Planning Committee Agenda

28 May 2024 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor J. Sosin (Chair)

and Councillors

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

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

PLANNING COMMITTEE

28 May 2024

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 16 April 2024.

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

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

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

6. 24/00114/FUL – Land East Of Mill Lane, Great Leighs, Chelmsford, Essex

7. 24/00386/FUL – Land East Of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford Essex

8. 24/00387/FUL – Land East Of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford Essex

9. 24/00388/FUL – Land East Of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford Essex

10. 24/00389/FUL – Land East Of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford Essex

11. Planning Appeals

MINUTES

of the

PLANNING COMMITTEE

held on 16 April 2024 at 7pm

Present:

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

Councillors S. Hall, R. Hyland, J. Lardge, R. Lee, E. Sampson, A. Thompson, A. Thorpe-Apps and N. Walsh

Also Present:

Councillors P. Clark and S. Davis

1. Chair's Announcements

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

2. Apologies for Absence

Apologies for absence were received from Cllrs Armstrong, Pappa, Tron and Wilson. Cllr Walsh substituted for Cllr Tron.

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 5 March 2024 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

One public question had been submitted for Item 6. The question submitted in advance can be viewed via this link.

6. 21/02475/FUL – Land East of Great Leighs Racecourse, London Road, Braintree, Essex

The Committee considered an application for a five plot travelling showpersons site situated on a strip of land between the A131 and London Road, Great Leighs. The Committee heard that part of the site had historically been used for the entrance to the former Essex Showground and now benefited from planning permission for car parking associated with the Racecourse and therefore lied within the Special Policy Area for the Racecourse. The Committee were also informed that the Masterplan for Strategic Growth Site 7 had accepted the principle of a TSP site and in recognition of that, it was proposed to be included within Strategic Growth Site 7a within the recently published Chelmsford Local Plan – Preferred Options Consultations Documents and thereby be excluded from the Special Policy Area. The Committee heard that the proposal met all of the criteria of Policy DM3 (A) and provided broad compliance with the Council's Travelling Showperson Planning Advice Note and the Government's planning Policy for travelling sites, subject to various planning conditions. The site was acceptable in policy principle and acceptable in its own right based upon policy guidance The Committee were informed that the application was being recommended for approval subject to conditions and a legal agreement securing a serviced showpersons site, relevant financial contributions and the safeguarding of land to the site frontage for future cycleway/footway improvements along London Road.

In response to questions from the Committee, officers stated that a decision had been taken in Planning to bring applications within the area to Committee for a decision, due to their relevance to Strategic Growth Site 7. It was also noted that the Highway Authority were content with the proposals and the entrance and exit of large vehicles into the site. There were other applications planned for the wider highways works in the area that could lead to a reduction in the speed limit along London Road. The access arrangements were however acceptable in their own right. The Committee also heard that there was an ideal space within the scheme (to the north) for landscaping works and the applicant had committed to three trees per plot plus compensation for trees lost through previous works and the proposal. The most northerly building had been positioned to provide an 'acoustic barrier', supplemented by acoustic fencing to its side, to the neighbouring property. Impact on neighbours was considered acceptable. It was also noted that there would be background noise from parallel roads, but this had been assessed and the public health team had not raised concerns with noise or air quality – condition recommended for installation of the proposed acoustic fencing. The Committee also heard that the heads of terms of the legal agreement would agree the specific use of the site and if in the future changes were sought then a new planning permission would be required. Any legal tie to Site 7a would need to be considered as part of the planning application for that site.

RESOLVED that the application be approved, subject to an agreement, as indicated in the report and also the conditions detailed in the report.

(7.02pm to 7.27pm)

7 & 8. 24/05019/TPO Works to trees subject to a TPO - 48 Waverley Crescent, Runwell, Wickford, Essex, SS11 7LW & 24/05020/TPO Works to trees subject to a TPO - 52 Waverley Crescent, Runwell, Wickford, Essex, SS11 7LW.

The Chair agreed to consider Items 7 and 8 together, with one officer report due to the similar nature of the items. The Committee also discussed both items together, before voting on separate resolutions for Items 7 and 8.

The Committee considered two applications to fell preserved oak trees within the rear gardens of 48 & 52 Waverley Crescent due to the trees being alleged as a contributory factor in subsidence of the rear extension at 50 Waverley Crescent. The Committee heard that information and evidence submitted in support of the application, indicated that the oak trees were a contributory factor implicated in the subsidence occurring at the property. The Committee heard that the trees concerned were protected by a Tree Preservation Order and were mature specimens, that appeared to be in good health. The Committee were informed that the proposed felling would prevent the influence of the trees on the soil below the foundations of the extension at number 50 and provide long term stability. The Committee also heard that there had been objections from local residents and the local Parish Council, including a petition put forward against the felling of the trees. The Committee heard that sufficient evidence had been provided to indicate the trees likely being a contributory factor implicated in the subsidence occurring at number 50 and that previous reductions and maintenance had provided ineffective at managing the subsidence. It was noted that the felling would be regrettable, however consent could not reasonably be refused in light of the evidence available, and that a condition requiring replacement planting was recommended for a low water demand species. It was also noted that the granting of planning consent would not remove the owner's private property rights and the Council would not be able to require the felling of the trees. The Committee were informed that the applications were recommended for approval and had been called in by the local ward Councillor due to local residents concerns.

The Committee heard from two members of the public who raised concerns about the loss of abundant wildlife if the trees were felled, the trees were not causing them any problems despite being in their own garden, other trees had been felled in the past, crowning had been required to take place but professionals had told them that the trees were not causing subsidence to their neighbours extension. They also stated that there were a large number of oak trees within the same TPO and were concerned about whether they would end up being felled as well. They also told the Committee that the oak trees had been valuable environmental assets for over 200 years and should continue to be. They also highlighted that there was no definitive proof that those exact oak trees were causing the subsidence and felling them was unnecessary.

The Committee heard from the two local ward members, who raised the following concerns with the recommendation to approve the felling of the trees.

- There had been various TPO matters recently in Runwell, with recommendations for felling.
- The tree surveys had been undertaken by consultants appointed by the insurance companies, who often then ended up with the work to fell the trees at the end.
- The trees were 100 years or more older than the extension and experts had told them it was not likely that oaks would cause such subsidence from 30 meters away.
- Why had further preventative measures such as regular crowning or root barriers not been properly considered?

- The Council did not appear to be keen to protect important TPO's that they had put in place themselves and this conflicted with the Council's Climate Change and Ecological Emergency plan.
- The foundations that had been used for the extension may have been sufficient at the time, but would now be significantly under the expected requirements.
- No DNA analysis had been undertaken, so there was no proof that the specific trees being considered were actually causing any subsidence.
- It seemed that in the future the whole TPO would be removed, leading to 30 Oak trees potentially being felled.
- It seemed far too easy for insurance companies to get TPO's removed when it suited them.
- There was significant local opposition to the felling of the three trees that had not been given sufficient weight within the officer's recommendations.
- Why had there not been any subsidence within buildings closer to the trees in question?

In response to the points raised by the local ward members, officers stated that they did not feel a precedent was being set, other trees in the ward had recently been protected and that the reports had been assessed by officers independently. The Committee also heard that roots did not always follow one particular direction and would seek out the best soil conditions, hence why there were not issues with the other properties nearby. The Committee were also informed that officers were satisfied there was sufficient evidence to say the located oak roots were causing the alleged subsidence. It was also clarified that language such as alleged or likely was used in these situations, to offer an element of protection for officers and the Committee, for example if the application was refused, then the Committee could not be tied to a 100% view in advance. The Committee heard that DNA testing would be too expensive to carry out and the risk of heave had been considered in the independent reports. The Committee also heard that natural environment officers had visited the properties concerned and looked at the issues carefully. Officers also clarified that they were not requiring the trees to be felled, rather that their recommendation was that consent for felling should be approved, but that this would not have any effect over the property owners rights to not fell the trees. In conclusion officers stated that, they felt there was sufficient evidence of subsidence to justify the felling of the three trees.

In response to points raised by the Committee, officers stated that,

- Previous crown reductions had not helped with the subsidence problems and measures such as root barriers, would have mixed chances of success, but more importantly, the Committee could only consider the application that had been put before them and not other possible solutions.
- The Council would be liable for any future damage to the extension in question, if consent was not granted for the felling of the trees.
- DNA testing was not a viable option due to the cost and requirement of specialists to carry out the work.
- The measurements carried out for subsidence indicated a seasonal pattern, meaning that the rehydration of soil, indicated it was from vegetation as otherwise it would not change again in the winter.
- Nobody could guarantee with 100% certainty that the correct trees were being proposed for felling, only that the evidence presented did detail seasonal patterns of movement that only came from vegetation.
- There was not a planning consideration related to an acceptable level of subsidence.

- These oak trees were the closest ones within the zone of influence, so officers were satisfied that the correct trees had been proposed. It was unlikely to be others which were further than 30 meters away instead.
- Live oak roots had been found when a borehole had been taken of the ground just outside of the extension in question.

The Committee's legal advisor also confirmed that if consent was not granted, then the Council would be liable for any future subsidence claims and the owner would be entitled to compensation under Regulation 24 of the 2012 TPO Regulations. It was noted that damage would have to be evidenced but if it was then the Council would be potentially liable to cover the cost of works, which could run into significant financial amounts. It was clarified however that the Committee were entitled to refuse consent but should be aware of the fairly high risk of future compensation costs.

Officers also confirmed that the owners could refuse to remove the trees, even after consent was granted but then they would likely be liable for future compensation costs themselves.

RESOLVED that both applications be approved, subject to the conditions detailed in the relevant reports.

(7.29pm to 8.49pm)

9. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 15th February 2024 and 25th March 2024 be noted.

The meeting closed at 8.49pm.

Chair

PLANNING POLICY BACKGROUND INFORMATION

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

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

DM6 Policy DM6 - New Buildings in the Green Belt - Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances. Planning permission will be granted for the redevelopment of previously developed land and replacement buildings subject to meeting prescribed criteria.

DM8 Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.

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.

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.

DM25 Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.

DM26 Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.

DM27 Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.

DM29 Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.

DM30 Policy DM30 - Contamination & Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local groundwater or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.

SPS1 Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.

SPS2 Strategic Policy S2 Addressing Climate Change & Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.

SPS3 Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development , the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.

SPS4 Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SPS7 Strategic Policy S7 The Spatial Strategy - New housing and employment growth will be focussed to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around Key Service Settlements outside of the Green Belt in accordance with the Settlement Hierarchy. New development allocations will be focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford, and South and East Chelmsford. Where there are large and established mainly institutional uses within the countryside, Special Policy Area will be used to support their necessary functional and operational requirements.

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
28th May 2024

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

Contents

Appendices:

Appendix 1 Consultations
Appendix 2 Drawings

1. Executive summary

1.1. The application is referred to the Planning Committee at the request of a local ward member so that the architecture of the proposal can be considered by the Planning Committee.

1.2. The site is located in the Rural Area in an area of open countryside close to a cluster of rural properties. Local planning policies seek to restrict residential development in open countryside and protect the intrinsic character and beauty of the countryside having regard to the National Planning Policy Framework.

1.3. Local Plan Policy DM8 includes a prescribed list of exceptions which includes for a new dwelling which is of a design of exceptional quality or innovative nature. The applicant has requested that the proposal is considered in accordance with Paragraph 84 (e) of the National Planning Policy Framework which relates to houses of a design of exceptional quality in the countryside. The requirements of this paragraph are that the design is of exceptional quality in that it:

- *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

1.4. The proposal is for the construction of a large two storey detached house. The house would be orientated east-west in the plot and the design concept is based on the trees which are located on and around the application site which has influenced the design of the proposal and the colour palette of materials used. The house would have a green roof, solar panels and would be heated using an air source heat pump. The development includes ecological enhancements within the wider site which includes tree planting, creation of a pond and planting of wildflower grass.

1.5. In 2022 an appeal was dismissed on the site for an almost identical proposal. The Inspector found that the design of the proposal was very good but not truly outstanding. The Inspector identified that truly outstanding is high bar to meet and felt that the scheme did not meet that test.

1.6. The scheme under consideration is not materially different to that dismissed at appeal. The planning history of the site is a material planning consideration. The proposal is not considered to be truly outstanding in respect of its architecture. There has been no changes in national or local planning policy since the appeal decision which mean that a different conclusion can be reached.

1.7. Refusal is recommended.

2. Description of site

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

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

3. Details of the proposal

3.1. The proposal is for the construction of a two-storey detached dwelling which would site roughly centrally within the southern half of the plot. It also includes a single storey detached 2-bay car port structure close to the southern boundary of the site.

3.2. The existing vehicular access which lies to the southwest of the site would be used and a new driveway would extend across the southwestern corner towards the houses; large enough for two vehicles to park without interfering with the access to the car port. The drawings show that a sliding gate would be installed across the access.

3.3. The front elevation of the house would run parallel with the road. The house would have a mostly flat roof design with the height predominantly measuring 6.4m and then extending to 8.2m at the northern end where the roof kicks up with a mono pitch creating a south facing roof slope allowing for solar panels to take advantage of the southerly aspect. The floor plans show that there would be three large double bedrooms on the first floor.

3.4. The block plan shows that the southeastern corner of the site would be used as the rear and side garden to the house and the drawings indicate that this part of the site would be laid with a patio area and the remainer to grass. The land to the north of the house would be less formal and would be landscaped including removal of conifers and any site contamination, and inclusion of a new pond, wildflower and native tree planting, vegetable and flower beds and inclusion of integrated wildlife habitats such as bird boxes and bee posts.

4. Other relevant applications

4.1. 21/01501/FUL - Refused 30th September 2021
Construction of new dwelling with detached carport, bin store and associated landscaping.

4.2. 21/00839/CUPAQ - Refused 15th June 2021
Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from Agricultural Buildings to 1 dwellinghouse (Class C3).

4.3. 09/01505/FUL - Refused 12th January 2010
Erection of a new dwelling and wind turbine.

4.4. 06/01100/FUL - Refused 24th July 2006
Erection of one dwelling and garage. Change of use to residential

4.5. 90/1856 - Refused 26th February 1991
Erection of 1 storey detached dwelling with detached double garage
Site at Mill Lane (Also known as land adjacent to Small Gains), Great Leighs

5. Summary of consultations

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

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

5.2. No response has been received from Recycling & Waste Collection Services

5.3. Public Health & Protection Services state that there may be contamination on the site from previous uses and that a pre-commencement condition is required to that effect. They also advise that an asbestos survey should be undertaken and that any asbestos needs to be removed by a qualified contractor and disposed of at a licensed facility. They have also requested for an Electric Vehicle (EV) charging point to be installed.

5.4. Essex County Council Highways has raised no objection to the proposal subject to conditions relating to a construction method statement, visibility splays for the vehicular access into the site, use of bound materials for the driveway, no surface water discharge into the highway and the provision of car and cycle parking.

5.5. The Ramblers Association have no comments on the proposal.

5.6. Great and Little Leighs Parish Council have not commented on the application.

5.7. Six representations have been received all in support of the proposal. The representations state the following:

- Wonderful and outstanding design and ergonomically sound
- The project is what Great Leighs needs to add to its beauty, prestige and value
- Character of the village is compromised by new build houses on small plots
- Design the community would be proud of and one we need more of
- Green in concept
- Would not harm but would help the local environment both practically and visually
- Striking eco-friendly house

6. Planning considerations

Main Issues

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

6.2. Policy DM8 of the Chelmsford Local Plan specifically relates to new buildings in the rural area. It states that planning permission will be granted for new buildings where the development would

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

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

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

6.3. Paragraph 139 of the NPPF advises that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.4. The appeal decision from 2022 for a near-identical proposal is a material consideration. The Inspector considered the appeal proposal before her in detail against the four 'tests' set out within NPPF paragraph 84e (previously para.80) making the point that all criteria of para 84e need to be achieved and that they prove to be a rigorous test to justify such development. The four 'tests' are;

- Development is truly outstanding, reflecting the highest standards of architecture
- Raise the standard of design in rural areas
- Significantly enhances its immediate setting
- Be sensitive to the defining characteristics of the area

6.5. The Inspector firstly considered the matter of whether the proposed development would be 'isolated'. Having regard to case law and following assessment of the site and its context and relationship with other development, she concluded that as the site would be spatially separated from the cluster of properties in its vicinity and had a sense of remoteness, she concluded that the site was 'isolated'.

6.6. Assessment of para 84e 'tests'

<u>Highest Standards of architecture</u>

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

6.8. The National Design Guide States that, "*well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context. This 'story' will inform and address all ten characteristics".*

6.9. The design of the appeal scheme and the current scheme take their main inspiration from the surrounding natural environment, trees in autumnal tones. The building envelope is of glass and timber with aluminium shingles set out to reflect abstract leaves with glazing panels to reflect the surrounding landscape. The current scheme includes an additional coloured cladding element of Inca Gold in addition to oxide red, corten and copper metallic. The main building structure of the current scheme is now out of timber to reduce the carbon footprint. Natural split stone cladding has been removed for the side at ground floor level and replaced with chestnut vertical cladding. The footprint of the building has been reduced compared to the appeal scheme from approximately 180sqm to 160sqm. Changes have been made to external doors and glazing. More wildlife friendly planting and additional hedgerow planting within the site are now proposed in addition to specific wildlife features such as a swift hotel, bee post and log pyramids.

6.10. The appeal scheme incorporated Passivhaus standard as the baseline with further energy efficiency improvements incorporated with the aim of the development being carbon neutral. The current scheme following latest Building Regulation standards follows the energy hierarchy principle and the building design follows a 'fabric first' approach to reduce the heating and cooling demand for the building from the outset.

6.11. The design concept described in the application documents is clear; it seeks to mimic what is currently present at the site, and along the site boundaries, to create a building inspired by trees and the tree canopy above. This relies upon the verticality of the lower part of the tree form, which is expressed in the structure and cladding details of the ground floor. The canopy itself above is a contrasting form, potentially organic in nature, where light is filtered, and shade is provided, in addition to shelter. As such the design concept is clear although it has had the result of limiting the 'response to the context' to trees within the site. This excludes the context of the wider local area; this also includes farmland, vernacular buildings, the settlement of Great Leighs, in addition to woodland, copses and hedgerows.

6.12. The success of the upper canopy element of the design is not apparent despite the revisions to the design and the additional colours to the aluminium shingle cladding, which has an autumnal colour palate. The form of the upper volume however remains angular and boxy, and the seasonal elevations provided illustrate that the presence of the metallic cladding, when viewed from the lane and further afield, would be an incongruous addition to the local context especially in the winter months. Despite the National Design Guide inviting contrast and juxtaposition as a design approach (above), the design fails to satisfy the ambition of the design concept.

6.13. In the dismissed appeal the Inspector said:

"The term 'truly outstanding…' implies that the bar is particularly high and that few projects are likely to succeed in meeting this criterion. The architectural quality of the scheme is very good. The proposal would be visually interesting yet understated with clean lines, whilst the tree canopy inspiration is understandable and the sustainability features commendable I am not persuaded that it is truly outstanding."

6.14. As a result, in the context of the lane, the proposal would be an alien and boxy addition and little has changed following the revision of the scheme. The proposal, at first-floor level, is unlikely to be read as the organic form of a tree canopy; filtering light, creating shade, and providing shelter from the elements etc. The angular upward point of the roof to the north, although interesting and dramatic would create a form foreign to the context with its vernacular buildings often with full gables facing forward to the lane; this angular and unusual shape would only accentuate the bulk of the built form.

6.15. The current scheme has not materially altered the proposal. The architectural quality remains very good, it remains visually interesting with clean lines, and the tree canopy inspiration remains clear and understood. The sustainability features, which now include a timber construction remain commendable and the additional ecology features are welcomed but there is not sufficient difference between schemes for the local planning authority to now reach a different conclusion to the Inspector.

Raising Standards of Design in rural areas

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

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

6.17. The Inspector considered that the appeal site was relatively open, with mature trees and hedgerows bounding it. The site was overgrown but in the rural landscape the site did not negatively impact on the immediate area. The Inspector summarised that the appeal dwelling would sit within a landscaped setting comparable with a number of other properties within the local area. Whilst contemporary in design the appeal proposal sought to marry the dispensed residential character with the landscape character of the plot itself, by taking inspiration from the trees. The Inspector concluded that the appeal development would be sensitive to the defining characteristics of the local area but was not convinced that the architectural or environmental qualities would be sufficient to significantly enhance its immediate setting. The current proposal is not sufficiently different to the appeal scheme to enable a different conclusion to be reached.

6.18. In terms of Policy DM8 and para 84e of the NPPF the current scheme is considered to be of a high standard of design, but not truly outstanding. It would inspire others and raise design standards in this rural setting. It would be sensitive to the defining characteristics of the local area but would not significantly enhance its immediate setting through its architecture or environmental qualities.

6.19. The proposed development does not achieve all the criteria of paragraph 84e of the NPPF and the high bar required to meet the test of being truly outstanding is not met.

Impact on the intrinsic character and beauty of the countryside

6.20. The existing site is void of any development except for a small field shelter/shed located in the far southern corner. The proposed dwelling is a large two storey building with an overall height of 8.3m and a width of approximately 17m. The upper floor level would be finished externally with aluminium shingles which have an autumnal palette of colours (Inca Gold, oxide red, corten and copper metallic) which frames large glass panels in the front and rear elevations. At each of the sides the first floor would predominantly be finished with aluminium shingles. At ground floor the dwelling would largely be externally clad with vertically hung chestnut timber cladding with sections of glazing panels between. The dwelling has been positioned to the southern part of the site. This is to reduce the impact on the undeveloped part of the site and the protected trees to the north.

6.21. A single storey detached car port is proposed adjacent to the access point plus a bin store and a new sliding access gate. A low post and rail fence along Mill Lane is also shown on the indicative drawings and pictures.

6.22. The site is accessed and can be seen from Mill Lane. The site is currently overgrown and has the appearance of a green and undeveloped rural land. The existing shrubbery and greenery along with the large, protected oak trees offer some protection and concealment from the lane. The existing small building for example is not visible from the site due to the overgrown nature of the shrubbery which also conceals the existing hardstanding around the building. The development of the site would require a substantial amount of clearance of the existing shrubbery.

6.23. The dwelling by virtue of its size, position and bulk would be a prominent feature within the site and the wider street scene. Following the clearance of the shrubbery it would also be clearly visible from Mill Lane and would appear as a discordant feature in an area of the road where there are no similar large domestic buildings. The proposed development would not be so visually protected by the remaining trees along Mill Lane for it to not be easily perceived. It is noted that whilst it may be less prominent during the autumn months at other times of the year the house would appear completely at odds with the site and would stand out as a large and dominant structure.

6.24. The garage, refuse store, sliding gate and fencing along with the clearance works required to facilitate the access into and out of the site would further emphasise the presence of the new domestic dwelling and domestication of the site. This would not be in keeping with the rural character and appearance of the site and the surrounding Mill Lane.

6.25. The proposed development would change the nature and character of the site from a rural and undeveloped plot to one with a domestic character and appearance. This would have a materially adverse impact on the character and appearance of the countryside and would detract from the open and verdant character of the area. It would therefore adversely impact upon the intrinsic character and beauty of the countryside and would be contrary to Policies S11 and DM8 of the Chelmsford Local Plan and Paragraph 180 of the NPPF.

Sustainable Development

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

6.27. Paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF and should be pursued in a positive way.

6.28. Paragraph 8 sets out the three dimensions to sustainable development: economic, social, and environmental roles. The roles should not be undertaken in isolation because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.

6.29. At a local policy level Strategic Policy S1 of the Chelmsford Local Plan sets out the Councils Spatial Principles. These principles include locating development at well-connected and suitable locations.

6.30. Policy S7 sets out the Spatial Strategy. This states that new housing should be focused in the most sustainable locations in accordance with the settlement hierarchy.

Economic

6.31. Although a relatively generic benefit, the proposal would have an economic role in supporting/creating jobs during the construction stage of the scheme.

