7 Rous Chase Galleywood Chelmsford Essex CM2 8QF

<b>Reference</b>	20/05140/TPO
<b>Proposal</b>	T4 - Oak - trim back branches by 2m. Reason: excessive shading, very close position overshadowing house, also growing on bank at roadside. There have been recent near misses due to branches falling in windy conditions close to house.
<b>Appeal Decision</b>	Appeal Allowed - 30/07/2021
<b>Key Themes</b>	The effect of the proposed work on the character and appearance of the area and whether sufficient justification has been demonstrated in support of the proposed work.
<b>Agreed with CCC on</b>	The works would only have a limited effect on mitigating issues of shading and any benefit gained would be short lived.
<b>Disagreed with CCC on</b>	The works would unlikely have a significant effect on the health of the tree and would not result in harm to the character and appearance of the local area.
<b>Costs Decision</b>	Council's application for costs: Costs refused