6.32. The new dwelling would provide a home to people who would be likely to support the existing local services and businesses in the nearby Great Leighs village. The delivery of housing also has an economic benefit in boosting housing supply. However, this development would only provide one new dwelling and the growth needs of the Council's administrative area is being realised through the ability to demonstrate five years' worth of specific deliverable sites.

6.33. Taking into consideration the economic benefits, limited weight is attributed to the scheme in fulfilling its economic role of sustainable development.

Social

6.34. Under a social role, high quality built development is supported by accessible local services that reflect the community's needs. This strategic approach to new development is supported through the City Council's spatial strategy which seeks through Policies S1 and S7 to direct development first and foremost to the main urban areas and within Key Service Settlements where new housing development can be supported by existing infrastructure.

6.35. The proposed development would be contrary to this spatial strategy in that it is not in an area for planned growth.

6.36. The NPPF seeks to promote sustainable transport. Whilst the Framework recognises that the opportunities for sustainable travel will be less in rural areas, there is a clear objective to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

6.37. The nearest bus stops are located along Main Road in Great Leighs which is approximately 800m to the west of the application site. While the walk time to the bus stops would not be excessive in reality it would be difficult for the future occupants of the dwellings to access the bus stop as there is no direct footpath link between the application site to the bus stops. The footpaths are either across fields on the western side of Mill Lane across towards Great Leighs or occupants will need to walk south to Boreham Road where there is a hard surfaced footpath which runs

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

6.38. Given the lack of public footpaths and considering they are unlit it is unlikely that the bus stop would be used and therefore future occupiers would be heavily reliant on private transport.

6.39. The proposal therefore fails to meet the social strand of sustainable development which weighs against the development.

Environmental

6.40. In respect of the environmental role of sustainable development, the NPPF refers to protecting and enhancing the natural, built and historic environment.

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

6.42. In summary, the proposed development would fail to meet the social and environmental strand of sustainability as it would have poor access to public transport links and would introduce new dwellings in part of the site that is currently open and undeveloped.

Development Standards

6.43. The dwelling proposed is shown to contain three bedrooms but there is the potential for it to be a five-bedroom dwelling if the music room and study on the ground floor were converted. The dwelling would meet the required space standards for its size as set out in the Nationally Designed Space Standards.

6.44. The future occupants of the dwelling would have a private garden area to the rear of the house.

6.45. The proposed refuse and recycling provision would be acceptable.

Neighbour Amenity

6.46. Chelmsford Local Plan Policy DM29 relates to protecting living and working environments. This Policy states that planning permission will be granted for development proposals provided the development:

i. Safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in acceptable overlooking or overshadowing. The development shall not also result in excessive noise, activity or vehicle movements; and

ii. Is compatible with neighbouring or existing uses in the vicinity of the development by ensuring that the development avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.

6.47. The proposed development would not adversely affect the amenity of any nearby or neighbouring residential properties.

Contamination

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

Access and Parking

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

Sustainable Buildings

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

Ecology

6.51. The existing building does not provide opportunities for bats however bird nests were recorded. The site does provide foraging/commuting and nesting opportunities for bats and birds, respectively and the removal of trees and scrub would reduce these. Mitigation and enhancement measures are proposed including integral bird and box boxes and new landscaping.

6.52. The habitats are sub-optimal for reptiles and the size of the site would not likely support a population on its own, it is most likely used in a wider context. A precautionary method statement of habitat manipulation is proposed which would follow the same principles for Great Crested Newts (GCN) to ensure harm does not occur.

Trees

6.53. There are two oaks situated to the front of the site protected by preservation order TPO/2011/003. There is also an offsite group of preserved trees along the northern boundary protected by the same order. Collectively, they contribute to the rural character of the local environment.

6.54. There will be no direct or indirect impact to the preserved trees nor will the layout give rise to future liveability issues. Some tree removal is required to facilitate construction however these

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

6.55. The supporting landscape specification sets out the proposed herbaceous, shrub, hedge and tree planting. The choice and size of species is suitable and the proposed locations acceptable.

6.56. Had the application been recommended for approval conditions relating to compliance with the tree constraints plan and landscape specification report.

RAMS

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

Tree Planting

6.58. The Council has declared a Climate and Ecological Emergency to focus attention on reducing carbon and greenhouse gas emissions in the area and to plan for a more sustainable future. The Council's Climate and Ecological Emergency Action Plan includes undertaking a greening programme to significantly increase the amount of woodland and the proportion of tree cover in Chelmsford.

6.59. Strategic Policy S2 of the Chelmsford Local Plan recognises that new development will seek to mitigate and adapt to climate change. The submitted block plan indicates new tree planting within the site and the requirement for three trees per net new dwelling could be achieved by way of a condition in the event that the application were to be approved.

7. Community Infrastructure Levy (CIL)

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

RECOMMENDATION

The Application be REFUSED for the following reasons:-

Reason 1

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

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

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

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

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

Reason 2
Policy DM8 of the Chelmsford Local Plan relates to new buildings in the rural area. It states that planning permission will be granted for new buildings where the development would not adversely impact upon the intrinsic character and beauty of the countryside and where the development complies with one of a list of criteria. The criteria relevant to this application is;

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

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

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

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

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

Reason 3
Paragraph 8 of the National Planning Policy Framework (NPPF) sets out the dimensions of sustainable development: economic, social and environmental. Paragraph 10 of the NPPF sets out the approach to the presumption in favour of sustainable development.

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

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

Boreham Road would provide access from the application site to the Defined Settlement. There no bus stops outside of the village and no direct pavement links and no street lighting leading to the bus stops. Future residents would be reliant on private vehicles for accessing almost all day-to-day needs. Such reliance is clearly at odds with the Framework's objectives to promote sustainable transport and a reduction in carbon

emissions. This lack of choice would lead to a car orientated modal form of development which weighs significantly against the development.

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

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

Notes to Applicant

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

Positive and Proactive Statement

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

Appendix 1 – Drawing No(s)

Plans to be listed on any Decision Notice:

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

Appendix 2 – Consultations

Recycling & Waste Collection Services

Comments
No response received

Public Health & Protection Services

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

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

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

Essex County Council Highways

Comments

21.03.2024 - Your Ref: 24/00114/FUL

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

Date:- 21st March 2024

Recommendation Issue 2

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

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

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

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

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note - MUD / DEBRIS ON HIGHWAY

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

The applicants should be advised to contact the Development Management Team at SMO2 by email at development.management@essexhighways.org

20.03.2024 - Your Ref: 24/00114/FUL

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

Date:- 20th March 2024

Recommendation for Refusal

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

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

Notes

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

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

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

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

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

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

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

21.03.2024 - Your Ref: 24/00114/FUL

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

Date:- 21st March 2024

Recommendation Issue 3

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

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

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

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

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

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note - MUD / DEBRIS ON HIGHWAY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

The applicants should be advised to contact the Development Management Team at SMO2 by email at development.management@essexhighways.org

Ramblers Association

Comments
29.02.2024 - Dear Sir/Madam We have be contacted directly by the applicant to confirm that he had responded to our original objection. Although we had not been informed of any re-submitted information we have now seen the letter sent by the applicant, with the attached photo and revised site plan. We would confirm that this responds to our original objection and that we now have NO FURTHER COMMENTS. Regards Simon Polley Chelmer and Blackwater Ramblers - Planning Monitor email: candbplanning@gmail.com 07.02.2024 - Dear Sir/Madam

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

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

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

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

Simon Polley

Chelmer and Blackwater Ramblers - Planning Monitor

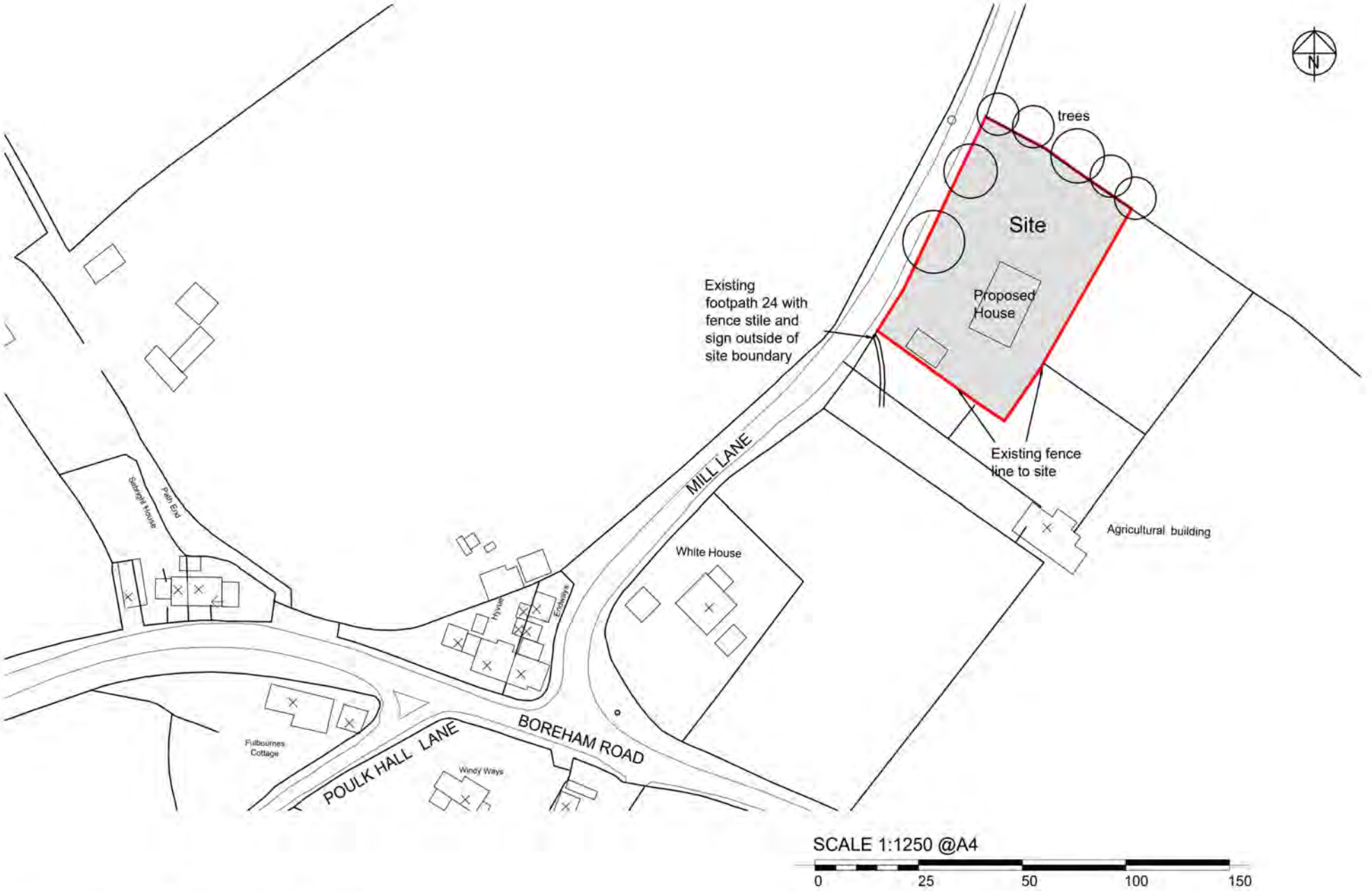
email: candbplanning@gmail.com

Great & Little Leighs Parish Council

Comments
No response received

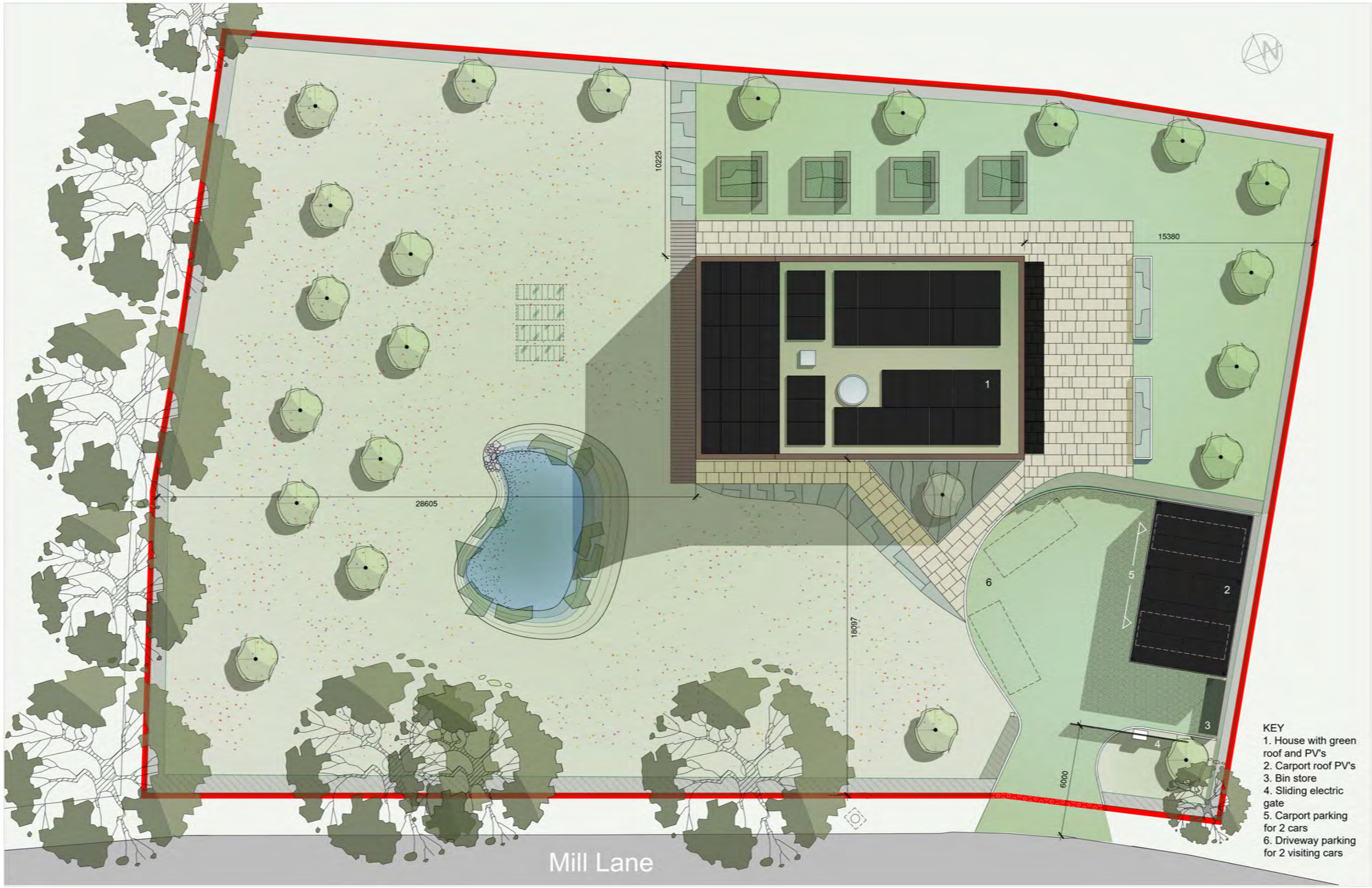
Local Residents

Comments
Representations received – needs summarising



Location plan

Leaf House LH00B RBA



Proposed Block Plan

SCALE 1:200 @A3

0 1 2 3 4 5

Leaf House LH02A RBA

INDICATIVE SPRING ELEVATION

INDICATIVE SUMMER ELEVATION

INDICATIVE AUTUMN ELEVATION

INDICATIVE WINTER ELEVATION

THE FOUR SEASONS

Leaf House LH08 RBA

END ELEVATION - NORTH NORTHEAST 1:100

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

SCALE 1:100

0 1 2 3 4 5

COLOUR PALETTE - timber cladding and shingles

Sweet Chestnut | Oxide red | Corten | Copper Metalic | Inca gold

MILL LANE ELEVATION - WEST NORTHWEST 1:100 @A3

Elevations 1

Leaf House LH03

RBA

END ELEVATION - SOUTH SOUTHWEST 1:100 @ A3

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

SCALE 1:100

0 1 2 3 4 5

COLOUR PALETTE - timber cladding and shingles

Sweet Chestnut | Oxide red | Corten | Copper Metalic | Inca gold

REAR ELEVATION - EAST SOUTHEAST 1:100 @A3

Elevations 2

Leaf House LH04

RBA

Planning Committee
28th May 2024

Application No	:	24/00386/FUL Full Application
Location	:	Land East Of Ragged Robins Lower Stock Road West Hanningfield Chelmsford Essex
Proposal	:	**Erect Hay Barn**
Applicant	:	Mr Gary Sharp
Agent	:	Mrs Nicole Elkins
Date Valid	:	13th March 2024

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 site is located within the Metropolitan Green Belt and comprises part of a wider agricultural field.

1.3. The proposed agricultural building is required for the storage of hay and feed for cattle.

1.4. Agricultural development is not inappropriate development in the Green Belt and there would not be any impact on the openness of the Green Belt.

1.5. A low level of harm to non-designated heritage assets would be outweighed by the public benefits to the rural economy and food supply from the agricultural use.

1.6. Any ecology impacts can be mitigated against through the imposition of conditions.

1.7. Mature trees adjacent to the proposed development would not be impacted.

1.8. There are no highway safety issues and the site has an acceptable access.

1.9. The relationship with neighbouring properties would be acceptable.

1.10. The design is acceptable for the proposed use.

1.11. The application is recommended for approval.

2. Description of site

2.1. The site is located within the Metropolitan Green Belt on Lower Stock Road, approximately 1km to the east of Downham Road. Lower Stock Road is a protected lane.

2.2. The application site comprises a rectangular parcel of land within a wider field of approximately 4.6ha. The wider field is broadly triangular in shape with mature trees and vegetation forming the boundaries.

2.3. There is an existing vehicular access from Lower Stock Road into the site positioned in the northwest corner.

2.4. A corridor of land running along the southeast boundary of the wider field is a Local Wildlife Site. A public footpath (Footpath 15 West Hanningfield) runs through this corridor and is separated from the agricultural land by mature trees and hedges.

2.5. Opposite the site access, to the north of Lower Stock Road, is a residential property “Bellcoins”. To the west of the site, approximately 86m from the access, there is a ribbon of residential properties.

3. Details of the proposal

3.1. Four individual applications have been submitted for agricultural buildings which would be located adjacent to each other. Each application proposes the construction of one agricultural building – this application relates to a new hay barn.

3.2. This proposed hay barn would have dimensions of 30.35m x 14.87m, a ridge height of 9.3m and eaves at 6.12m. The front would be open while the side and rear elevations would comprise low concrete panels with timber hit and miss vertical boarding above. The roof would be clad with fibre cement sheets.

3.3. The barn would be located 53m to the south of the access from Lower Stock Road and approximately 30m from the existing western field boundary.

3.4. The three associated planning applications for cow barns relate to the land to the south of the proposed hay barn. They would be positioned in a linear form with the rear elevations also located 30m from the western field boundary.

3.5. The application documents indicate that additional planting is proposed to the north of the hay barn, between the building and Lower Stock Road.

3.6. It is important to note that the applications relate to the construction of the proposed buildings and are not in relation to the keeping of cattle on the site. The keeping of cattle on agricultural land does not require planning permission and animals could be moved onto the site without the need for any planning consent from the Council.

4. Other relevant applications

4.1. Current planning applications associated with this application:

24/00389/FUL - Currently under consideration
Erect a cow barn

24/00388/FUL - Currently under consideration
Erect a cow barn

24/00387/FUL - Currently under consideration
Erect a cow barn

4.2. Applications previously refused by the Council in 2024:

23/01990/FUL - Refused 8th February 2024
Erect cow barn

23/01989/FUL - Refused 8th February 2024
Erect cow barn

23/01988/FUL - Refused 8th February 2024
Erect cow barn

23/01987/FUL - Refused 8th February 2024
Erect Hay Barn

4.3. The applications refused in February 2024 proposed locating the buildings in a linear form along the northern field boundary with Lower Stock Road. This would have resulted in a highly visible form of development which would have been harmful to the setting of both Lower Stock Road and Bellcoins. The level of harm to these non-designated heritage assets would not have been outweighed by the public benefits from the development.

4.4. The previous applications also did not contain any information regarding ecology and the potential impacts that the proposals might have to protected species or their habitats. In the absence of this information there was insufficient information regarding ecology impacts and/or any mitigation which might be necessary.

4.5. The four previous applications were all refused for the above reasons in respect of their impact on non-designated heritage assets and insufficient ecology information.

5. Summary of consultations

- Essex County Council Highways –
  - The proposed Hay Barn would be for agricultural use.
  - This application is related to applications 24/00387/FUL, 24/00388/FUL and 24/00389/FUL.
  - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use.
  - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of appropriate conditions.

- Public Health & Protection Services – No comments in respect of this application.

- West Hanningfield Parish Council – concerns raised:
  The revised proposals do not address previous consultee concerns.
  The submitted information does not provide clarity on the proposals regarding traffic movements.
  No information regarding alternative sites has been provided.
  The proposals are out of keeping with the area and there would be a detrimental impact on amenity value of Lower Stock Road for people who use it.
  Insufficient information has been provided regarding waste from the development.
  The ecology survey was undertaken after the site had been ploughed and does not reflect the earlier condition of the site.

- Stock Parish Council – concerns raised:
  Concerned about state of Lower Stock Road, with the heavy vehicles being used by the farmer on Smallgains Lane & Swan Lane.
  Concerned about the damage to the verges by the increase in HGV's.

- Essex Wildlife Trust Ltd – Object on the basis that insufficient information in respects of ecology has been provided by the applicant. No provision for biodiversity net gain.

- Local residents -
  53 objections received. Main points raised:
  - There is no difference in the scale of the development from the previous applications
  - The new locations are worse than the refused proposals
  - Contrary to the Village Design Statement:
    - Development on arable land should be avoided
    - Archaeological surveys should be considered prior to development of any sites

- Developments should be sensitive to the immediate surroundings and should not dominate them
- The rural style of village lanes should be protected
- Lower Stock Road is unsuitable for large vehicles
- Once the buildings have been constructed there may be future applications for change of use
- Overdevelopment of the site
- Road is narrow and unsuitable for large vehicles for moving cattle and/or during construction
- Risk to pedestrians and cyclists from additional traffic
- Potential for damage to verges from vehicles accessing the site
- Harmful to non-designated heritage assets - Bellcoins and the protected lane
- Road is prone to flooding
- Waste produced by cattle on the site will pollute nearby watercourses
- Impact of emissions from a greater number of cattle than the site can support
- Proposed buildings are of a size which is inconsistent with buildings in the vicinity of the site
- Waste from the cattle will result in odours, flies and rodent infestation
- Once the buildings are on the site it would become brownfield land permitting alternative uses such as housing
- The buildings will be within 400m of residential properties
- Loss of light to the property opposite the site
- Impact of any necessary lighting is unknown
- Increased noise from traffic travelling to and from the site and from cattle on the site
- Another site in Smallgains Lane has resulted in damage to the road from traffic
- Disruption from construction works
- Concern regarding animal welfare
- Impact on Local Wildlife Site and protected species
- No information regarding flooding
- No demonstration of agricultural need for the development
- Proposals submitted as individual applications rather than a combined application
- Impact on landscape character
- Health risks from animal waste
- No information as to whether the development would have an impact on public footpath
- The proposals breach Article 1 of Protocol 1 ECHR
- The site has been ploughed since the determination of the earlier applications – impact of this on protected species is unknown
- The development fails to provide for a 10% biodiversity net gain
- Alternative sites within the Applicant's holding should be considered
- Detrimental impact on house prices
- Additional works as requested by ECC Highways would have a detrimental impact on the lane and Bellcoins
- Additional impact to Heritage Assets at the east end of Lower Stock Road from increased vehicle movements
- The buildings will impact the existing trees along the field boundary
- Information in the supporting documents is misleading
- The public footpath has been ploughed
- There has been no assessment from Public Health and Protection Services

6. Planning considerations

Main Issues

6.1. The main issue is whether the proposed development is acceptable in the Green Belt.

6.2. It is also necessary to consider whether the proposal would have a detrimental impact on non-designated heritage assets.

6.3. Consideration is also given as to whether there would be any harmful impacts in respect of ecology on and around the site.

6.4. The relationship between the proposed development and existing mature trees along the western field boundary.

6.5. It is necessary to assess whether the development would be detrimental to highway safety and whether the site has an acceptable access.

6.6. The relationship between the proposed development and neighbouring properties must also be assessed.

Development within the Green Belt

6.7. The site is located within the Metropolitan Green Belt where National and Local planning policies severely restrict new development and the construction of new buildings. Chapter 13 of the National Planning Policy Framework (NPPF) relates to protecting Green Belt land. Paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. One of the purposes of the Green Belt is also to assist in safeguarding the countryside from encroachment.

6.8. Paragraphs 152 – 153 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.9. Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to a list of stated exceptions. The first exception permitted by part a) of Para 154 is the construction of buildings for agriculture and forestry.

6.10. Local Planning Policies align with the National objectives of the NPPF. Policy S1 specifies that the Council will require all new development to accord with the identified spatial principles. The spatial principle to protect the Green Belt is relevant to this proposal. Policy S11 relates to the Role of the Countryside and identifies that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.

6.11. Policy DM6 relates to New Buildings in the Green Belt. This states that:

"Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances."

6.12. Section A) of this policy specifically relates to new buildings and sets out the types of development where planning permission will be granted as exceptions to inappropriate development. Buildings for agriculture and forestry (criterion i) are stated as an exception to inappropriate development.

6.13. Case law has established that buildings for agriculture and forestry are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt.

6.14. The applicant is a well-established local cattle farmer and the proposed building is a hay barn intended to support the keeping of cattle on the wider field. The proposed building falls within the exception to inappropriate development set out in part a) of para 154 of the NPPF and would not have a harmful impact on the openness of the Green Belt.

Heritage Assets

6.15. Para 200 of the NPPF states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

6.16. Para 209 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

6.17. Policy S3 states "The Council will conserve and where appropriate enhance the historic environment recognising the positive contribution it makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets. This includes wider social, cultural, economic and environmental benefits."

6.18. Policy DM14 states "Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that:

i. the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and
ii. harm is minimised through retention of features of significance and/or good design and/or mitigation measures."

6.19. The section of Lower Stock Road which abuts the northern side of the application site is designated as a protected lane. It was identified within the 2009 protected lanes study, which formed part of the evidence base for the 2020 Local Plan.

6.20. Policy DM14 identifies protected lanes as non-designated heritage assets, with the objective to protect their character, which includes their setting.

6.21. The lane scores highly for its historic integrity, diversity and biodiversity, due to its range of features, limited erosion of character and range of hedgerows, trees, verge and ditches. The lane is likely to be of at least medieval origins, linking the historic settlements of Stock and West Hanningfield with a number of sixteenth and seventeenth century buildings en-route. The framework of historic field boundaries in the wider area remains, with some removal of field boundaries in the twentieth century. The setting is rural in character and contributes to the experience of the characterful narrow meandering lane within an historic landscape.

6.22. "Bellcoins" lies on the north side of the lane, opposite the site entrance. Now one house, it was historically a pair of farmworkers cottages, probably originating from the late eighteenth or early nineteenth century. It has been altered and extended but retains some character as a vernacular building. It is of some modest heritage value and is considered to be a non-designated heritage asset of low heritage value.

6.23. The cottage's relationship with the lane and surrounding agricultural land contributes to its significance.

6.24. The NPPF describes setting as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve*.' The surrounding landscape, including the application site, is part of how the lane is experienced and forms part of its setting.

6.25. Following the refusal of four applications for the same development of one hay barn and three cow barns in the northern part of the wider field, adjacent to Lower Stock Road, the proposed buildings have been turned 90 degrees to the lane and Bellcoins, and set back from the lane further. There would be a distance of approximately 53m between Lower Stock Road and the northern elevation of the hay barn.

6.26. This distance would limit the impact on the setting of the heritage assets, with the narrow end of the hay barn building facing Bellcoins. Whilst the building is large scale and would be clearly visible from the lane and from Bellcoins, its impact is reduced in the revised scheme, as is the case for the three cow barns. There is also new tree planting indicated adjacent to the lane and on the western boundary, which when matured would help to provide some filtering of views towards the development.

6.27. The proposal would lead to a low level of harm to the protected lane of moderate significance and a very low level of harm to a cottage of low significance. This harm should be weighed in the planning balance.

6.28. Part b) of Para 88 of the NPPF sets out that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

6.29. There would be some public benefits from the proposal, either in the form of one building or the cumulative proposals for four buildings, in that it would support the local rural economy. In light of the low level of harm which would occur to the non-designated heritage assets, the proposed public benefits would outweigh this harm.

6.30. Previous concerns regarding the size of vehicles which would be used to access the site and the frequency of vehicle movements have been addressed in the supporting information accompanying the planning application. The applicant has clarified that once operational vehicle movements are likely to be twice daily either in a car, pick-up or gaitor utility vehicle to check and feed the animals. Cattle would be moved on/off site every 6-8 months and barns would be cleaned out every 5-6 weeks both with use of a tractor/trailer. Hay/haylage and silage to feed the cattle would be delivered once a year also by tractor/trailer.

6.31. Subject to the imposition of appropriate conditions in respect of the external materials of the building, external lighting and additional landscaping the proposed development would not unduly impact the setting of the non-designated heritage assets and the low level of harm that would occur would be outweighed by the public benefits of supporting the rural economy and food production.

Ecology

6.32. Chapter 15 of the National Planning Policy Framework requires that planning decisions should minimise impact on and provide net gains for biodiversity. Para 186a of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

6.33. Policy S4 states "The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary."

Policy DM16 states that all development proposals should:

i. Conserve and enhance the network of habitats, species and sites (both statutory and non-statutory, including priority habitats and species) of international, national and local importance commensurate with their status and give appropriate weight to their importance; and

ii. Avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts; and

iii. Deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats, and enhancing them for the benefit of species.

6.34. Paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 highlights that: "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*

6.35. Following the refusal of the previous applications, the current planning applications are accompanied by an Ecological Survey and Assessment (ESA) report of the application site area and the wider field. The previous applications were not accompanied by any ecological information.

6.36. The planning application and the ESA report have been considered by the Council's Consultant Ecologists. The Ecologist's assessment of the proposals highlights that the applications fall within the definition of a 'Small Site' in accordance with The Small Sites Metric (Biodiversity Metric 4.0)

- User Guide (DEFRA, February 2024). At the time that the application was submitted it was exempt from mandatory Biodiversity Net Gain.

6.37. The advice from the Ecologist indicates that there is sufficient ecological information available to determine the planning application and that any likely impacts of the proposal on designated sites, protected and Priority species and habitats can be appropriately mitigated against through the imposition of conditions.

6.38. The suggested conditions relate to:

i) Securing the mitigation measures set out in the ESA
ii) The submission, approval and implementation of a Biodiversity Method Statement for the Local Wildlife Site to the east of the application site.
iii) The submission, approval and implementation of detailed biodiversity enhancements listed in the ESA.
iv) The submission, approval and implementation of a wildlife sensitive lighting scheme.

6.39. Subject to the suggested conditions being imposed, the development would not have a detrimental impact on protected species or their habitat and complies with the objectives of Chapter 15 of the NPPF and Policies S4 and DM16.

Trees

6.40. The application is accompanied by detailed arboricultural documents. These documents demonstrate that the proposed development would be located outside of the root protection areas of the mature trees on the western field boundary. The trees would not be impacted by the proposed development.

6.41. A condition is recommended to ensure that the development is implemented in accordance with the tree protection measures set out in the arboricultural documents.

Highway Safety & Access

6.42. The Local Highway Authority (LHA) has been consulted in respect of the proposals and they have no objections in respect of impact on highway safety.

6.43. The LHA has recommended that conditions are imposed on any approval; the requested conditions primarily relate to works to upgrade the access to the site. However, the existing access from Lower Stock Road already has a hardened surface and the existing gates are set back further than the distance requested by the LHA. There would be sufficient space within the site for vehicles to turn and leave in a forward gear and the access with Lower Stock Road is already at right angles to the carriageway.

6.44. The requested conditions are not required in order to make the development acceptable and it would not be reasonable to require additional works to the access. The site has an acceptable access and the proposed development would not be detrimental to highway safety.

Neighbour Amenity

6.45. Policy DM29 requires development proposals to safeguard the living environment of occupiers of nearby residential property.

6.46. The proposed hay barn would be located 53m to the south of Lower Stock Road, there would be a minimum distance of 64m between the hay barn and the front elevation of "Bellcoins", the closest neighbouring property. In respect of the properties to the west, there would be a minimum distance of 100m between the rear elevation of the hay barn and the closest property.

6.47. In light of the significant distances which would exist between the application building and the neighbouring properties, the proposal would not result in any adversely prejudicial impacts in respect of loss of light, overbearing or overshadowing impacts.

6.48. The proposed use of the barn to store hay and feed would not generate noise or smells which would be harmful to the amenity of the occupants of neighbouring properties.

6.49. As set out above in relation to ecology, if approval is granted for the proposal it would be subject to a condition requiring a scheme of external lighting to be approved by the Council. This would ensure that there would not be any excessive lighting which may have an impact on either neighbouring properties or the surrounding countryside.

6.50. The proposal therefore complies with the requirements of Policy DM29.

Other Matters

6.51. The proposed building is of a size, design and appearance which is typical of agricultural buildings commonly found in the countryside. They are functional and utilitarian buildings which serve an agricultural purpose and are appropriate for the proposed use. Modern agricultural buildings do not reflect the domestic scale and appearance of residential properties and would not be suitable for their required purpose if they did.

6.52. The proposed design and appearance of the building is appropriate for its purpose.

6.53. Green Belt policy does not require a need for an agricultural building to be demonstrated. Notwithstanding this, the applicant is a well-established local cattle farmer with one of the largest herds of cattle in the country. There is no reason to doubt that there is a genuine agricultural need for the proposed buildings.

6.54. The applicant is entitled to submit applications in the manner that he has i.e. four individual planning applications. The Council has considered the individual and cumulative impact of the four applications.

6.55. This type of application on land within Flood Zone 1 does not require the submission of a flood risk assessment or any other flooding information.

6.56. The public footpath is separated from the field by mature trees and vegetation. It does not run through the main parcel of land which the proposed buildings would be located within.

6.57. The proposed construction of agricultural buildings for the keeping of livestock within 400m of residential properties cannot be permitted development but this does not mean that they are unacceptable in principle. Such a location requires the submission of a planning application so that any potential impact to residential properties can be assessed.

6.58. The Local Highway Authority is responsible for maintaining unclassified roads such as Smallgains Lane and Lower Stock Road. The condition of the road surface is a matter for the LHA to address.

6.59. Animal welfare is legislated for, and inspections are carried out, by DEFRA. Planning legislation cannot take into account matters which are regulated under separate legislation and as such this is not a material consideration when determining planning applications.

6.60. Noise and disruption generated during the construction of any development is by its nature temporary and it cannot be taken into account when determining planning applications.

6.61. Agricultural land, whether it contains buildings or not, is excluded from the definition of "previously developed land", also known as "brownfield land". The construction of agricultural buildings does not indicate or permit future development of a site. Planning applications must be determined on their own merits in accordance with the current planning policies in force at that time. It is not reasonable to predict what may occur in future and base planning decisions on future proposals which are not part of the current application.

6.62. In respect of the sections of the West Hanningfield Village Design Statement referenced in objections to the proposed development:

- The proposals relate to agricultural development on agricultural land, such development will usually be located on agricultural land.
- Essex County Council Historic Environment Branch notify the City Council when sites are known or suspected to contain archaeology. In respect of this application, Place Services have commented on Lower Stock Road being a Protected Lane but have not raised any other issues in respect of archaeology. Therefore, no archaeological surveys are required.
- The proposed development has been revised in order to minimise its impact on the non-designated heritage assets and to take advantage of existing mature vegetation along the field boundaries.
- The proposed development would not result in harm to the rural lane.

7. Community Infrastructure Levy (CIL)

7.1. Agricultural development 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, details 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
The development hereby approved shall be implemented in accordance with the mitigation measures and/or works contained within the Ecological Survey and Assessment (Essex mammals Surveys, February 2024).

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 5
No development shall commence until a Biodiversity Method Statement for Local Wildlife Sites (Ch75 Blythhedges Meadow) has been submitted to and approved in writing by the Local Planning Authority.

The content of the method statement shall include the following:
a) purpose and objectives for the proposed works;
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c) extent and location of proposed works shown on appropriate scale maps and plans;
d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e) persons responsible for implementing the works;
f) initial aftercare and long-term maintenance (where relevant);
g) disposal of any wastes arising from works.

The development shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 6
Prior to the commencement of any above ground construction, details of the biodiversity enhancements listed in the Ecological Survey and Assessment (Essex Mammal Surveys, February 2024) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:

a) detailed designs or product descriptions for the biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The development shall be implemented in accordance with the approved details prior to the first use of the development and all features shall be retained thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 7
Prior to the first use of the development, a "lighting design strategy for biodiversity" in accordance with GN:08/23(ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Subsequently all external lighting shall be installed in accordance with the approved details and maintained as such. No further lighting shall be installed without the prior permission from the Local Planning Authority.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 8
Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

a) hard surfacing including pathways, 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) Management details and a five year maintenance plan.

Reason:
In order to add character to the development and to integrate the development into the area in accordance with Policy DM23 of the Chelmsford Local Plan.

Condition 9
Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or The Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent legislation, the building hereby approved shall not be used for any purpose other than for agriculture.

Reason:
The building is not inappropriate development in the Green Belt as it is required for agriculture. Alternative uses of the building could introduce unsympathetic and harmful activity on the site which could be harmful to the Green Belt, neighbour amenity and the setting of the non-designated heritage assets contrary to the objectives of the National Planning Policy Framework and Chelmsford Local Plan Policies.

Condition 10
In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled "Arboricultural Impact Assessment and Method Statements" ref. TPSQU0031 Issue 1.

Reason:
To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 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

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

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

Positive and Proactive Statement

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

Appendix 1 – Drawing No(s)

Plans to be listed on any Decision Notice:

23/30/17
23/30/18
23/30/19
23/30/20
TPSQU0031 TPP
Appendix 1 - 6
Arboricultural Impact Assessment and Method Statement
Ecological Survey and Assessment

Appendix 2 – Consultations

Essex County Council Highways

Comments
26.04.2024 - Your Ref: 24/00386/FUL Our Ref: CO/EGD/SD/RM/CHL/24/386/58707 Date:- 26th April 2024 The proposed Hay Barn would be for agricultural use. ' This application is related to applications 24/00387/FUL, 24/00388/FUL and 24/00389/FUL. ' There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions: 1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and 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 in accordance with policy DM1. 2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

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

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

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

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

Public Health & Protection Services

Comments
22.03.2024 - No PH&PS comments with regard to this application.

West Hanningfield Parish Council

Comments
22.04.2024 - The following comment addresses applications 24/00386/7/8/9. These revised applications do nothing to address the concerns of the ECC Historic Environment Branch raised in the consultee comments for the first applications.

In the first applications, the comments provided by Planning & Listed Building and Conservation, raised concerns pertaining to the impact of the size of the buildings. It would appear that no further information has been provided and that the information regarding traffic movements is vague considering the high number of heavy vehicle movements required to service an industrial project such as this. The concerns raised by Stock Parish Council in respect of road damage caused by the applicant's similar operations within its parish reflect the number and type of traffic movements associated with these activities.

In the first applications the comments from Planning & Listed Building and Conservation requested that a suitable alternative site be sought from the applicant's extensive land holding; nothing has been forthcoming.

Lower Stock Road is a Historic protected lane and this development with its attendant buildings and vehicle movements are totally out of keeping with the area and the nature and size of the road. Access into either end of Lower Stock Road is restrictive and not suitable for vehicles of the size which will be required to service this unit.

The development and associated vehicle movements will have a detrimental impact upon the amenity value of Lower Stock Road for the many cyclists, dogwalkers, horse riders and pedestrians who use the road.

The issue of containment of effluent spillage has not been addressed and no further information has been provided in these second applications for how this is to be contained. This is a significant risk to the local waterways and the Nitrate Sesitivity of the area.

The Ecological Survey was carried out after the site had been ploughed and is therefore totally irrelevant to what habitat was present on site when the first applications were made, and therefore should not be considered as supporting evidence for these applications. The applicant's letter includes two photographs which shows the field laid to grass, which appears incorrect.

As regards administration, applications 24/00387/8/9 are entitled 'Erect a Cow Barn', yet all three application forms state on page 4 that the application is for a hay barn. Which is it that is proposed?

Of note is that Essex Highways have been consulted on application 24/386/FUL but not on applications 24/00387/8/9. It is imperative they be consulted on all four applications since the impact on Lower Stock Road will be substantial. It is also noted that Essex Highways have not submitted a comment; it is felt they should be chased for a comment.

Stock Parish Council

Comments
12.04.2024 - Discussed in the Parish Council Meeting 9/4/24

Councillors are concerned about the state of the road that could also occur on Lower Stock Road, with the heavy vehicles that are currently also being used by the farmer on Smallgains Lane & Swan Lane. Therefore they would request that Highways take a look at Smallgains Lane to see the damage to the verges by the increase in large heavy farm vehicles.

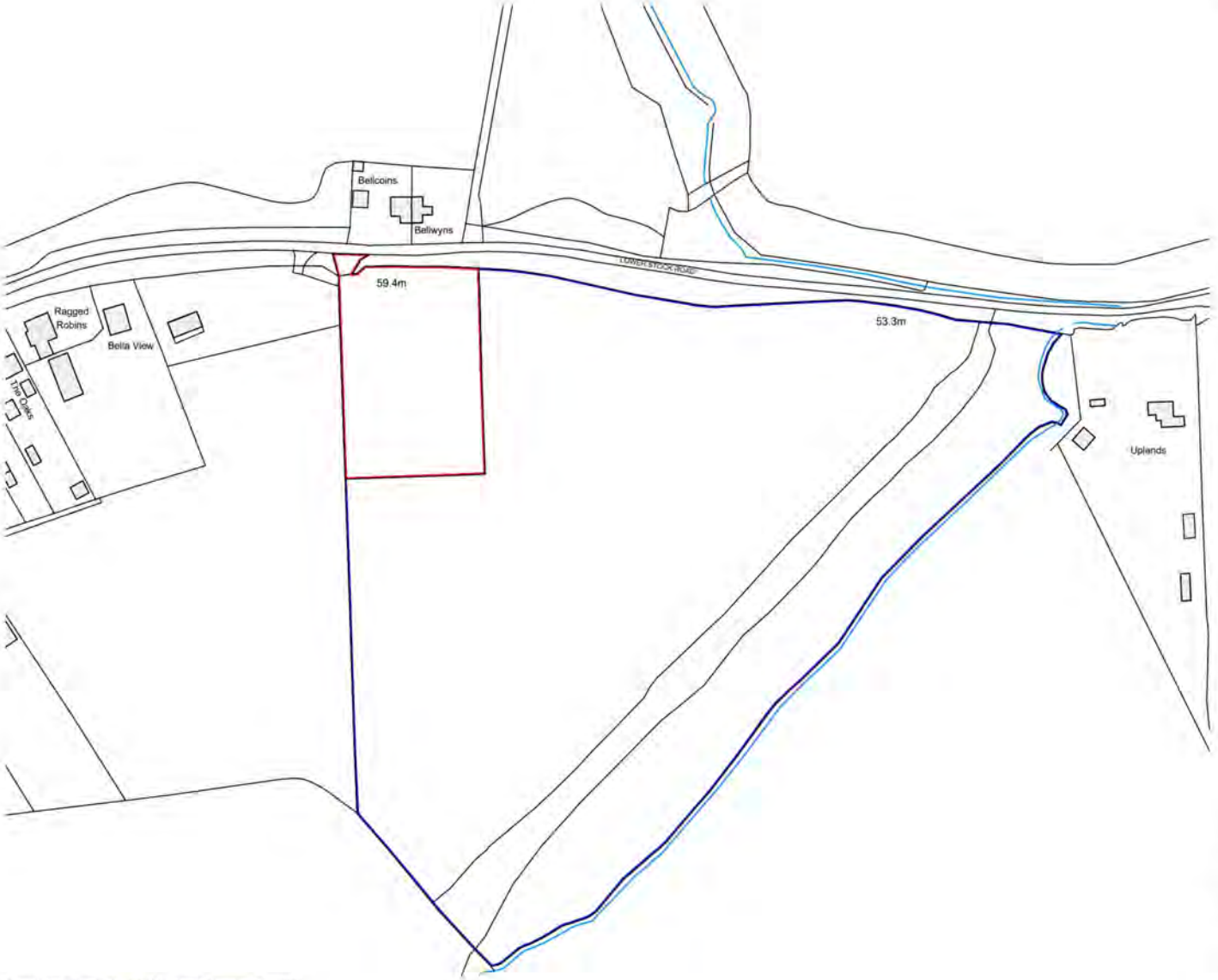
Essex Wildlife Trust Ltd

Comments
08.05.2024 - We wish to submit an overall objection to these proposals, on the basis that insufficient information in respect of impacts on ecology has been provided by the applicant. In addition, no provision has been made in respect of biodiversity net gain. We note that the onsite habitats were destroyed prior to submission of the applications. Gov.uk guidance is clear that where habitat clearance or degradation has taken place between 30 January 2020 and the submission of the planning application, the BNG baseline must be calculated from immediately prior to the occurrence of the clearance/degradation. The applicant has not provided an ecological assessment in respect of the onsite habitats. We advise that Chelmsford CC should require the applicant to provide such a report, based on the habitats which existed onsite prior to the site being ploughed. The applicant should also be required to provide a biodiversity gain plan. We apologise for the lateness of this submission, but we respectfully ask that our comments can be taken into consideration when making a decision on these proposals. Many thanks and kind regards,

Local Residents

Comments
Representations received – 53 letters of representation received. Full details of all the comments are available on the Council's website. A summary of the concerns raised are included in the report.

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.



SITE LOCATION PLAN

1:2500 SCALE - METRES (A4 SHEET)

0 10 20 30 40 60 80 100

REVISION:	DATE:	DRAWN:

PROJECT:
FRISTLING ESTATES,
LOWER STOCK ROAD

TITLE:
SITE LOCATION PLAN

SCALE:	DATE:	DRAWN:	CHKD:
1:2500 @ A4	MAR 24	NE	-

No.	REV.
23/30/17	-

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.

Bellwyns

SITE ENTRANCE

Existing site entrance & existing feild gate

LOWER STOCK ROAD

TRACK

LAWN

YARD

Proposed tree planting

New 1.2m high field fence

Cattle grid

New 1.2m high field fence

Underground water harvesting unit

Proposed tree planting

HAY BARN

10m

Proposed tree planting

COW BARN 1

COW BARN 2

COW BARN 3

Dead oak

53.3m

Uplands

RPA

T1 T2 T3 T4 T5 T6 T7 T8 T9 T10 T11 T12 T13 T14 T15

H1 H2 H3

G1 G2 G3 G4

NORTH

KEY

INDICATIVE TREE

EXISTING TREE

ROOT PROTECTION AREA

PROPOSED TREE

PROPOSED SITE PLAN

1:500 SCALE - METRES (A1 SHEET)

0 10 20 30 40 60 80 100

REVISION: | DATE: | DRAWN:

PROJECT: FRISTLING ESTATES, LOWER STOCK ROAD

TITLE: PROPOSED SITE PLAN

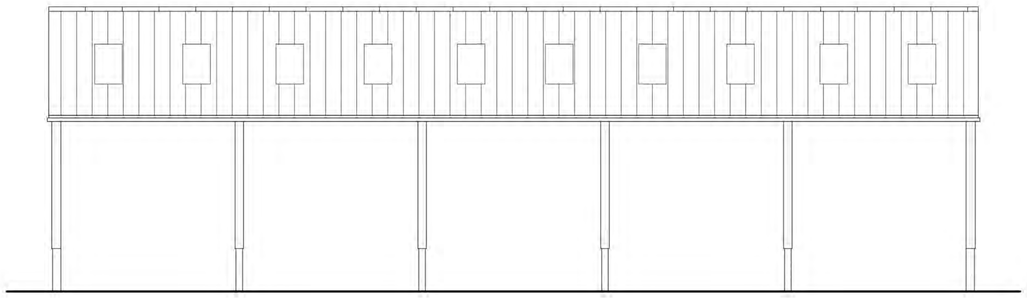
SCALE: 1:500 @ A1 | DATE: MAR 24 | DRAWN: NE | CHKD: -

No. 23/30/19 | REV: -

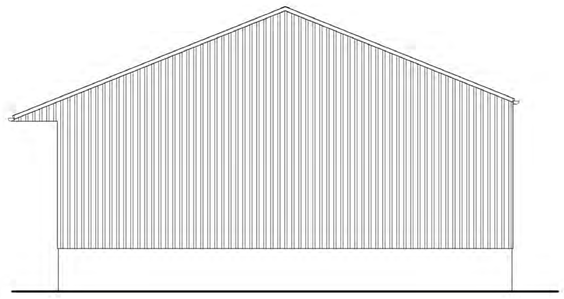
Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

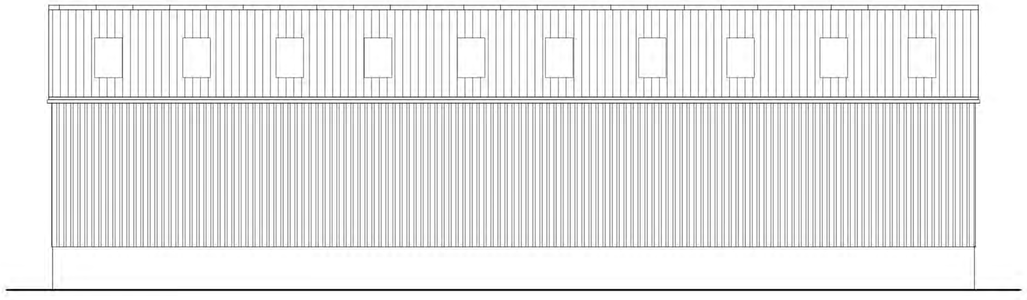
Do not scale from this drawing.
All information shown is to be checked on site
for accuracy and fit. Any discrepancies or omissions
to be reported to Arcady Architects immediately.



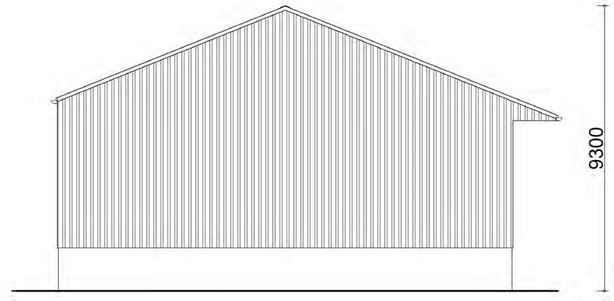
FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

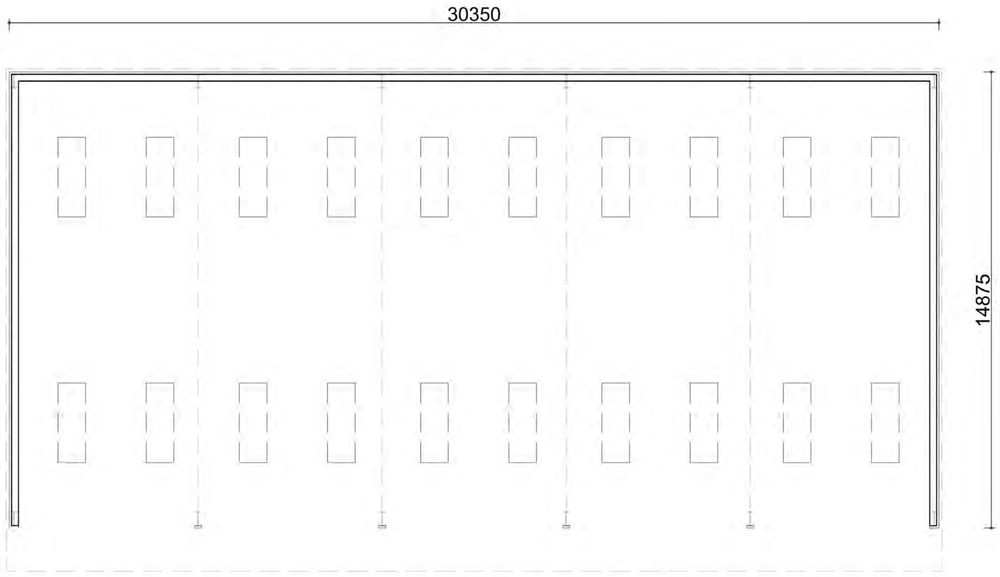
MATERIALS:

Roof - Eternit Profile 6

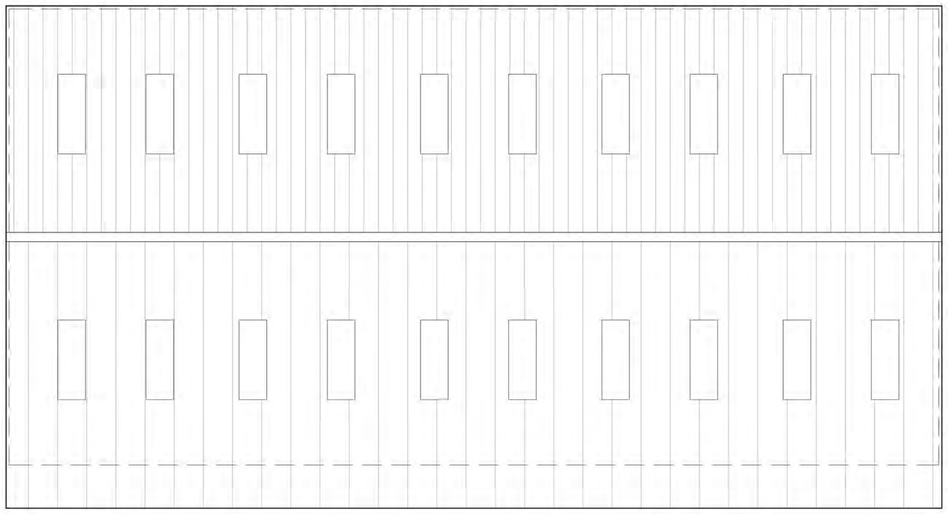
Upper Walls - Pressure treated timber hit and miss vertical boarding

Lower Walls - Pre cast concrete panels - either natural finish or faced in Bricks/brick slips

Gutters - 200mm diameter half round 'stormflo' PVC gutters and 110mm diameter down pipes (3no. per side)



FLOOR PLAN



ROOF PLAN

1:100 SCALE - METRES (A1 SHEET)

0 1 2 3 4 6 8 10

REVISION:		DATE:	DRAWN:

PROJECT:
FRISTLING HALL ESTATES,
LAND AT LOWER STOCK ROAD

TITLE:
PROPOSED PLANS & ELEVATIONS
-HAY BARN

SCALE:	DATE:	DRAWN:	CHKD:
1:100	NOV 23	CW	

Rev:	REV:
23/30/20	

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY
ARCHITECTS

Planning Committee
28th May 2024

Application No	:	24/00387/FUL Full Application
Location	:	Land East Of Ragged Robins Lower Stock Road West Hanningfield Chelmsford Essex
Proposal	:	**Erect a cow barn**
Applicant	:	Mr Gary Sharp
Agent	:	Mrs Nicole Elkins
Date Valid	:	13th March 2024

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 site is located within the Metropolitan Green Belt and comprises part of a wider agricultural field.

1.3. The proposed agricultural building is required to provide shelter for cattle.

1.4. Agricultural development is not inappropriate development in the Green Belt and there would not be any impact on the openness of the Green Belt.

1.5. A low level of harm to non-designated heritage assets would be outweighed by the public benefits to the rural economy and food supply from the agricultural use.

1.6. Any ecology impacts can be mitigated against through the imposition of conditions.

1.7. Mature trees adjacent to the proposed development would not be impacted.

1.8. There are no highway safety issues and the site has an acceptable access.

1.9. The relationship with neighbouring properties would be acceptable.

1.10. The design is acceptable for the proposed use.

1.11. The application is recommended for approval.

2. Description of site

2.1. The site is located within the Metropolitan Green Belt on Lower Stock Road, approximately 1km to the east of Downham Road. Lower Stock Road is a protected lane.

2.2. The application site comprises a rectangular parcel of land within a wider field of approximately 4.6ha. The wider field is broadly triangular in shape with mature trees and vegetation forming the boundaries.

2.3. There is an existing vehicular access from Lower Stock Road into the site positioned in the northwest corner.

2.4. A corridor of land running along the southeast boundary of the wider field is a Local Wildlife Site. A public footpath (Footpath 15 West Hanningfield) runs through this corridor and is separated from the agricultural land by mature trees and hedges.

2.5. Opposite the site access, to the north of Lower Stock Road, is a residential property “Bellcoins”. To the west of the site, approximately 86m from the access, there is a ribbon of residential properties.

3. Details of the proposal

3.1. Four individual applications have been submitted for agricultural buildings which would be located adjacent to each other. Each application proposes the construction of one agricultural building – this application relates to a new cow barn.

3.2. This proposed cow barn would have dimensions of 30.35m x 14.87m, a ridge height of 9.3m and eaves at 6.12m. The front would be predominately open with gates and feed gates positioned across the width at a height of approximately 1.2m. The side and rear elevations would comprise low concrete panels with timber hit and miss vertical boarding above. The roof would be clad with fibre cement sheets.

3.3. The barn would be located 86m to the south of the access from Lower Stock Road and approximately 30m from the existing western field boundary.

3.4. The three associated planning applications for a hay barn and two cow barns relate to the land to the north and south of the proposed cow barn. They would be positioned in a linear form with the rear elevations also located 30m from the western field boundary.

3.5. The application documents indicate that additional planting is proposed to the north of the application buildings, between the hay barn and Lower Stock Road, and to the west of the cow barn.

3.6. It is important to note that the applications relate to the construction of the proposed buildings and are not in relation to the keeping of cattle on the site. The keeping of cattle on agricultural land does not require planning permission and animals could be moved onto the site without the need for any planning consent from the Council.

4. Other relevant applications

4.1. Current planning applications associated with this application:

24/00389/FUL - Currently under consideration
Erect a cow barn

24/00388/FUL - Currently under consideration
Erect a cow barn

24/00386/FUL - Currently under consideration
Erect a hay barn

4.2. Applications previously refused by the Council in 2024:

23/01990/FUL - Refused 8th February 2024
Erect cow barn

23/01989/FUL - Refused 8th February 2024
Erect cow barn

23/01988/FUL - Refused 8th February 2024
Erect cow barn

23/01987/FUL - Refused 8th February 2024
Erect Hay Barn

4.3. The applications refused in February 2024 proposed locating the buildings in a linear form along the northern field boundary with Lower Stock Road. This would have resulted in a highly visible form of development which would have been harmful to the setting of both Lower Stock Road and Bellcoins. The level of harm to these non-designated heritage assets would not have been outweighed by the public benefits from the development.

4.4. The previous applications also did not contain any information regarding ecology and the potential impacts that the proposals might have to protected species or their habitats. In the absence of this information there was insufficient information regarding ecology impacts and/or any mitigation which might be necessary.

4.5. The four previous applications were all refused for the above reasons in respect of their impact on non-designated heritage assets and insufficient ecology information.

5. Summary of consultations

- Essex County Council Highways –
  - The proposed Cow Barn 1 would be for agricultural use.
  - This application is related to applications 24/00386/FUL, 24/00388/FUL and 24/00389/FUL.
  - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use.
  - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of appropriate conditions.

- Public Health & Protection Services – No comments in respect of this application.

- West Hanningfield Parish Council – concerns raised:
  The revised proposals do not address previous consultee concerns.
  The submitted information does not provide clarity on the proposals regarding traffic movements.
  No information regarding alternative sites has been provided.
  The proposals are out of keeping with the area and there would be a detrimental impact on amenity value of Lower Stock Road for people who use it.
  Insufficient information has been provided regarding waste from the development.
  The ecology survey was undertaken after the site had been ploughed and does not reflect the earlier condition of the site.

- Stock Parish Council – concerns raised:
  Concerned about state of Lower Stock Road, with the heavy vehicles being used by the farmer on Smallgains Lane & Swan Lane.
  Concerned about the damage to the verges by the increase in HGV's.

- Essex Wildlife Trust Ltd – Object on the basis that insufficient information in respects of ecology has been provided by the applicant. No provision for biodiversity net gain.

- Local residents -
  53 objections received. Main points raised:
  - There is no difference in the scale of the development from the previous applications
  - The new locations are worse than the refused proposals

- Contrary to the Village Design Statement:
  - Development on arable land should be avoided
  - Archaeological surveys should be considered prior to development of any sites
  - Developments should be sensitive to the immediate surroundings and should not dominate them
  - The rural style of village lanes should be protected
- Lower Stock Road is unsuitable for large vehicles
- Once the buildings have been constructed there may be future applications for change of use
- Overdevelopment of the site
- Road is narrow and unsuitable for large vehicles for moving cattle and/or during construction
- Risk to pedestrians and cyclists from additional traffic
- Potential for damage to verges from vehicles accessing the site
- Harmful to non-designated heritage assets - Bellcoins and the protected lane
- Road is prone to flooding
- Waste produced by cattle on the site will pollute nearby watercourses
- Impact of emissions from a greater number of cattle than the site can support
- Proposed buildings are of a size which is inconsistent with buildings in the vicinity of the site
- Waste from the cattle will result in odours, flies and rodent infestation
- Once the buildings are on the site it would become brownfield land permitting alternative uses such as housing
- The buildings will be within 400m of residential properties
- Loss of light to the property opposite the site
- Impact of any necessary lighting is unknown
- Increased noise from traffic travelling to and from the site and from cattle on the site
- Another site in Smallgains Lane has resulted in damage to the road from traffic
- Disruption from construction works
- Concern regarding animal welfare
- Impact on Local Wildlife Site and protected species
- No information regarding flooding
- No demonstration of agricultural need for the development
- Proposals submitted as individual applications rather than a combined application
- Impact on landscape character
- Health risks from animal waste
- No information as to whether the development would have an impact on public footpath
- The proposals breach Article 1 of Protocol 1 ECHR
- The site has been ploughed since the determination of the earlier applications – impact of this on protected species is unknown
- The development fails to provide for a 10% biodiversity net gain
- Alternative sites within the Applicant's holding should be considered
- Detrimental impact on house prices
- Additional works as requested by ECC Highways would have a detrimental impact on the lane and Bellcoins
- Additional impact to Heritage Assets at the east end of Lower Stock Road from increased vehicle movements
- The buildings will impact the existing trees along the field boundary
- Information in the supporting documents is misleading
- The public footpath has been ploughed
- There has been no assessment from Public Health and Protection Services

6. Planning considerations

Main Issues

6.1. The main issue is whether the proposed development is acceptable in the Green Belt.

6.2. It is also necessary to consider whether the proposal would have a detrimental impact on non-designated heritage assets.

6.3. Consideration is also given as to whether there would be any harmful impacts in respect of ecology on and around the site.

6.4. The relationship between the proposed development and existing mature trees along the western field boundary.

6.5. It is necessary to assess whether the development would be detrimental to highway safety and whether the site has an acceptable access.

6.6. The relationship between the proposed development and neighbouring properties must also be assessed.

Development within the Green Belt

6.7. The site is located within the Metropolitan Green Belt where National and Local planning policies severely restrict new development and the construction of new buildings. Chapter 13 of the National Planning Policy Framework (NPPF) relates to protecting Green Belt land. Paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. One of the purposes of the Green Belt is also to assist in safeguarding the countryside from encroachment.

6.8. Paragraphs 152 - 153 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.9. Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to a list of stated exceptions. The first exception permitted by part a) of Para 154 is the construction of buildings for agriculture and forestry.

6.10. Local Planning Policies align with the National objectives of the NPPF. Policy S1 specifies that the Council will require all new development to accord with the identified spatial principles. The spatial principle to protect the Green Belt is relevant to this proposal. Policy S11 relates to the Role of the Countryside and identifies that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the

purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.

6.11. Policy DM6 relates to New Buildings in the Green Belt. This states that:

"Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances."

6.12. Section A) of this policy specifically relates to new buildings and sets out the types of development where planning permission will be granted as exceptions to inappropriate development. Buildings for agriculture and forestry (criterion i) are stated as an exception to inappropriate development.

6.13. Case law has established that buildings for agriculture and forestry are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt.

6.14. The applicant is a well-established local cattle farmer and the proposed building is a cow barn intended to support the keeping of cattle on the wider field. The proposed building falls within the exception to inappropriate development set out in part a) of para 154 of the NPPF and would not have a harmful impact on the openness of the Green Belt.

Heritage Assets

6.15. Para 200 of the NPPF states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

6.16. Para 209 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

6.17. Policy S3 states "The Council will conserve and where appropriate enhance the historic environment recognising the positive contribution it makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets. This includes wider social, cultural, economic and environmental benefits."

6.18. Policy DM14 states "Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that:

i. the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and
ii. harm is minimised through retention of features of significance and/or good design and/or mitigation measures."

6.19. The section of Lower Stock Road which abuts the northern side of the application site is designated as a protected lane. It was identified within the 2009 protected lanes study, which formed part of the evidence base for the 2020 Local Plan.

6.20. Policy DM14 identifies protected lanes as non-designated heritage assets, with the objective to protect their character, which includes their setting.

6.21. The lane scores highly for its historic integrity, diversity and biodiversity, due to its range of features, limited erosion of character and range of hedgerows, trees, verge and ditches. The lane is likely to be of at least medieval origins, linking the historic settlements of Stock and West Hanningfield with a number of sixteenth and seventeenth century buildings en-route. The framework of historic field boundaries in the wider area remains, with some removal of field boundaries in the twentieth century. The setting is rural in character and contributes to the experience of the characterful narrow meandering lane within an historic landscape.

6.22. "Bellcoins" lies on the north side of the lane, opposite the site entrance. Now one house, it was historically a pair of farmworkers cottages, probably originating from the late eighteenth or early nineteenth century. It has been altered and extended but retains some character as a vernacular building. It is of some modest heritage value and is considered to be a non-designated heritage asset of low heritage value.

6.23. The cottage's relationship with the lane and surrounding agricultural land contributes to its significance.

6.24. The NPPF describes setting as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve*.' The surrounding landscape, including the application site, is part of how the lane is experienced and forms part of its setting.

6.25. Following the refusal of four applications for the same development of one hay barn and three cow barns in the northern part of the wider field, adjacent to Lower Stock Road, the proposed buildings have been turned 90 degrees to the lane and Bellcoins, and set back from the lane further. There would be a distance of approximately 86m between Lower Stock Road and the northern elevation of the cow barn.

6.26. This distance would limit the impact on the setting of the heritage assets, with the narrow end of the cow barn building facing Bellcoins and set to the south of the proposed hay barn. Whilst the building is large scale and would be clearly visible from the lane and from Bellcoins, its impact is reduced in the revised scheme, as is the case for the hay barn and the two other cow barns. There is also new tree planting indicated adjacent to the lane and on the western boundary, which when matured would help to provide some filtering of views towards the development.

6.27. The proposals would therefore lead to a low level of harm to the protected lane of moderate significance and a very low level of harm to a cottage of low significance. This harm should be weighed in the planning balance.

6.28. Part b) of Para 88 of the NPPF sets out that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

6.29. There would be some public benefits from the proposal, either in the form of one building or the cumulative proposals for four buildings, in that it would support the local rural economy. In light of the low level of harm which would occur to the non-designated heritage assets, the proposed public benefits would outweigh this harm.

6.30. Previous concerns regarding the size of vehicles which would be used to access the site and the frequency of vehicle movements have been addressed in the supporting information accompanying the planning application. The applicant has clarified that once operational vehicle movements are likely to be twice daily either in a car, pick-up or gaitor utility vehicle to check and feed the animals. Cattle would be moved on/off site every 6-8 months and barns would be cleaned out every 5-6 weeks both with use of a tractor/trailer. Hay/haylage and silage to feed the cattle would be delivered once a year also by tractor/trailer.

6.31. Subject to the imposition of appropriate conditions in respect of the external materials of the building, external lighting and additional landscaping the proposed development would not unduly impact the setting of the non-designated heritage assets and the low level of harm that would occur would be outweighed by the public benefits of supporting the rural economy and food production.

Ecology

6.32. Chapter 15 of the National Planning Policy Framework requires that planning decisions should minimise impact on and provide net gains for biodiversity. Para 186a of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

6.33. Policy S4 states "The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary."

6.34. Paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 highlights that: "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

6.35. Following the refusal of the previous applications, the current planning applications are accompanied by an Ecological Survey and Assessment (ESA) report of the application site area and the wider field. The previous applications were not accompanied by any ecological information.

6.36. The planning application and the ESA report have been considered by the Council's Consultant Ecologists. The Ecologist's assessment of the proposals highlights that the applications fall within the definition of a 'Small Site' in accordance with The Small Sites Metric (Biodiversity Metric 4.0) - User Guide (DEFRA, February 2024). At the time that the application was submitted it was exempt from mandatory Biodiversity Net Gain.

6.37. The advice from the Ecologist indicates that there is sufficient ecological information available to determine the planning application and that any likely impacts of the proposal on designated sites, protected and Priority species and habitats can be appropriately mitigated against through the imposition of appropriate conditions.

6.38. The suggested conditions relate to:

i) Securing the mitigation measures set out in the ESA
ii) The submission, approval and implementation of a Biodiversity Method Statement for the Local Wildlife Site to the east of the application site.
iii) The submission, approval and implementation of detailed biodiversity enhancements listed in the ESA.
iv) The submission, approval and implementation of a wildlife sensitive lighting scheme.

6.39. Subject to the suggested conditions being imposed, the development would not have a detrimental impact on protected species or their habitat and complies with the objectives of Chapter 15 of the NPPF and Policies S4 and DM16.

Trees

6.40. The application is accompanied by detailed arboricultural documents. These documents demonstrate that the proposed development would be located outside of the root protection areas of the mature trees on the western field boundary. The trees would not be impacted by the proposed development.

6.41. A condition is recommended to ensure that the development is implemented in accordance with the tree protection measures set out in the arboricultural documents.

6.42. The proposed rainwater harvesting tank indicated adjacent to the cow barn would be positioned immediately adjacent to the protective fencing around the root protection area of the trees along the western boundary. In order to ensure that the protective fencing is maintained during construction it is recommended that the rainwater harvesting tank is relocated away from the fencing. This can be achieved through the imposition of a condition requiring the details of the relocated tank prior to its installation.

Highway Safety & Access

6.43. The Local Highway Authority (LHA) has been consulted in respect of the proposals and they have no objections in respect of impact on highway safety.

6.44. The LHA has recommended that conditions are imposed on any approval; the requested conditions primarily relate to works to upgrade the access to the site. However, the existing access from Lower Stock Road already has a hardened surface and the existing gates are set back further than the distance requested by the LHA. There would be sufficient space within the site for vehicles to turn and leave in a forward gear and the access with Lower Stock Road is already at right angles to the carriageway.

6.45. The requested conditions are not required in order to make the development acceptable and it would not be reasonable to require additional works to the access. The site has an acceptable access and the proposed development would not be detrimental to highway safety.

Neighbour Amenity

6.46. Policy DM29 requires development proposals to safeguard the living environment of occupiers of nearby residential property.

6.47. The proposed cow barn would be located 86m to the south of Lower Stock Road, there would be a minimum distance of 100m between the cow barn and the front elevation of "Bellcoins", the closest neighbouring property. In respect of the properties to the west, there would be a minimum distance of 126m between the rear elevation of the cow barn and the closest property.

6.48. In light of the significant distances which would exist between the application building and the neighbouring properties, the proposal would not result in any adversely prejudicial impacts in respect of loss of light, overbearing or overshadowing impacts.

6.49. In respect of odours occurring from the keeping of cattle on the site, the proposed building is intended to provide shelter for cattle. However, cattle could be kept on the land without the applicant requiring any permission from the Council.

6.50. While agricultural activity, particularly that which relates to livestock, can generate odours, there is no evidence that a well-managed site would result in undue disturbance.

6.51. As set out above in relation to ecology, if approval is granted for the proposal it would be subject to a condition requiring a scheme of external lighting to be approved by the Council. This would ensure that there would not be any excessive lighting which may have an impact on either neighbouring properties or the surrounding countryside.

6.52. The proposal therefore complies with the requirements of Policy DM29.

Other Matters

6.53. The proposed building is of a size, design and appearance which is typical of agricultural buildings commonly found in the countryside. They are functional and utilitarian buildings which serve an agricultural purpose and are appropriate for the proposed use. Modern agricultural buildings do not reflect the domestic scale and appearance of residential properties and would not be suitable for their required purpose if they did.

6.54. The proposed design and appearance of the building is appropriate for its purpose.

6.55. Green Belt policy does not require a need for an agricultural building to be demonstrated. Notwithstanding this, the applicant is a well-established local cattle farmer with one of the largest herds of cattle in the country. There is no reason to doubt that there is a genuine agricultural need for the proposed buildings.

6.56. The applicant is entitled to submit applications in the manner that he has i.e. four individual planning applications. The Council has considered the individual and cumulative impact of the four applications.

6.57. This type of application on land within Flood Zone 1 does not require the submission of a flood risk assessment or any other flooding information.

6.58. The public footpath is separated from the field by mature trees and vegetation. It does not run through the main parcel of land which the proposed buildings would be located within.

6.59. The proposed construction of agricultural buildings for the keeping of livestock within 400m of residential properties cannot be permitted development but this does not mean that they are unacceptable in principle. Such a location requires the submission of a planning application so that any potential impact to residential properties can be assessed.

6.60. The Local Highway Authority is responsible for maintaining unclassified roads such as Smallgains Lane and Lower Stock Road. The condition of the road surface is a matter for the LHA to address.

6.61. Animal welfare is legislated for, and inspections are carried out, by DEFRA. Planning legislation cannot take into account matters which are regulated under separate legislation and as such this is not a material consideration when determining planning applications.

6.62. Noise and disruption generated during the construction of any development is by its nature temporary and it cannot be taken into account when determining planning applications.

6.63. Agricultural land, whether it contains buildings or not, is excluded from the definition of "previously developed land", also known as "brownfield land". The construction of agricultural buildings does not indicate or permit future development of a site. Planning applications must be determined on their own merits in accordance with the current planning policies in force at that time. It is not reasonable to predict what may occur in future and base planning decisions on future proposals which are not part of the current application.

6.64. In respect of the sections of the West Hanningfield Village Design Statement referenced in objections to the proposed development:

- The proposals relate to agricultural development on agricultural land, such development will usually be located on agricultural land.
- Essex County Council Historic Environment Branch notify the City Council when sites are known or suspected to contain archaeology. In respect of this application, Place Services have commented on Lower Stock Road being a Protected Lane but have not raised any other issues in respect of archaeology. Therefore, no archaeological surveys are required.
- The proposed development has been revised in order to minimise its impact on the non-designated heritage assets and to take advantage of existing mature vegetation along the field boundaries.
- The proposed development would not result in harm to the rural lane.

7. Community Infrastructure Levy (CIL)

7.1. Agricultural development 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, details 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
The development hereby approved shall be implemented in accordance with the mitigation measures and/or works contained within the Ecological Survey and Assessment (Essex mammals Surveys, February 2024).

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 5
No development shall commence until a Biodiversity Method Statement for Local Wildlife Sites (Ch75 Blythhedges Meadow) has been submitted to and approved in writing by the Local Planning Authority.

The content of the method statement shall include the following:
a) purpose and objectives for the proposed works;
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c) extent and location of proposed works shown on appropriate scale maps and plans;
d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e) persons responsible for implementing the works;
f) initial aftercare and long-term maintenance (where relevant);
g) disposal of any wastes arising from works.

The development shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 6
Prior to the commencement of any above ground construction, details of the biodiversity enhancements listed in the Ecological Survey and Assessment (Essex Mammal Surveys, February 2024) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:

a) detailed designs or product descriptions for the biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The development shall be implemented in accordance with the approved details prior to the first use of the development and all features shall be retained thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 7
Prior to the first use of the development, a "lighting design strategy for biodiversity" in accordance with GN:08/23(ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Subsequently all external lighting shall be installed in accordance with the approved details and maintained as such. No further lighting shall be installed without the prior permission from the Local Planning Authority.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 8
Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

a) hard surfacing including pathways, 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) Management details and a five year maintenance plan.

Reason:
In order to add character to the development and to integrate the development into the area in accordance with Policy DM23 of the Chelmsford Local Plan.

Condition 9
Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or The Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent legislation, the building hereby approved shall not be used for any purpose other than for agriculture and associated ancillary uses.

Reason:
The building is not inappropriate development in the Green Belt as it is required for agriculture. Alternative uses of the building could introduce unsympathetic and harmful activity on the site which could be harmful to the Green Belt, neighbour amenity and the setting of the non-designated heritage assets contrary to the objectives of the National Planning Policy Framework and Chelmsford Local Plan Policies.

Condition 10
In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled “Arboricultural Impact Assessment and Method Statements” ref. TPSQU0031 Issue 1.

Reason:
To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 of the Chelmsford Local Plan.

Condition 11
Prior to the installation of the rainwater harvesting tank, details of its location shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:
To ensure that the tank is located away from the protective fencing adjacent to the root protection area of the mature trees on the western field boundary to safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 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

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

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

Positive and Proactive Statement

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

Appendix 1 – Drawing No(s)

Plans to be listed on any Decision Notice:

23/30/21
23/30/22
23/30/23
23/30/24
TPSQU0031 TPP
Ecological Survey and Assessment
Appendix 1 - 6
Arboricultural Impact Assessment and Method Statement

Appendix 2 – Consultations

Essex County Council Highways

Comments
29.04.2024 - Your Ref: 24/00387/FUL Our Ref: CO/EGD/SD/RM/CHL/24/387/58707 Date:- 26th April 2024 - The proposed Cow Barn 1 would be for agricultural use. - This application is related to applications 24/00386/FUL, 24/00388/FUL and 24/00389/FUL. - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions: 1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.

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

2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

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

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

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

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

West Hanningfield Parish Council

Comments
22.04.2024 - The following comment addresses applications 24/00386/7/8/9. These revised applications do nothing to address the concerns of the ECC Historic Environment Branch raised in the consultee comments for the first applications. In the first applications, the comments provided by Planning & Listed Building and Conservation, raised concerns pertaining to the impact of the size of the buildings. It would appear that no further information has been provided and that the information regarding traffic movements is vague considering the high number of heavy vehicle movements required to service an industrial project such as this. The concerns raised by Stock Parish Council in respect of road damage caused by the applicant's similar operations within its parish reflect the number and type of traffic movements associated with these activities. In the first applications the comments from Planning & Listed Building and Conservation requested that a suitable alternative site be sought from the applicant's extensive land holding; nothing has been forthcoming. Lower Stock Road is a Historic protected lane and this development with its attendant buildings and vehicle movements are totally out of keeping with the area and the nature and size of the road. Access into either end of Lower Stock Road is restrictive and not suitable for vehicles of the size which will be required to service this unit. The development and associated vehicle movements will have a detrimental impact upon the amenity value of Lower Stock Road for the many cyclists, dogwalkers, horse riders and pedestrians who use the road. The issue of containment of effluent spillage has not been addressed and no further information has been provided in these second applications for how this is to be contained. This is a significant risk to the local waterways and the Nitrate Sesitivity of the area.

The Ecological Survey was carried out after the site had been ploughed and is therefore totally irrelevant to what habitat was present on site when the first applications were made, and therefore should not be considered as supporting evidence for these applications. The applicant's letter includes two photographs which shows the field laid to grass, which appears incorrect.

As regards administration, applications 24/00387/8/9 are entitled 'Erect a Cow Barn', yet all three application forms state on page 4 that the application is for a hay barn. Which is it that is proposed?

Of note is that Essex Highways have been consulted on application 24/386/FUL but not on applications 24/00387/8/9. It is imperative they be consulted on all four applications since the impact on Lower Stock Road will be substantial. It is also noted that Essex Highways have not submitted a comment; it is felt they should be chased for a comment.

Public Health & Protection Services

Comments
21.03.2024 - No PH&PS comments with regard to this application.

Essex Wildlife Trust Ltd

Comments
08.05.2024 - We wish to submit an overall objection to these proposals, on the basis that insufficient information in respect of impacts on ecology has been provided by the applicant. In addition, no provision has been made in respect of biodiversity net gain. We note that the onsite habitats were destroyed prior to submission of the applications. Gov.uk guidance is clear that where habitat clearance or degradation has taken place between 30 January 2020 and the submission of the planning application, the BNG baseline must be calculated from immediately prior to the occurrence of the clearance/degradation. The applicant has not provided an ecological assessment in respect of the onsite habitats. We advise that Chelmsford CC should require the applicant to provide such a

report, based on the habitats which existed onsite prior to the site being ploughed. The applicant should also be required to provide a biodiversity gain plan.

We apologise for the lateness of this submission, but we respectfully ask that our comments can be taken into consideration when making a decision on these proposals.

Many thanks and kind regards,

Stock Parish Council

Comments
12.04.2024 - Discussed in the Parish Council Meeting 9/4/24 Councillors are concerned about the state of the road that could also occur on Lower Stock Road, with the heavy vehicles that are currently also being used by the farmer on Smallgains Lane & Swan Lane. Therefore they would request that Highways take a look at Smallgains Lane to see the damage to the verges by the increase in large heavy farm vehicles.

Local Residents

Comments
Representations received – 53 letters of representation received. Full details of all the comments are available on the Council's website. A summary of the concerns raised are included in the report.

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.

SITE LOCATION PLAN

1:2500 SCALE - METRES (A4 SHEET)

0 10 20 30 40 60 80 100

REVISION:	DATE:	DRAWN:

PROJECT:
FRISTLING ESTATES,
LOWER STOCK ROAD

TITLE:
SITE LOCATION PLAN

SCALE:	DATE:	DRAWN:	CHKD:
1:2500 @ A4	MAR 24	NE	-

No.	REV.
23/30/21	-

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY
ARCHITECTS

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.

Bellwyns

SITE ENTRANCE

LOWER STOCK ROAD

TRACK

LAWN

YARD

HAY BARN

COW BARN 1

COW BARN 2

COW BARN 3

Proposed tree planting

New 1.2m high field fence

Cattle grid

New 1.2m high field fence

Underground water harvesting unit

Dead oak

53.3m

Uplands

T1 T2 T3 T4 T5 T6 T7 T8 T9 T10 T11 T12 T13 T14 T15 H1 H2 H3 G1 G2 G3 G4

RPA

KEY

INDICATIVE TREE

EXISTING TREE

ROOT PROTECTION AREA

PROPOSED TREE

PROPOSED SITE PLAN

1:500 SCALE - METRES (A1 SHEET)

0 10 20 30 40 60 80 100

REVISION:	DATE:	DRAWN:

PROJECT: FRISTLING ESTATES, LOWER STOCK ROAD

TITLE: PROPOSED SITE PLAN

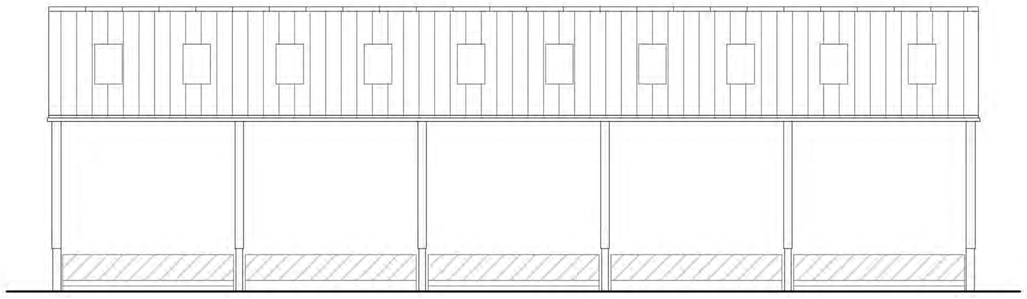
SCALE	DATE	DRAWN	CHKD.
1:500 @ A1	MAR 24	NE	-

No. 23/30/23 REV. -

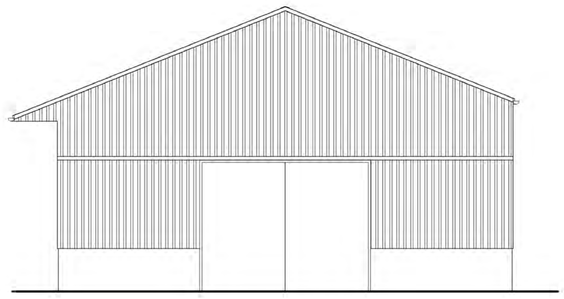
Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

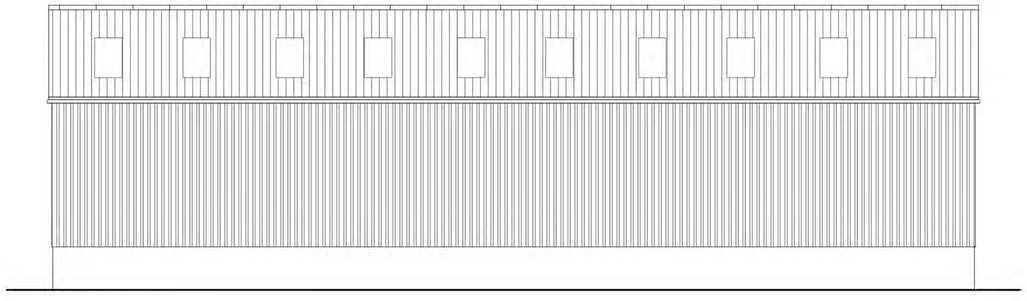
Do not scale from this drawing.
All information shown is to be checked on site
for accuracy and fit. Any discrepancies or omissions
to be reported to Arcady Architects immediately.



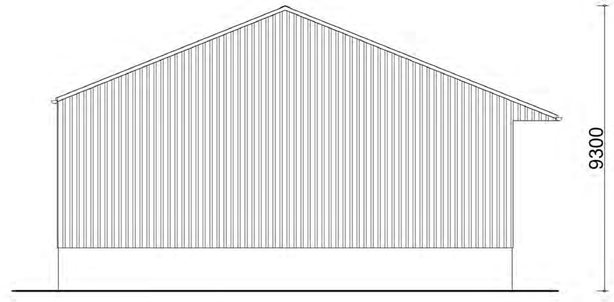
FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

MATERIALS:

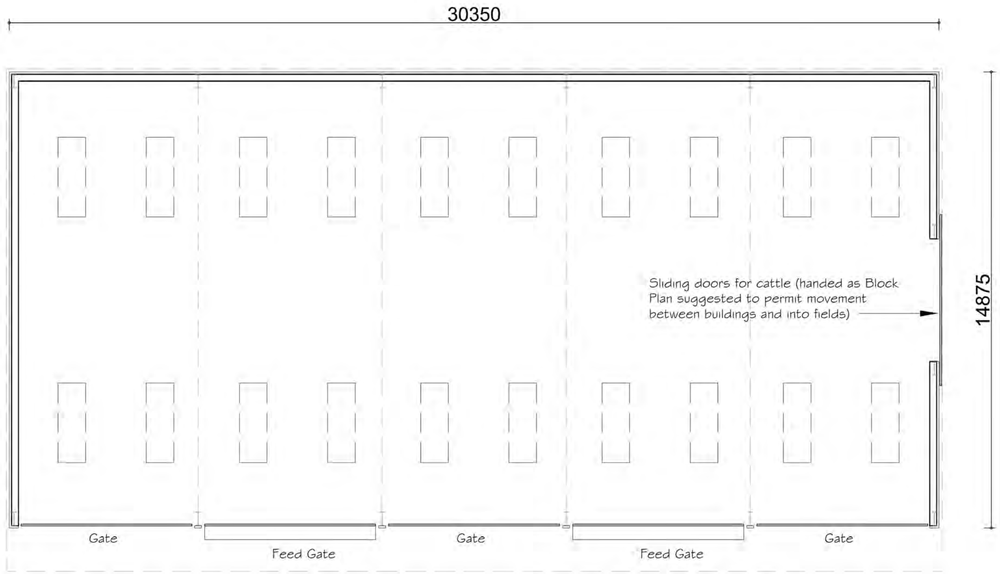
Roof - Eternit Profile 6

Upper Walls - Pressure treated timber hit and miss vertical boarding

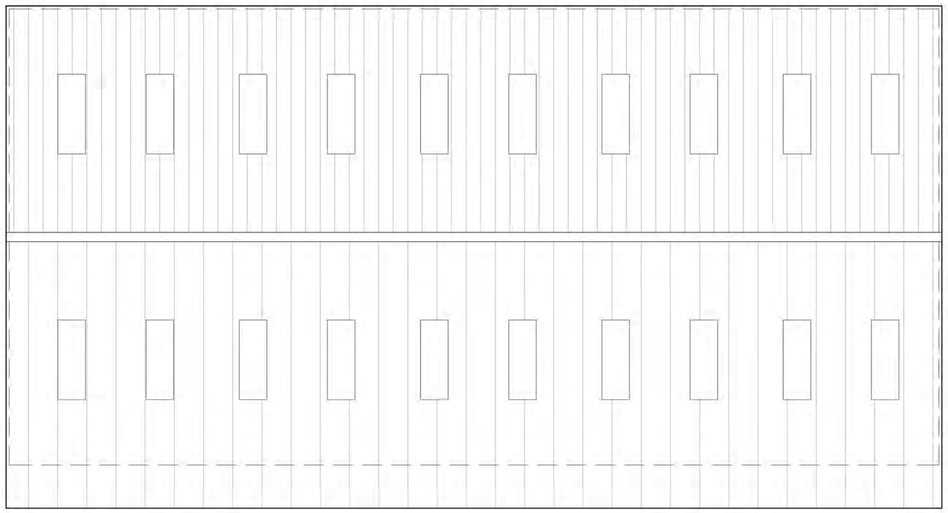
Lower Walls - Pre cast concrete panels - either natural finish or faced in Bricks/brick slips

Gutters - 200mm diameter half round 'stormflo' PVC gutters and 110mm diameter down pipes (3no. per side)

Diagonal feed gate units with galvanised feed hoppers and galvanised standard gates



FLOOR PLAN



ROOF PLAN

1:100 SCALE - METRES (A1 SHEET)

0 1 2 3 4 6 8 10

REVISION:		DATE:	DRAWN:
PROJECT: FRISTLING HALL ESTATES, LAND AT LOWER STOCK ROAD			
TITLE: PROPOSED PLANS & ELEVATIONS -COW BARN 1			
SCALE: 1:100	DATE: NOV 23	DRAWN: CW	CHKD:
No: 23/30/24	REV:		

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

Planning Committee
28th May 2024

Application No	:	24/00388/FUL Full Application
Location	:	Land East Of Ragged Robins Lower Stock Road West Hanningfield Chelmsford Essex
Proposal	:	**Erect a cow barn**
Applicant	:	Mr Gary Sharp
Agent	:	Mrs Nicole Elkins
Date Valid	:	13th March 2024

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 site is located within the Metropolitan Green Belt and comprises part of a wider agricultural field.

1.3. The proposed agricultural building is required to provide shelter for cattle.

1.4. Agricultural development is not inappropriate development in the Green belt and there would not be any impact on the openness of the Green Belt.

1.5. A low level of harm to non-designated heritage assets would be outweighed by the public benefits to the rural economy and food supply from the agricultural use.

1.6. Any ecology impacts can be mitigated against through the imposition of conditions.

1.7. Mature trees adjacent to the proposed development would not be impacted.

1.8. There are no highway safety issues and the site has an acceptable access.

1.9. The relationship with neighbouring properties would be acceptable.

1.10. The design is acceptable for the proposed use.

1.11. The application is recommended for approval.

2. Description of site

2.1. The site is located within the Metropolitan Green Belt on Lower Stock Road, approximately 1km to the east of Downham Road. Lower Stock Road is a protected lane.

2.2. The application site comprises a rectangular parcel of land within a wider field of approximately 4.6ha. The wider field is broadly triangular in shape with mature trees and vegetation forming the boundaries.

2.3. There is an existing vehicular access from Lower Stock Road into the site positioned in the northwest corner.

2.4. A corridor of land running along the southeast boundary of the wider field is a Local Wildlife Site. A public footpath (Footpath 15 West Hanningfield) runs through this corridor and is separated from the agricultural land by mature trees and hedges.

2.5. Opposite the site access, to the north of Lower Stock Road, is a residential property “Bellcoins”. To the west of the site, approximately 86m from the access, there is a ribbon of residential properties.

3. Details of the proposal

3.1. Four individual applications have been submitted for agricultural buildings which would be located adjacent to each other. Each application proposes the construction of one agricultural building – this application relates to a new cow barn.

3.2. This proposed cow barn would have dimensions of 30.35m x 14.87m, a ridge height of 9.3m and eaves at 6.12m. The front would be predominately open with gates and feed gates positioned across the width at a height of approximately 1.2m. The side and rear elevations would comprise low concrete panels with timber hit and miss vertical boarding above. The roof would be clad with fibre cement sheets.

3.3. The barn would be located 121m to the south of the access from Lower Stock Road and approximately 30m from the existing western field boundary.

3.4. The three associated planning applications for a hay barn and two cow barns relate to the land to the north and south of the proposed cow barn. They would be positioned in a linear form with the rear elevations also located 30m from the western field boundary.

3.5. The application documents indicate that additional planting is proposed to the north of the application buildings, between the hay barn and Lower Stock Road, and to the west of the cow barn.

3.6. It is important to note that the applications relate to the construction of the proposed buildings and are not in relation to the keeping of cattle on the site. The keeping of cattle on agricultural land does not require planning permission and animals could be moved onto the site without the need for any planning consent from the Council.

4. Other relevant applications

4.1. Current planning applications associated with this application:

24/00389/FUL - Currently under consideration
Erect a cow barn

24/00387/FUL - Currently under consideration
Erect a cow barn

24/00386/FUL - Currently under consideration
Erect a hay barn

4.2. Applications previously refused by the Council in 2024:

23/01990/FUL - Refused 8th February 2024
Erect cow barn

23/01989/FUL - Refused 8th February 2024
Erect cow barn

23/01988/FUL - Refused 8th February 2024
Erect cow barn

23/01987/FUL - Refused 8th February 2024
Erect Hay Barn

4.3. The applications refused in February 2024 proposed locating the buildings in a linear form along the northern field boundary with Lower Stock Road. This would have resulted in a highly visible form of development which would have been harmful to the setting of both Lower Stock Road and Bellcoins. The level of harm to these non-designated heritage assets would not have been outweighed by the public benefits from the development.

4.4. The previous applications also did not contain any information regarding ecology and the potential impacts that the proposals might have to protected species or their habitats. In the absence of this information there was insufficient information regarding ecology impacts and/or any mitigation which might be necessary.

4.5. The four previous applications were all refused for the above reasons in respect of their impact on non-designated heritage assets and insufficient ecology information.

5. Summary of consultations

- Essex County Council Highways –
  - The proposed Cow Barn 2 would be for agricultural use.
  - This application is related to applications 24/00386/FUL, 24/00387/FUL and 24/00389/FUL.
  - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use.
  - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of appropriate conditions.

- Public Health & Protection Services – No comments in respect of this application.

- West Hanningfield Parish Council – concerns raised:
  The revised proposals do not address previous consultee concerns.
  The submitted information does not provide clarity on the proposals regarding traffic movements.
  No information regarding alternative sites has been provided.
  The proposals are out of keeping with the area and there would be a detrimental impact on amenity value of Lower Stock Road for people who use it.
  Insufficient information has been provided regarding waste from the development.
  The ecology survey was undertaken after the site had been ploughed and does not reflect the earlier condition of the site.

- Stock Parish Council – concerns raised:
  Concerned about state of Lower Stock Road, with the heavy vehicles being used by the farmer on Smallgains Lane & Swan Lane.
  Concerned about the damage to the verges by the increase in HGV's.

- Essex Wildlife Trust Ltd – Object on the basis that insufficient information in respects of ecology has been provided by the applicant. No provision for biodiversity net gain.

- Local residents -
  53 objections received. Main points raised:
  - There is no difference in the scale of the development from the previous applications
  - The new locations are worse than the refused proposals

- Contrary to the Village Design Statement:
  - Development on arable land should be avoided
  - Archaeological surveys should be considered prior to development of any sites
  - Developments should be sensitive to the immediate surroundings and should not dominate them
  - The rural style of village lanes should be protected
- Lower Stock Road is unsuitable for large vehicles
- Once the buildings have been constructed there may be future applications for change of use
- Overdevelopment of the site
- Road is narrow and unsuitable for large vehicles for moving cattle and/or during construction
- Risk to pedestrians and cyclists from additional traffic
- Potential for damage to verges from vehicles accessing the site
- Harmful to non-designated heritage assets - Bellcoins and the protected lane
- Road is prone to flooding
- Waste produced by cattle on the site will pollute nearby watercourses
- Impact of emissions from a greater number of cattle than the site can support
- Proposed buildings are of a size which is inconsistent with buildings in the vicinity of the site
- Waste from the cattle will result in odours, flies and rodent infestation
- Once the buildings are on the site it would become brownfield land permitting alternative uses such as housing
- The buildings will be within 400m of residential properties
- Loss of light to the property opposite the site
- Impact of any necessary lighting is unknown
- Increased noise from traffic travelling to and from the site and from cattle on the site
- Another site in Smallgains Lane has resulted in damage to the road from traffic
- Disruption from construction works
- Concern regarding animal welfare
- Impact on Local Wildlife Site and protected species
- No information regarding flooding
- No demonstration of agricultural need for the development
- Proposals submitted as individual applications rather than a combined application
- Impact on landscape character
- Health risks from animal waste
- No information as to whether the development would have an impact on public footpath
- The proposals breach Article 1 of Protocol 1 ECHR
- The site has been ploughed since the determination of the earlier applications – impact of this on protected species is unknown
- The development fails to provide for a 10% biodiversity net gain
- Alternative sites within the Applicant's holding should be considered
- Detrimental impact on house prices
- Additional works as requested by ECC Highways would have a detrimental impact on the lane and Bellcoins
- Additional impact to Heritage Assets at the east end of Lower Stock Road from increased vehicle movements
- The buildings will impact the existing trees along the field boundary
- Information in the supporting documents is misleading
- The public footpath has been ploughed
- There has been no assessment from Public Health and Protection Services

6. Planning considerations

Main Issues

6.1. The main issue is whether the proposed development is acceptable in the Green Belt.

6.2. It is also necessary to consider whether the proposal would have a detrimental impact on non-designated heritage assets.

6.3. Consideration is also given as to whether there would be any harmful impacts in respect of ecology on and around the site.

6.4. The relationship between the proposed development and existing mature trees along the western field boundary.

6.5. It is necessary to assess whether the development would be detrimental to highway safety and whether the site has an acceptable access.

6.6. The relationship between the proposed development and neighbouring properties must also be assessed.

Development within the Green Belt

6.7. The site is located within the Metropolitan Green Belt where National and Local planning policies severely restrict new development and the construction of new buildings. Chapter 13 of the National Planning Policy Framework (NPPF) relates to protecting Green Belt land. Paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. One of the purposes of the Green Belt is also to assist in safeguarding the countryside from encroachment.

6.8. Paragraphs 152 - 153 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.9. Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to a list of stated exceptions. The first exception permitted by part a) of Para 154 is the construction of buildings for agriculture and forestry.

6.10. Local Planning Policies align with the National objectives of the NPPF. Policy S1 specifies that the Council will require all new development to accord with the identified spatial principles. The spatial principle to protect the Green Belt is relevant to this proposal. Policy S11 relates to the Role of the Countryside and identifies that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.

6.11. Policy DM6 relates to New Buildings in the Green Belt. This states that:

"Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances."

6.12. Section A) of this policy specifically relates to new buildings and sets out the types of development where planning permission will be granted as exceptions to inappropriate development. Buildings for agriculture and forestry (criterion i) are stated as an exception to inappropriate development.

6.13. Case law has established that buildings for agriculture and forestry are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt.

6.14. The applicant is a well-established local cattle farmer and the proposed building is a cow barn intended to support the keeping of cattle on the wider field. The proposed building falls within the exception to inappropriate development set out in part a) of para 154 of the NPPF and would not have a harmful impact on the openness of the Green Belt.

Heritage Assets

6.15. Para 200 of the NPPF states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

6.16. Para 209 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

6.17. Policy S3 states "The Council will conserve and where appropriate enhance the historic environment recognising the positive contribution it makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets. This includes wider social, cultural, economic and environmental benefits."

6.18. Policy DM14 states "Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that:

i. the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and
ii. harm is minimised through retention of features of significance and/or good design and/or mitigation measures."

6.19. The section of Lower Stock Road which abuts the northern side of the application site is designated as a protected lane. It was identified within the 2009 protected lanes study, which formed part of the evidence base for the 2020 Local Plan.

6.20. Policy DM14 identifies protected lanes as non-designated heritage assets, with the objective to protect their character, which includes their setting.

6.21. The lane scores highly for its historic integrity, diversity and biodiversity, due to its range of features, limited erosion of character and range of hedgerows, trees, verge and ditches. The lane is likely to be of at least medieval origins, linking the historic settlements of Stock and West Hanningfield with a number of sixteenth and seventeenth century buildings en-route. The framework of historic field boundaries in the wider area remains, with some removal of field boundaries in the twentieth century. The setting is rural in character and contributes to the experience of the characterful narrow meandering lane within an historic landscape.

6.22. "Bellcoins" lies on the north side of the lane, opposite the site entrance. Now one house, it was historically a pair of farmworkers cottages, probably originating from the late eighteenth or early nineteenth century. It has been altered and extended but retains some character as a vernacular building. It is of some modest heritage value and is considered to be a non-designated heritage asset of low heritage value.

6.23. The cottage's relationship with the lane and surrounding agricultural land contributes to its significance.

6.24. The NPPF describes setting as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve*.' The surrounding landscape, including the application site, is part of how the lane is experienced and forms part of its setting.

6.25. Following the refusal of four applications for the same development of one hay barn and three cow barns in the northern part of the wider field, adjacent to Lower Stock Road, the proposed buildings have been turned 90 degrees to the lane and Bellcoins, and set back from the lane further. There would be a distance of approximately 120m between Lower Stock Road and the northern elevation of the cow barn.

6.26. This distance would limit the impact on the setting of the heritage assets, with the narrow end of the cow barn building facing Bellcoins and set to the south of the proposed hay barn and one of the cow barns. Whilst the building is large scale and would be clearly visible from the lane and from Bellcoins, its impact is reduced in the revised scheme, as is the case for the hay barn and the two other cow barns. There is also new tree planting indicated adjacent to the lane and on the western boundary, which when matured would help to provide some filtering of views towards the development.

6.27. The proposals would therefore lead to a low level of harm to the protected lane of moderate significance and a very low level of harm to a cottage of low significance. This harm should be weighed in the planning balance.

6.28. Part b) of Para 88 of the NPPF sets out that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

6.29. There would be some public benefits from the proposal, either in the form of one building or the cumulative proposals for four buildings, in that it would support the local rural economy. In light of the low level of harm which would occur to the non-designated heritage assets, the proposed public benefits would outweigh this harm.

6.30. Previous concerns regarding the size of vehicles which would be used to access the site and the frequency of vehicle movements have been addressed in the supporting information accompanying the planning application. The applicant has clarified that once operational vehicle movements are likely to be twice daily either in a car, pick-up or gaitor utility vehicle to check and feed the animals. Cattle would be moved on/off site every 6-8 months and barns would be cleaned out every 5-6 weeks both with use of a tractor/trailer. Hay/haylage and silage to feed the cattle would be delivered once a year also by tractor/trailer.

6.31. Subject to the imposition of appropriate conditions in respect of the external materials of the building, external lighting and additional landscaping the proposed development would not unduly impact the setting of the non-designated heritage assets and the low level of harm that would occur would be outweighed by the public benefits of supporting the rural economy and food production.

Ecology

6.32. Chapter 15 of the National Planning Policy Framework requires that planning decisions should minimise impact on and provide net gains for biodiversity. Para 186a of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

6.33. Policy S4 states "The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary."

6.34. Paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 highlights that: "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

6.35. Following the refusal of the previous applications, the current planning applications are accompanied by an Ecological Survey and Assessment (ESA) report of the application site area and the wider field. The previous applications were not accompanied by any ecological information.

6.36. The planning application and the ESA report have been considered by the Council's Consultant Ecologists. The Ecologist's assessment of the proposals highlights that the applications fall within the definition of a 'Small Site' in accordance with The Small Sites Metric (Biodiversity Metric 4.0) - User Guide (DEFRA, February 2024). At the time that the application was submitted it was exempt from mandatory Biodiversity Net Gain.

6.37. The advice from the Ecologist indicates that there is sufficient ecological information available to determine the planning application and that any likely impacts of the proposal on designated

sites, protected and Priority species and habitats can be appropriately mitigated against through the imposition of appropriate conditions.

6.38. The suggested conditions relate to:

i) Securing the mitigation measures set out in the ESA
ii) The submission, approval and implementation of a Biodiversity Method Statement for the Local Wildlife Site to the east of the application site.
iii) The submission, approval and implementation of detailed biodiversity enhancements listed in the ESA.
iv) The submission, approval and implementation of a wildlife sensitive lighting scheme.

6.39. Subject to the suggested conditions being imposed, the development would not have a detrimental impact on protected species or their habitat and complies with the objectives of Chapter 15 of the NPPF and Policies S4 and DM16.

Trees

6.40. The application is accompanied by detailed arboricultural documents. These documents demonstrate that the proposed development would be located outside of the root protection areas of the mature trees on the western field boundary. The trees would not be impacted by the proposed development.

6.41. A condition is recommended to ensure that the development is implemented in accordance with the tree protection measures set out in the arboricultural documents.

Highway Safety & Access

6.42. The Local Highway Authority (LHA) has been consulted in respect of the proposals and they have no objections in respect of impact on highway safety.

6.43. The LHA has recommended that conditions are imposed on any approval; the requested conditions primarily relate to works to upgrade the access to the site. However, the existing access from Lower Stock Road already has a hardened surface and the existing gates are set back further than the distance requested by the LHA. There would be sufficient space within the site for vehicles to turn and leave in a forward gear and the access with Lower Stock Road is already at right angles to the carriageway.

6.44. The requested conditions are not required in order to make the development acceptable and it would not be reasonable to require additional works to the access. The site has an acceptable access and the proposed development would not be detrimental to highway safety.

Neighbour Amenity

6.45. Policy DM29 requires development proposals to safeguard the living environment of occupiers of nearby residential property.

6.46. The proposed cow barn would be located 121m to the south of Lower Stock Road, there would be a minimum distance of 133m between the cow barn and the front elevation of “Bellcoins”, the closest neighbouring property. In respect of the properties to the west, there would be a minimum distance of 147m between the rear elevation of the cow barn and the closest property.

6.47. In light of the significant distances which would exist between the application building and the neighbouring properties, the proposal would not result in any adversely prejudicial impacts in respect of loss of light, overbearing or overshadowing impacts.

6.48. In respect of odours occurring from the keeping of cattle on the site, the proposed building is intended to provide shelter for cattle. However, cattle could be kept on the land without the applicant requiring any permission from the Council.

6.49. While agricultural activity, particularly that which relates to livestock, can generate odours, there is no evidence that a well-managed site would result in undue disturbance.

6.50. As set out above in relation to ecology, if approval is granted for the proposal it would be subject to a condition requiring a scheme of external lighting to be approved by the Council. This would ensure that there would not be any excessive lighting which may have an impact on either neighbouring properties or the surrounding countryside.

6.51. The proposal therefore complies with the requirements of Policy DM29.

Other Matters

6.52. The proposed building is of a size, design and appearance which is typical of agricultural buildings commonly found in the countryside. They are functional and utilitarian buildings which serve an agricultural purpose and are appropriate for the proposed use. Modern agricultural buildings do not reflect the domestic scale and appearance of residential properties and would not be suitable for their required purpose if they did.

6.53. The proposed design and appearance of the building is appropriate for its purpose.

6.54. Green Belt policy does not require a need for an agricultural building to be demonstrated. Notwithstanding this, the applicant is a well-established cattle farmer with one of the largest herds of cattle in the country. There is no reason to doubt that there is a genuine agricultural need for the proposed buildings.

6.55. The applicant is entitled to submit applications in the manner that he has i.e. four individual planning applications. The Council has considered the individual and cumulative impact of the four applications.

6.56. This type of application on land within Flood Zone 1 does not require the submission of a flood risk assessment or any other flooding information.

6.57. The public footpath is separated from the field by mature trees and vegetation. It does not run through the main parcel of land which the proposed buildings would be located within.

6.58. The proposed construction of agricultural buildings for the keeping of livestock within 400m of residential properties cannot be permitted development but this does not mean that they are unacceptable in principle. Such a location requires the submission of a planning application so that any potential impact to residential properties can be assessed.

6.59. The Local Highway Authority (LHA) is responsible for maintaining unclassified roads such as Smallgains Lane and Lower Stock Road. The condition of the road surface is a matter for the LHA to address.

6.60. Animal welfare is legislated for, and inspections are carried out, by DEFRA. Planning legislation cannot take into account matters which are regulated under separate legislation and as such this is not a material consideration when determining planning applications.

6.61. Noise and disruption generated during the construction of any development is by its nature temporary and it cannot be taken into account when determining planning applications.

6.62. Agricultural land, whether it contains buildings or not, is excluded from the definition of "previously developed land", also known as "brownfield land". The construction of agricultural buildings does not indicate or permit future development of a site. Planning applications must be determined on their own merits in accordance with the current planning policies in force at that time. It is not reasonable to predict what may occur in future and base planning decisions on future proposals which are not part of the current application.

6.63. In respect of the sections of the West Hanningfield Village Design Statement referenced in objections to the proposed development:

- The proposals relate to agricultural development on agricultural land, such development will usually be located on agricultural land.
- Essex County Council Historic Environment Branch notify the City Council when sites are known or suspected to contain archaeology. In respect of this application, Place Services have commented on Lower Stock Road being a Protected Lane but have not raised any other issues in respect of archaeology. Therefore, no archaeological surveys are required.
- The proposed development has been revised in order to minimise its impact on the non-designated heritage assets and to take advantage of existing mature vegetation along the field boundaries.
- The proposed development would not result in harm to the rural lane.

7. Community Infrastructure Levy (CIL)

7.1. Agricultural development 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, details 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
The development hereby approved shall be implemented in accordance with the mitigation measures and/or works contained within the Ecological Survey and Assessment (Essex mammals Surveys, February 2024).

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 5
No development shall commence until a Biodiversity Method Statement for Local Wildlife Sites (Ch75 Blythhedges Meadow) has been submitted to and approved in writing by the Local Planning Authority.

The content of the method statement shall include the following:
a) purpose and objectives for the proposed works;
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c) extent and location of proposed works shown on appropriate scale maps and plans;
d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e) persons responsible for implementing the works;
f) initial aftercare and long-term maintenance (where relevant);
g) disposal of any wastes arising from works.

The development shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 6
Prior to the commencement of any above ground construction, details of the biodiversity enhancements listed in the Ecological Survey and Assessment (Essex Mammal Surveys, February 2024) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:

a) detailed designs or product descriptions for the biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The development shall be implemented in accordance with the approved details prior to the first use of the development and all features shall be retained thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 7
Prior to the first use of the development, a "lighting design strategy for biodiversity" in accordance with GN:08/23(ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Subsequently all external lighting shall be installed in accordance with the approved details and maintained as such. No further lighting shall be installed without the prior permission from the Local Planning Authority.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 8
Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

a) hard surfacing including pathways, 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) Management details and a five year maintenance plan.

Reason:
In order to add character to the development and to integrate the development into the area in accordance with Policy DM23 of the Chelmsford Local Plan.

Condition 9
Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or The Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent legislation, the building hereby approved shall not be used for any purpose other than for agriculture and associated ancillary uses.

Reason:
The building is not inappropriate development in the Green Belt as it is required for agriculture. Alternative uses of the building could introduce unsympathetic and harmful activity on the site which could be harmful to the Green Belt, neighbour amenity and the setting of the non-designated heritage assets contrary to the objectives of the National Planning Policy Framework and Chelmsford Local Plan Policies.

Condition 10
In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled "Arboricultural Impact Assessment and Method Statements" ref. TPSQU0031 Issue 1.

Reason:
To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 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

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

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

Positive and Proactive Statement

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

Appendix 1 – Drawing No(s)

Plans to be listed on any Decision Notice:

23/30/25
23/30/26
23/30/27
23/30/28
TPSQU0031 TPP
Appendix 1 - 6
Ecological Survey and Assessment
Arboricultural Impact Assessment and Method Statement

Appendix 2 – Consultations

Essex County Council Highways

Comments
29.04.2024 - Your Ref: 24/00388/FUL Our Ref: CO/EGD/SD/RM/CHL/24/388/58707 Date:- 26th April 2024 - The proposed Cow Barn 2 would be for agricultural use. - This application is related to applications 24/00386/FUL, 24/00387/FUL and 24/00389/FUL. - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions: 1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.

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

2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

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

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

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

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

---

Your Ref: 24/00387/FUL

Our Ref: CO/EGD/SD/RM/CHL/24/387/58707

Date:- 26th April 2024

- The proposed Cow Barn 1 would be for agricultural use.

- This application is related to applications 24/00386/FUL, 24/00388/FUL and 24/00389/FUL.

- There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below.

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

1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.

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

2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

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

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

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

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

West Hanningfield Parish Council

Comments
22.04.2024 - The following comment addresses applications 24/00386/7/8/9. These revised applications do nothing to address the concerns of the ECC Historic Environment Branch raised in the consultee comments for the first applications.

In the first applications, the comments provided by Planning & Listed Building and Conservation, raised concerns pertaining to the impact of the size of the buildings. It would appear that no further information has been provided and that the information regarding traffic movements is vague considering the high number of heavy vehicle movements required to service an industrial project such as this. The concerns raised by Stock Parish Council in respect of road damage caused by the applicant's similar operations within its parish reflect the number and type of traffic movements associated with these activities.

In the first applications the comments from Planning & Listed Building and Conservation requested that a suitable alternative site be sought from the applicant's extensive land holding; nothing has been forthcoming.

Lower Stock Road is a Historic protected lane and this development with its attendant buildings and vehicle movements are totally out of keeping with the area and the nature and size of the road. Access into either end of Lower Stock Road is restrictive and not suitable for vehicles of the size which will be required to service this unit.

The development and associated vehicle movements will have a detrimental impact upon the amenity value of Lower Stock Road for the many cyclists, dogwalkers, horse riders and pedestrians who use the road.

The issue of containment of effluent spillage has not been addressed and no further information has been provided in these second applications for how this is to be contained. This is a significant risk to the local waterways and the Nitrate Sesitivity of the area.

The Ecological Survey was carried out after the site had been ploughed and is therefore totally irrelevant to what habitat was present on site when the first applications were made, and therefore should not be considered as supporting evidence for these applications. The applicant's letter includes two photographs which shows the field laid to grass, which appears incorrect.

As regards administration, applications 24/00387/8/9 are entitled 'Erect a Cow Barn', yet all three application forms state on page 4 that the application is for a hay barn. Which is it that is proposed?

Of note is that Essex Highways have been consulted on application 24/386/FUL but not on applications 24/00387/8/9. It is imperative they be consulted on all four applications since the impact on Lower Stock

Road will be substantial. It is also noted that Essex Highways have not submitted a comment; it is felt they should be chased for a comment.

Public Health & Protection Services

Comments
22.03.2024 - No PH&PS comments with regard to this application.

Essex Wildlife Trust Ltd

Comments
08.05.2024 - We wish to submit an overall objection to these proposals, on the basis that insufficient information in respect of impacts on ecology has been provided by the applicant. In addition, no provision has been made in respect of biodiversity net gain. We note that the onsite habitats were destroyed prior to submission of the applications. Gov.uk guidance is clear that where habitat clearance or degradation has taken place between 30 January 2020 and the submission of the planning application, the BNG baseline must be calculated from immediately prior to the occurrence of the clearance/degradation. The applicant has not provided an ecological assessment in respect of the onsite habitats. We advise that Chelmsford CC should require the applicant to provide such a report, based on the habitats which existed onsite prior to the site being ploughed. The applicant should also be required to provide a biodiversity gain plan. We apologise for the lateness of this submission, but we respectfully ask that our comments can be taken into consideration when making a decision on these proposals.

Many thanks and kind regards,

Stock Parish Council

Comments
12.04.2024 - Discussed in the Parish Council Meeting 9/4/24 Councillors are concerned about the state of the road that could also occur on Lower Stock Road, with the heavy vehicles that are currently also being used by the farmer on Smallgains Lane & Swan Lane. Therefore they would request that Highways take a look at Smallgains Lane to see the damage to the verges by the increase in large heavy farm vehicles.

Local Residents

Comments
Representations received – 53 letters of representation received. Full details of all the comments are available on the Council's website. A summary of the concerns raised are included in the report.

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.

SITE LOCATION PLAN

1:2500 SCALE - METRES (A4 SHEET)

0 10 20 30 40 60 80 100

REVISION:	DATE:	DRAWN:

PROJECT:
FRISTLING ESTATES,
LOWER STOCK ROAD

TITLE:
SITE LOCATION PLAN

SCALE:	DATE:	DRAWN:	CHKD:
1:2500 @ A4	MAR 24	NE	-

No.	REV.
23/30/25	-

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.

Bellwyns

SITE ENTRANCE

LOWER STOCK ROAD

TRACK

LAWN

YARD

HAY BARN

COW BARN 1

COW BARN 2

COW BARN 3

Uplands

Proposed tree planting

New 1.2m high field fence

Cattle grid

New 1.2m high field fence

Underground water harvesting unit

Proposed tree planting

Dead oak

53.3m

RPA

T1 T2 T3 T4 T5 T6 T7 T8 T9 T10 T11 T12 T13 T14 T15

H1 H2 H3

G1 G2 G3 G4

KEY

INDICATIVE TREE

EXISTING TREE

ROOT PROTECTION AREA

PROPOSED TREE

PROPOSED SITE PLAN

1:500 SCALE - METRES (A1 SHEET)

0 10 20 30 40 60 80 100

REVISION: | DATE: | DRAWN:

PROJECT:
FRISTLING ESTATES,
LOWER STOCK ROAD

TITLE:
PROPOSED SITE PLAN

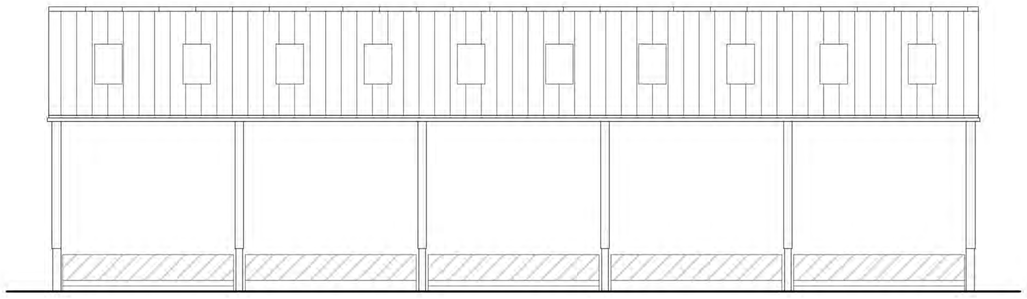
SCALE:	DATE:	DRAWN:	CHKD:
1:500 @ A1	MAR 24	NE	-

No.	REV.
23/30/27	-

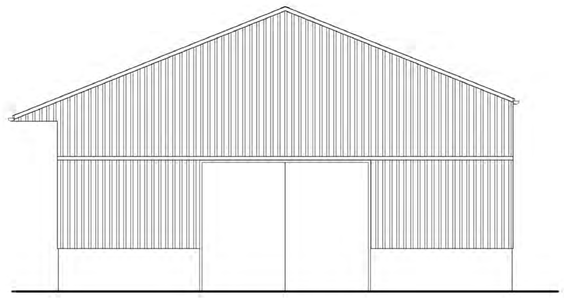
Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

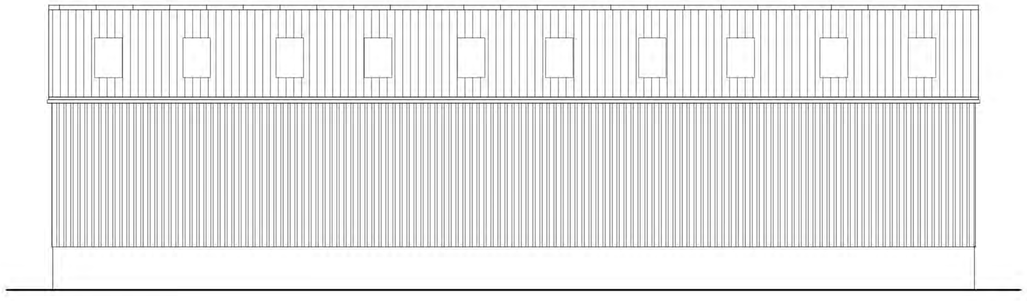
Do not scale from this drawing.
All information shown is to be checked on site
for accuracy and fit. Any discrepancies or omissions
to be reported to Arcady Architects immediately.



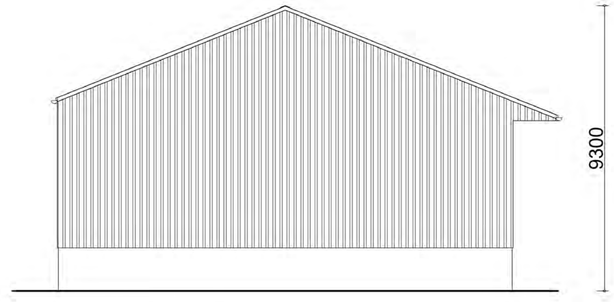
FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

MATERIALS:

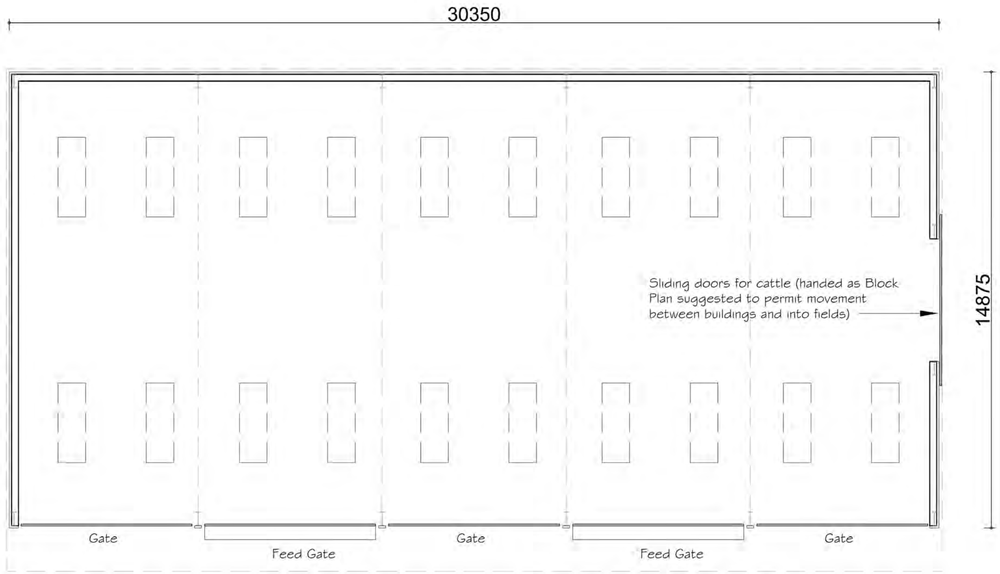
Roof - Eternit Profile 6

Upper Walls - Pressure treated timber hit and miss vertical boarding

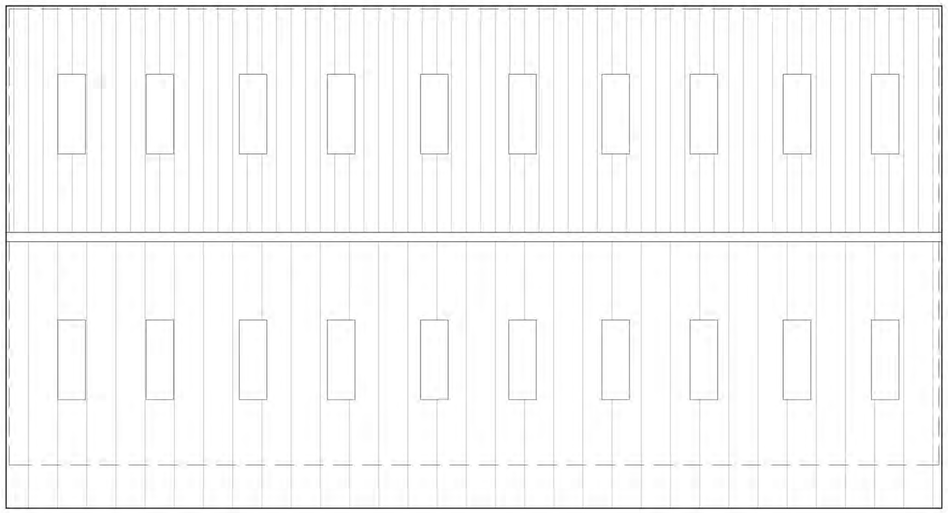
Lower Walls - Pre cast concrete panels - either natural finish or faced in Bricks/brick slips

Gutters - 200mm diameter half round 'stormflo' PVC gutters and 110mm diameter down pipes (3no. per side)

Diagonal feed gate units with galvanised feed hoppers and galvanised standard gates



FLOOR PLAN



ROOF PLAN

1:100 SCALE - METRES (A1 SHEET)

0 1 2 3 4 6 8 10

REVISION:		DATE:	DRAWN:
PROJECT: FRISTLING HALL ESTATES, LAND AT LOWER STOCK ROAD			
TITLE: PROPOSED PLANS & ELEVATIONS -COW BARN 2			
SCALE: 1:100	DATE: NOV 23	DRAWN: CW	CHKD:
No: 23/30/28	REV:		

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

Planning Committee
28th May 2024

Application No	:	24/00389/FUL Full Application
Location	:	Land East Of Ragged Robins Lower Stock Road West Hanningfield Chelmsford Essex
Proposal	:	**Erect a cow barn**
Applicant	:	Mr Gary Sharp
Agent	:	Mrs Nicole Elkins
Date Valid	:	13th March 2024

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 site is located within the Metropolitan Green Belt and comprises part of a wider agricultural field.

1.3. The proposed agricultural building is required to provide shelter for cattle.

1.4. Agricultural development is not inappropriate development in the Green Belt and there would not be any impact on the openness of the Green Belt.

1.5. A low level of harm to non-designated heritage assets would be outweighed by the public benefits to the rural economy and food supply from the agricultural use.

1.6. Any ecology impacts can be mitigated against through the imposition of conditions.

1.7. Mature trees adjacent to the proposed development would not be impacted.

1.8. There are no highway safety issues and the site has an acceptable access.

1.9. The relationship with neighbouring properties would be acceptable.

1.10. The design is acceptable for the proposed use.

1.11. The application is recommended for approval.

2. Description of site

2.1. The site is located within the Metropolitan Green Belt on Lower Stock Road, approximately 1km to the east of Downham Road. Lower Stock Road is a protected lane.

2.2. The application site comprises a rectangular parcel of land within a wider field of approximately 4.6ha. The wider field is broadly triangular in shape with mature trees and vegetation forming the boundaries.

2.3. There is an existing vehicular access from Lower Stock Road into the site positioned in the northwest corner.

2.4. A corridor of land running along the southeast boundary of the wider field is a Local Wildlife Site. A public footpath (Footpath 15 West Hanningfield) runs through this corridor and is separated from the agricultural land by mature trees and hedges.

2.5. Opposite the site access, to the north of Lower Stock Road, is a residential property “Bellcoins”. To the west of the site, approximately 86m from the access, there is a ribbon of residential properties.

3. Details of the proposal

3.1. Four individual applications have been submitted for agricultural buildings which would be located adjacent to each other. Each application proposes the construction of one agricultural building – this application relates to a new cow barn.

3.2. This proposed cow barn would have dimensions of 30.35m x 14.87m, a ridge height of 9.3m and eaves at 6.12m. The front would be open while the side and rear elevations would comprise low concrete panels with timber hit and miss vertical boarding above. The roof would be clad with fibre cement sheets.

3.3. The barn would be located 155m to the south of the access from Lower Stock Road and approximately 30m from the existing western field boundary.

3.4. The three associated planning applications for a hay barn and two cow barns relate to the land to the north of the proposed cow barn. They would be positioned in a linear form with the rear elevations also located 30m from the western field boundary.

3.5. The application documents indicate that additional planting is proposed to the north of the application buildings, between the hay barn and Lower Stock Road, and to the west of the cow barn.

3.6. It is important to note that the applications relate to the construction of the proposed buildings and are not in relation to the keeping of cattle on the site. The keeping of cattle on agricultural land does not require planning permission and animals could be moved onto the site without the need for any planning consent from the Council.

4. Other relevant applications

4.1. Current planning applications associated with this application:

24/00388/FUL - Currently under consideration
Erect a cow barn

24/00387/FUL - Currently under consideration
Erect a cow barn

24/00386/FUL - Currently under consideration
Erect a Hay barn

4.2. Applications previously refused by the Council in 2024:

23/01990/FUL - Refused 8th February 2024
Erect cow barn

23/01989/FUL - Refused 8th February 2024
Erect cow barn

23/01988/FUL - Refused 8th February 2024
Erect cow barn

23/01987/FUL - Refused 8th February 2024
Erect Hay Barn

4.3. The applications refused in February 2024 proposed locating the buildings in a linear form along the northern field boundary with Lower Stock Road. This would have resulted in a highly visible form of development which would have been harmful to the setting of both Lower Stock Road and Bellcoins. The level of harm to these non-designated heritage assets would not have been outweighed by the public benefits from the development.

4.4. The previous applications also did not contain any information regarding ecology and the potential impacts that the proposals might have to protected species or their habitats. In the absence of this information there was insufficient information regarding ecology impacts and/or any mitigation which might be necessary.

4.5. The four previous applications were all refused for the above reasons in respect of their impact on non-designated heritage assets and insufficient ecology information.

5. Summary of consultations

- Essex County Council Highways –
  - The proposed Cow Barn 3 would be for agricultural use.
  - This application is related to applications 24/00386/FUL, 24/00387/FUL and 24/00388/FUL.
  - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use.
  - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of appropriate conditions.

- Public Health & Protection Services – No comments in respect of this application.

- West Hanningfield Parish Council – concerns raised:
  The revised proposals do not address previous consultee concerns.
  The submitted information does not provide clarity on the proposals regarding traffic movements.
  No information regarding alternative sites has been provided.
  The proposals are out of keeping with the area and there would be a detrimental impact on amenity value of Lower Stock Road for people who use it.
  Insufficient information has been provided regarding waste from the development.
  The ecology survey was undertaken after the site had been ploughed and does not reflect the earlier condition of the site.

- Stock Parish Council –
  Concerned about state of Lower Stock Road, with the heavy vehicles being used by the farmer on Smallgains Lane & Swan Lane.
  Concerned about the damage to the verges by the increase in HGV's.

- Essex Wildlife Trust Ltd – Object on the basis that insufficient information in respects of ecology has been provided by the applicant. No provision for biodiversity net gain.

- Local residents -
  53 objections received. Main points raised:
  - There is no difference in the scale of the development from the previous applications

- The new locations are worse than the refused proposals
- Contrary to the Village Design Statement:
  - Development on arable land should be avoided
  - Archaeological surveys should be considered prior to development of any sites
  - Developments should be sensitive to the immediate surroundings and should not dominate them
  - The rural style of village lanes should be protected
- Lower Stock Road is unsuitable for large vehicles
- Once the buildings have been constructed there may be future applications for change of use
- Overdevelopment of the site
- Road is narrow and unsuitable for large vehicles for moving cattle and/or during construction
- Risk to pedestrians and cyclists from additional traffic
- Potential for damage to verges from vehicles accessing the site
- Harmful to non-designated heritage assets - Bellcoins and the protected lane
- Road is prone to flooding
- Waste produced by cattle on the site will pollute nearby watercourses
- Impact of emissions from a greater number of cattle than the site can support
- Proposed buildings are of a size which is inconsistent with buildings in the vicinity of the site
- Waste from the cattle will result in odours, flies and rodent infestation
- Once the buildings are on the site it would become brownfield land permitting alternative uses such as housing
- The buildings will be within 400m of residential properties
- Loss of light to the property opposite the site
- Impact of any necessary lighting is unknown
- Increased noise from traffic travelling to and from the site and from cattle on the site
- Another site in Smallgains Lane has resulted in damage to the road from traffic
- Disruption from construction works
- Concern regarding animal welfare
- Impact on Local Wildlife Site and protected species
- No information regarding flooding
- No demonstration of agricultural need for the development
- Proposals submitted as individual applications rather than a combined application
- Impact on landscape character
- Health risks from animal waste
- No information as to whether the development would have an impact on public footpath
- The proposals breach Article 1 of Protocol 1 ECHR
- The site has been ploughed since the determination of the earlier applications – impact of this on protected species is unknown
- The development fails to provide for a 10% biodiversity net gain
- Alternative sites within the Applicant's holding should be considered
- Detrimental impact on house prices
- Additional works as requested by ECC Highways would have a detrimental impact on the lane and Bellcoins
- Additional impact to Heritage Assets at the east end of Lower Stock Road from increased vehicle movements
- The buildings will impact the existing trees along the field boundary
- Information in the supporting documents is misleading
- The public footpath has been ploughed
- There has been no assessment from Public Health and Protection Services

6. Planning considerations

Main Issues

6.1. The main issue is whether the proposed development is acceptable in the Green Belt.

6.2. It is also necessary to consider whether the proposal would have a detrimental impact on non-designated heritage assets.

6.3. Consideration is also given as to whether there would be any harmful impacts in respect of ecology on and around the site.

6.4. The relationship between the proposed development and existing mature trees along the western field boundary.

6.5. It is necessary to assess whether the development would be detrimental to highway safety and whether the site has an acceptable access.

6.6. The relationship between the proposed development and neighbouring properties must also be assessed.

Development within the Green Belt

6.7. The site is located within the Metropolitan Green Belt where National and Local planning policies severely restrict new development and the construction of new buildings. Chapter 13 of the National Planning Policy Framework (NPPF) relates to protecting Green Belt land. Paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. One of the purposes of the Green Belt is also to assist in safeguarding the countryside from encroachment.

6.8. Paragraphs 152 - 153 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.9. Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to a list of stated exceptions. The first exception permitted by part a) of Para 154 is the construction of buildings for agriculture and forestry.

6.10. Local Planning Policies align with the National objectives of the NPPF. Policy S1 specifies that the Council will require all new development to accord with the identified spatial principles. The spatial principle to protect the Green Belt is relevant to this proposal. Policy S11 relates to the Role of the Countryside and identifies that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.

6.11. Policy DM6 relates to New Buildings in the Green Belt. This states that:

"Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances."

6.12. Section A) of this policy specifically relates to new buildings and sets out the types of development where planning permission will be granted as exceptions to inappropriate development. Buildings for agriculture and forestry (criterion i) are stated as an exception to inappropriate development.

6.13. Case law has established that buildings for agriculture and forestry are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt.

6.14. The applicant is a well-established local cattle farmer and the proposed building is a cow barn intended to support the keeping of cattle on the wider field. The proposed building falls within the exception to inappropriate development set out in part a) of para 154 of the NPPF and would not have a harmful impact on the openness of the Green Belt.

Heritage Assets

6.15. Para 200 of the NPPF states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

6.16. Para 209 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

6.17. Policy S3 states "The Council will conserve and where appropriate enhance the historic environment recognising the positive contribution it makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets. This includes wider social, cultural, economic and environmental benefits."

6.18. Policy DM14 states "Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that:

i. the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and
ii. harm is minimised through retention of features of significance and/or good design and/or mitigation measures."

6.19. The section of Lower Stock Road which abuts the northern side of the application site is designated as a protected lane. It was identified within the 2009 protected lanes study, which formed part of the evidence base for the 2020 Local Plan.

6.20. Policy DM14 identifies protected lanes as non-designated heritage assets, with the objective to protect their character, which includes their setting.

6.21. The lane scores highly for its historic integrity, diversity and biodiversity, due to its range of features, limited erosion of character and range of hedgerows, trees, verge and ditches. The lane is likely to be of at least medieval origins, linking the historic settlements of Stock and West Hanningfield with a number of sixteenth and seventeenth century buildings en-route. The framework of historic field boundaries in the wider area remains, with some removal of field boundaries in the twentieth century. The setting is rural in character and contributes to the experience of the characterful narrow meandering lane within an historic landscape.

6.22. "Bellcoins" lies on the north side of the lane, opposite the site entrance. Now one house, it was historically a pair of farmworkers cottages, probably originating from the late eighteenth or early nineteenth century. It has been altered and extended but retains some character as a vernacular building. It is of some modest heritage value and is considered to be a non-designated heritage asset of low heritage value.

6.23. The cottage's relationship with the lane and surrounding agricultural land contributes to its significance.

6.24. The NPPF describes setting as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve*.' The surrounding landscape, including the application site, is part of how the lane is experienced and forms part of its setting.

6.25. Following the refusal of four applications for the same development of one hay barn and three cow barns in the northern part of the wider field, adjacent to Lower Stock Road, the proposed buildings have been turned 90 degrees to the lane and Bellcoins, and set back from the lane further. There would be a distance of approximately 155m between Lower Stock Road and the northern elevation of the cow barn.

6.26. This distance would limit the impact on the setting of the heritage assets, with the narrow end of the cow barn building facing Bellcoins and set to the south of the proposed hay barn and two of the cow barns. Whilst the building is large scale and would be clearly visible from the lane and from Bellcoins, its impact is reduced in the revised scheme, as is the case for the hay barn and the two other cow barns. There is also new tree planting indicated adjacent to the lane and on the western boundary, which when matured would help to provide some filtering of views towards the development.

6.27. The proposals would therefore lead to a low level of harm to the protected lane of moderate significance and a very low level of harm to a cottage of low significance. This harm should be weighed in the planning balance.

6.28. Part b) of Para 88 of the NPPF sets out that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

6.29. There would be some public benefits from the proposal, either in the form of one building or the cumulative proposals for four buildings, in that it would support the local rural economy. In light of the low level of harm which would occur to the non-designated heritage assets, the proposed public benefits would outweigh this harm.

6.30. Previous concerns regarding the size of vehicles which would be used to access the site and the frequency of vehicle movements have been addressed in the supporting information accompanying the planning application. The applicant has clarified that once operational vehicle movements are likely to be twice daily either in a car, pick-up or gaitor utility vehicle to check and feed the animals. Cattle would be moved on/off site every 6-8 months and barns would be cleaned out every 5-6 weeks both with use of a tractor/trailer. Hay/haylage and silage to feed the cattle would be delivered once a year also by tractor/trailer.

6.31. Subject to the imposition of appropriate conditions in respect of the external materials of the building, external lighting and additional landscaping the proposed development would not unduly impact the setting of the non-designated heritage assets and the low level of harm that would occur would be outweighed by the public benefits of supporting the rural economy and food production.

Ecology

6.32. Chapter 15 of the National Planning Policy Framework requires that planning decisions should minimise impact on and provide net gains for biodiversity. Para 186a of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

6.33. Policy S4 states "The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary."

6.34. Paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 highlights that: "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

6.35. Following the refusal of the previous applications, the current planning applications are accompanied by an Ecological Survey and Assessment (ESA) report of the application site area and the wider field. The previous applications were not accompanied by any ecological information.

6.36. The planning application and the ESA report have been considered by the Council's Consultant Ecologists. The Ecologist's assessment of the proposals highlights that the applications fall within the definition of a 'Small Site' in accordance with The Small Sites Metric (Biodiversity Metric 4.0) - User Guide (DEFRA, February 2024). At the time that the application was submitted it was exempt from mandatory Biodiversity Net Gain.

6.37. The advice from the Ecologist indicates that there is sufficient ecological information available to determine the planning application and that any likely impacts of the proposal on designated

sites, protected and Priority species and habitats can be appropriately mitigated against through the imposition of appropriate conditions.

6.38. The suggested conditions relate to:

i) Securing the mitigation measures set out in the ESA
ii) The submission, approval and implementation of a Biodiversity Method Statement for the Local Wildlife Site to the east of the application site.
iii) The submission, approval and implementation of detailed biodiversity enhancements listed in the ESA.
iv) The submission, approval and implementation of a wildlife sensitive lighting scheme.

6.39. Subject to the suggested conditions being imposed, the development would not have a detrimental impact on protected species or their habitat and complies with the objectives of Chapter 15 of the NPPF and Policies S4 and DM16.

Trees

6.40. The application is accompanied by detailed arboricultural documents. These documents demonstrate that the proposed development would be located outside of the root protection areas of the mature trees on the western field boundary. The trees would not be impacted by the proposed development.

6.41. A condition is recommended to ensure that the development is implemented in accordance with the tree protection measures set out in the arboricultural documents.

Highway Safety & Access

6.42. The Local Highway Authority (LHA) has been consulted in respect of the proposals and they have no objections in respect of impact on highway safety.

6.43. The LHA has recommended that conditions are imposed on any approval; the requested conditions primarily relate to works to upgrade the access to the site. However, the existing access from Lower Stock Road already has a hardened surface and the existing gates are set back further than the distance requested by the LHA. There would be sufficient space within the site for vehicles to turn and leave in a forward gear and the access with Lower Stock Road is already at right angles to the carriageway.

6.44. The requested conditions are not required in order to make the development acceptable and it would not be reasonable to require additional works to the access. The site has an acceptable access and the proposed development would not be detrimental to highway safety.

Neighbour Amenity

6.45. Policy DM29 requires development proposals to safeguard the living environment of occupiers of nearby residential property.

6.46. The proposed cow barn would be located 155m to the south of Lower Stock Road, there would be a minimum distance of 168m between the cow barn and the front elevation of “Bellcoins”, the closest neighbouring property. In respect of the properties to the west, there would be a minimum distance of 173m between the rear elevation of the cow barn and the closest property.

6.47. In light of the significant distances which would exist between the application building and the neighbouring properties, the proposal would not result in any adversely prejudicial impacts in respect of loss of light, overbearing or overshadowing impacts.

6.48. In respect of odours occurring from the keeping of cattle on the site, the proposed building is intended to provide shelter for cattle. However, cattle could be kept on the land without the applicant requiring any permission from the Council.

6.49. While agricultural activity, particularly that which relates to livestock, can generate odours, there is no evidence that a well-managed site would result in undue disturbance.

6.50. As set out above in relation to ecology, if approval is granted for the proposal it would be subject to a condition requiring a scheme of external lighting to be approved by the Council. This would ensure that there would not be any excessive lighting which may have an impact on either neighbouring properties or the surrounding countryside.

6.51. The proposal therefore complies with the requirements of Policy DM29.

Other Matters

6.52. The proposed building is of a size, design and appearance which is typical of agricultural buildings commonly found in the countryside. They are functional and utilitarian buildings which serve an agricultural purpose and are appropriate for the proposed use. Modern agricultural buildings do not reflect the domestic scale and appearance of residential properties and would not be suitable for their required purpose if they did.

6.53. The proposed design and appearance of the building is appropriate for its purpose.

6.54. Green Belt policy does not require a need for an agricultural building to be demonstrated. Notwithstanding this, the applicant is a well-established cattle farmer with one of the largest herds of cattle in the country. There is no reason to doubt that there is a genuine agricultural need for the proposed buildings.

6.55. The applicant is entitled to submit applications in the manner that he has i.e. four individual planning applications. The Council has considered the individual and cumulative impact of the four applications.

6.56. This type of application on land within Flood Zone 1 does not require the submission of a flood risk assessment or any other flooding information.

6.57. The public footpath is separated from the field by mature trees and vegetation. It does not run through the main parcel of land which the proposed buildings would be located within.

6.58. The proposed construction of agricultural buildings for the keeping of livestock within 400m of residential properties cannot be permitted development but this does not mean that they are unacceptable in principle. Such a location requires the submission of a planning application so that any potential impact to residential properties can be assessed.

6.59. The Local Highway Authority (LHA) is responsible for maintaining unclassified roads such as Smallgains Lane and Lower Stock Road. The condition of the road surface is a matter for the LHA to address.

6.60. Animal welfare is legislated for, and inspections are carried out, by DEFRA. Planning legislation cannot take into account matters which are regulated under separate legislation and as such this is not a material consideration when determining planning applications.

6.61. Noise and disruption generated during the construction of any development is by its nature temporary and it cannot be taken into account when determining planning applications.

6.62. Agricultural land, whether it contains buildings or not, is excluded from the definition of "previously developed land", also known as "brownfield land". The construction of agricultural buildings does not indicate or permit future development of a site. Planning applications must be determined on their own merits in accordance with the current planning policies in force at that time. It is not reasonable to predict what may occur in future and base planning decisions on future proposals which are not part of the current application.

6.63. In respect of the sections of the West Hanningfield Village Design Statement referenced in objections to the proposed development:

- The proposals relate to agricultural development on agricultural land, such development will usually be located on agricultural land.
- Essex County Council Historic Environment Branch notify the City Council when sites are known or suspected to contain archaeology. In respect of this application, Place Services have commented on Lower Stock Road being a Protected Lane but have not raised any other issues in respect of archaeology. Therefore, no archaeological surveys are required.
- The proposed development has been revised in order to minimise its impact on the non-designated heritage assets and to take advantage of existing mature vegetation along the field boundaries.
- The proposed development would not result in harm to the rural lane.

7. Community Infrastructure Levy (CIL)

7.1. Agricultural development 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, details 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
The development hereby approved shall be implemented in accordance with the mitigation measures and/or works contained within the Ecological Survey and Assessment (Essex mammals Surveys, February 2024).

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 5
No development shall commence until a Biodiversity Method Statement for Local Wildlife Sites (Ch75 Blythhedges Meadow) has been submitted to and approved in writing by the Local Planning Authority.

The content of the method statement shall include the following:
a) purpose and objectives for the proposed works;
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c) extent and location of proposed works shown on appropriate scale maps and plans;
d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e) persons responsible for implementing the works;
f) initial aftercare and long-term maintenance (where relevant);
g) disposal of any wastes arising from works.

The development shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 6
Prior to the commencement of any above ground construction a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Survey and Assessment (Essex Mammal Surveys, February 2024) shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Layout shall include the following:

a) detailed designs or product descriptions for biodiversity enhancements; and

b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The development shall be implemented in accordance with the approved details prior to the first use of the development and all features shall be retained thereafter.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 7
Prior to the first use of the development, a "lighting design strategy for biodiversity" in accordance with GN:08/23(ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Subsequently all external lighting shall be installed in accordance with the approved details and maintained as such. No further lighting shall be installed without the prior permission from the Local Planning Authority.

Reason:
To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 8
Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

a) hard surfacing including pathways, 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) Management details and a five year maintenance plan.

Reason:
In order to add character to the development and to integrate the development into the area in accordance with Policy DM23 of the Chelmsford Local Plan.

Condition 9
Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or The Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent legislation, the building hereby approved shall not be used for any purpose other than for agriculture and associated ancillary uses.

Reason:
The building is not inappropriate development in the Green Belt as it is required for agriculture. Alternative uses of the building could introduce unsympathetic and harmful activity on the site which could be harmful to the Green Belt, neighbour amenity and the setting of the non-designated heritage assets contrary to the objectives of the National Planning Policy Framework and Chelmsford Local Plan Policies.

Condition 10
In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled "Arboricultural Impact Assessment and Method Statements" ref. TPSQU0031 Issue 1.

Reason:
To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 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

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

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

Positive and Proactive Statement

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

Appendix 1 – Drawing No(s)

Plans to be listed on any Decision Notice:

23/30/29
23/30/30
23/30/31
23/30/32
TPSQU0031 TPP
Appendix 1 - 6
Arboricultural Impact Assessment and Method Statement
Ecological Survey and Assessment

Appendix 2 – Consultations

Essex County Council Highways

Comments
29.04.2024 - Your Ref: 24/00389/FUL Our Ref: CO/EGD/SD/RM/CHL/24/389/58707 Date:- 26th April 2024 - The proposed Cow Barn 3 would be for agricultural use. - This application is related to applications 24/00386/FUL, 24/00387/FUL and 24/00388/FUL. - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions: 1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.

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

2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

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

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

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

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

---

Your Ref: 24/00388/FUL

Our Ref: CO/EGD/SD/RM/CHL/24/388/58707

Date:- 26th April 2024

- The proposed Cow Barn 2 would be for agricultural use.

- This application is related to applications 24/00386/FUL, 24/00387/FUL and 24/00389/FUL.

- There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below.

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

1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.

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

2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

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

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

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

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

---

Your Ref: 24/00387/FUL

Our Ref: CO/EGD/SD/RM/CHL/24/387/58707

Date:- 26th April 2024

- The proposed Cow Barn 1 would be for agricultural use.

- This application is related to applications 24/00386/FUL, 24/00388/FUL and 24/00389/FUL.

- There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below.

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

1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.

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

2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

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

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

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

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

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

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

Stock Parish Council

Comments
12.04.2024 - Discussed in the Parish Council Meeting 9/4/24 Councillors are concerned about the state of the road that could also occur on Lower Stock Road, with the heavy vehicles that are currently also being used by the farmer on Smallgains Lane & Swan Lane. Therefore they would request that Highways take a look at Smallgains Lane to see the damage to the verges by the increase in large heavy farm vehicles.

West Hanningfield Parish Council

Comments

22.04.2024 - The following comment addresses applications 24/00386/7/8/9.

These revised applications do nothing to address the concerns of the ECC Historic Environment Branch raised in the consultee comments for the first applications.

In the first applications, the comments provided by Planning & Listed Building and Conservation, raised concerns pertaining to the impact of the size of the buildings. It would appear that no further information has been provided and that the information regarding traffic movements is vague considering the high number of heavy vehicle movements required to service an industrial project such as this. The concerns raised by Stock Parish Council in respect of road damage caused by the applicant's similar operations within its parish reflect the number and type of traffic movements associated with these activities.

In the first applications the comments from Planning & Listed Building and Conservation requested that a suitable alternative site be sought from the applicant's extensive land holding; nothing has been forthcoming.

Lower Stock Road is a Historic protected lane and this development with its attendant buildings and vehicle movements are totally out of keeping with the area and the nature and size of the road. Access into either end of Lower Stock Road is restrictive and not suitable for vehicles of the size which will be required to service this unit.

The development and associated vehicle movements will have a detrimental impact upon the amenity value of Lower Stock Road for the many cyclists, dogwalkers, horse riders and pedestrians who use the road.

The issue of containment of effluent spillage has not been addressed and no further information has been provided in these second applications for how this is to be contained. This is a significant risk to the local waterways and the Nitrate Sesitivity of the area.

The Ecological Survey was carried out after the site had been ploughed and is therefore totally irrelevant to what habitat was present on site when the first applications were made, and therefore should not be considered as supporting evidence for these applications. The applicant's letter includes two photographs which shows the field laid to grass, which appears incorrect.

As regards administration, applications 24/00387/8/9 are entitled 'Erect a Cow Barn', yet all three application forms state on page 4 that the application is for a hay barn. Which is it that is proposed?

Of note is that Essex Highways have been consulted on application 24/386/FUL but not on applications 24/00387/8/9. It is imperative they be consulted on all four applications since the impact on Lower Stock Road will be substantial. It is also noted that Essex Highways have not submitted a comment; it is felt they should be chased for a comment.

Public Health & Protection Services

Comments
22.03.2024 - No PH&PS comments with regard to this application.

Essex Wildlife Trust Ltd

Comments
08.05.2024 - We wish to submit an overall objection to these proposals, on the basis that insufficient information in respect of impacts on ecology has been provided by the applicant. In addition, no provision has been made in respect of biodiversity net gain. We note that the onsite habitats were destroyed prior to submission of the applications. Gov.uk guidance is clear that where habitat clearance or degradation has taken place between 30 January 2020 and the submission of the planning application, the BNG baseline must be calculated from immediately prior to the occurrence of the clearance/degradation. The applicant has not provided an ecological assessment in respect of the onsite habitats. We advise that Chelmsford CC should require the applicant to provide such a report, based on the habitats which existed onsite prior to the site being ploughed. The applicant should also be required to provide a biodiversity gain plan.

We apologise for the lateness of this submission, but we respectfully ask that our comments can be taken into consideration when making a decision on these proposals.

Many thanks and kind regards,

Springfield Parish Council

Comments
No response received

Local Residents

Comments
Representations received – 53 letters of representation received. Full details of all the comments are available on the Council's website. A summary of the concerns raised are included in the report.

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.

SITE LOCATION PLAN

1:2500 SCALE - METRES (A4 SHEET)

0 10 20 30 40 60 80 100

REVISION:	DATE:	DRAWN:

PROJECT:
FRISTLING ESTATES,
LOWER STOCK ROAD

TITLE:
SITE LOCATION PLAN

SCALE:	DATE:	DRAWN:	CHKD:
1:2500 @ A4	MAR 24	NE	-

No.	REV.
23/30/29	-

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY
ARCHITECTS

Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.

Bellwyns

SITE ENTRANCE

LOWER STOCK ROAD

TRACK

LAWN

YARD

Proposed tree planting

New 1.2m high field fence

Cattle grid

New 1.2m high field fence

HAY BARN

COW BARN 1

COW BARN 2

COW BARN 3

Underground water harvesting unit

Proposed tree planting

Dead oak

53.3m

Uplands

RPA

T1 T2 T3 T4 T5 T6 T7 T8 T9 T10 T11 T12 T13 T14 T15

H1 H2 H3

G1 G2 G3 G4

NORTH

KEY

INDICATIVE TREE

EXISTING TREE

ROOT PROTECTION AREA

PROPOSED TREE

PROPOSED SITE PLAN

1:500 SCALE - METRES (A1 SHEET)

0 10 20 30 40 60 80 100

REVISION:	DATE:	DRAWN:

PROJECT: FRISTLING ESTATES, LOWER STOCK ROAD

TITLE: PROPOSED SITE PLAN

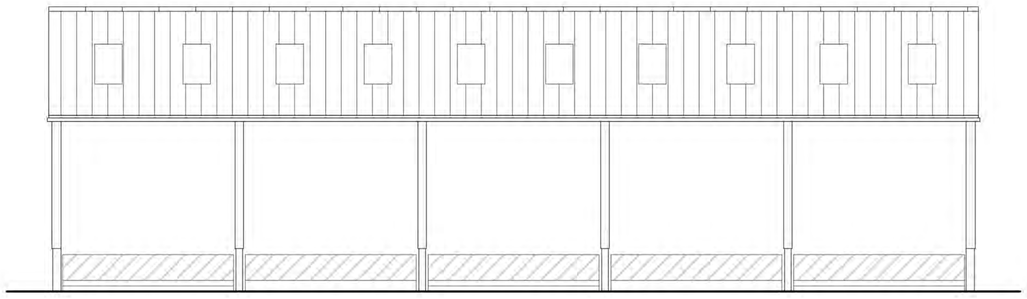
SCALE:	DATE:	DRAWN:	CHKD:
1:500 @ A1	MAR 24	NE	-

No.	REV.
23/30/31	-

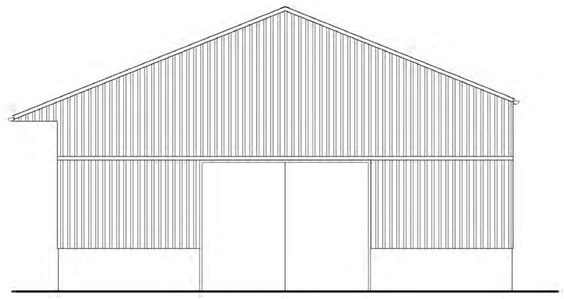
Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

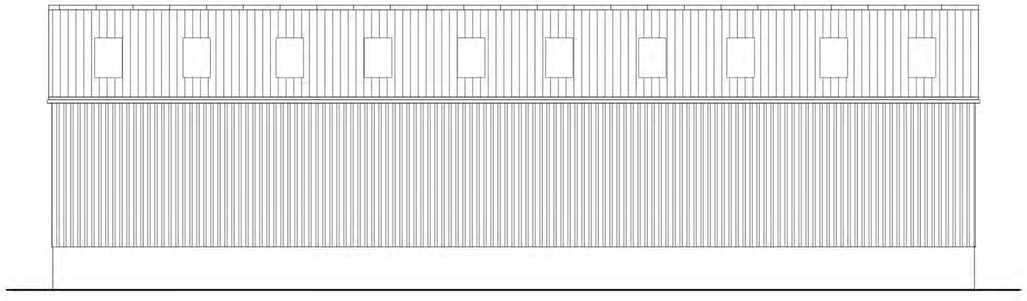
Do not scale from this drawing.
All information shown is to be checked on site
for accuracy and fit. Any discrepancies or omissions
to be reported to Arcady Architects immediately.



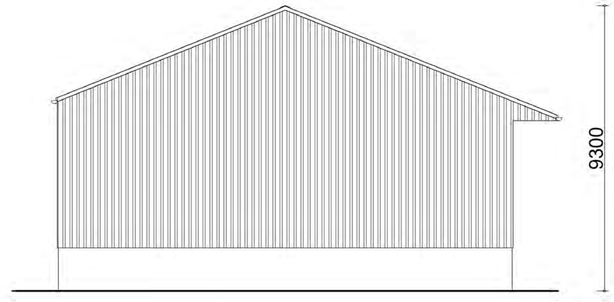
FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

MATERIALS:

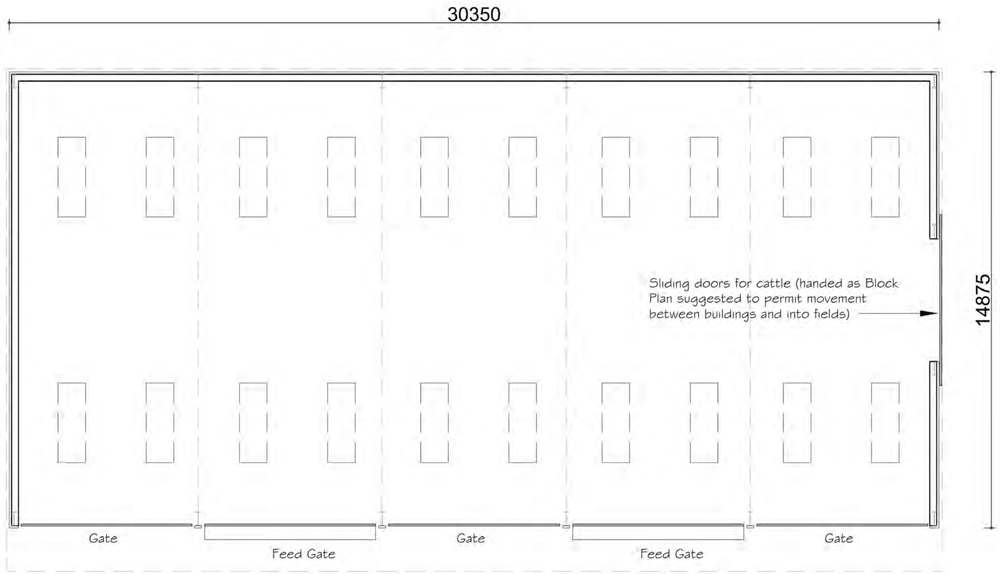
Roof - Eternit Profile 6

Upper Walls - Pressure treated timber hit and miss vertical boarding

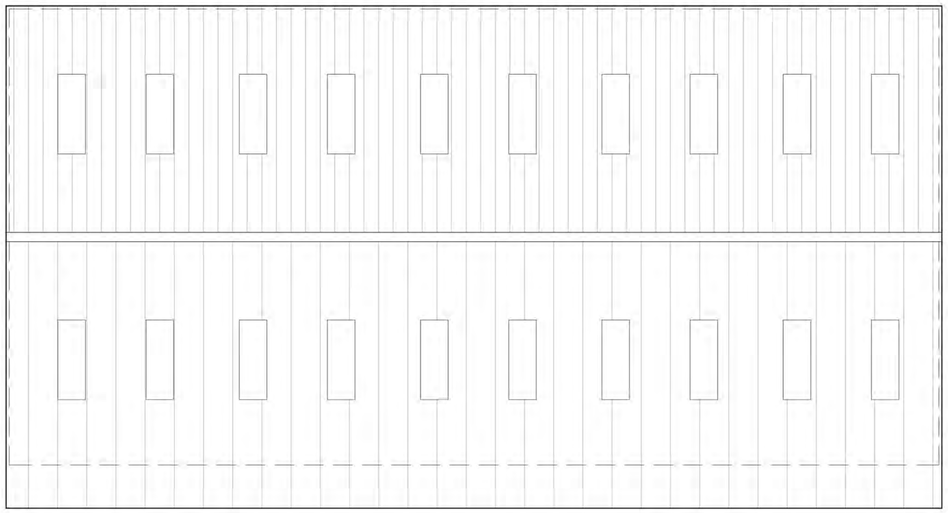
Lower Walls - Pre cast concrete panels - either natural finish or faced in Bricks/brick slips

Gutters - 200mm diameter half round 'stormflo' PVC gutters and 110mm diameter down pipes (3no. per side)

Diagonal feed gate units with galvanised feed hoppers and galvanised standard gates



FLOOR PLAN



ROOF PLAN

1:100 SCALE - METRES (A1 SHEET)

0 1 2 3 4 6 8 10

REVISION:	DATE:	DRAWN:

PROJECT:
FRISTLING HALL ESTATES,
LAND AT LOWER STOCK ROAD

TITLE:
PROPOSED PLANS & ELEVATIONS
-COW BARN 3

SCALE:	DATE:	DRAWN:	CHKD:
1:100	NOV 23	CW	

No:	REV:
23/30/32	

Unit 4 | Phillows Barns | Hammonds Road
Little Baddow | Essex | CM3 4BG
Tel: 01245 464681 | www.arcadyarchitects.co.uk

ARCADY ARCHITECTS

Appeals Report

Directorate for Sustainable Communities

Appeal Decisions received between 26/03/2024 and 15/05/2024

PLANNING APPEALS

Total Appeal Decisions Received	9	
Dismissed	8	89%
Allowed	1	11%
Split	0	0%

Informal Hearing

Jackletts Farm Slough Road Danbury Chelmsford Essex CM3 4LX

Reference	23/00528/FUL
Proposal	Redevelopment of existing commercial site to comprise the erection of new buildings for Class E(g) and Class B8 use following cessation of an existing external storage yard (Class B8 use); conversion of a former agricultural building for Class B8 use; ass
Appeal Decision	Appeal Dismissed - 23/04/2024
Key Themes	- Whether the site is an appropriate location for the development proposed having regard to relevant development plan policies and the Framework;- The effect of the proposed development upon the character and appearance of the area;- Whether it has been adequately demonstrated that the existing barn is no longer required for agricultural purposes; and- Whether the site is an appropriate location for the proposed development with regard to accessibility to and from nearby settlements.
Agreed with CCC on	- the proposed development would not be acceptable having regard to the location of the site and development plan. It would conflict with Part A of LP Policy DM8;- the use of public transport to access the site would not present a reasonable or practical alternative option for employees or customers; the site would be accessible by private vehilce only; this conflicts with Policies S1 and S7 of LP.
Disagreed with CCC on	- there be no harmful impact on the character and intrinsic beauty of the rural area; the proposed landscaping would effectively screen the development;- the likely vehicular traffic araising from the development would not unduly affect the character of the area;- sufficient evidence provided that the ag barn is no longer required for agricultural purposes;- taking in account existing vehicular movements that are already taking place and the relatively short driving distance from nearby settlements and the site, a reliance on vehicles in this instance would not render the location of the proposed development unacceptable in terms of its accessibility to nearby settlements.
Costs Decision	None

Written Reps

19 Church End Avenue Runwell Wickford Essex SS11 7HZ

Reference	22/01400/FUL
Proposal	Construction of a new dwelling with formation of access to Regency Close. Construction of vehicle access bridge.
Appeal Decision	Appeal Dismissed - 01/05/2024
Key Themes	Effect on the character and apperance of the areaEffect on living conditions of neighbouring properties
Agreed with CCC on	Harmful effect on the character and apperance of the area and the living conditions of neighbouring properties
Disagreed with CCC on	None
Costs Decision	None

7 New Writtle Street Chelmsford CM2 0RR

Reference	22/01762/FUL
Proposal	Single storey rear infill extension. Replacement roof including part first floor extension and addition of 5 roof windows to outbuilding. External materials of weather boarding above the existing brickwork.
Appeal Decision	Appeal Dismissed - 10/04/2024
Key Themes	The Key theme of the appeal was whether the proposed development would have an unacceptable impact on the amenities of the neighbouring No. 8 New Writtle Street.
Agreed with CCC on	The Inspector agreed with the Council that the proposed development would result in an unacceptable level of overbearing on the kitchen and garden of the adjoined neighbour of No. 8 New Writtle Street.
Disagreed with CCC on	The inspector did not disagree with any points raised by the Council in the appeal.
Costs Decision	None

Land Adjacent Newells Slades Lane Galleywood Chelmsford Essex

Reference	23/00205/OUT
Proposal	Outline planning application (all matters reserved) relating to the proposed erection of 2 to 4 self-build dwellings.
Appeal Decision	Appeal Dismissed - 02/05/2024
Key Themes	whether the proposal is inappropriate development; any very special circumstances exist
Agreed with CCC on	Not an infill plot; harmful to openness; no very special circumstances
Disagreed with CCC on	Would not result in merging of towns in Green Belt
Costs Decision	None

Land North East Of Church Green Cottage High Street Stock Ingatestone Essex

Reference	22/02311/FUL
Proposal	Proposed new dwelling.
Appeal Decision	Appeal Allowed - 26/03/2024
Key Themes	Impact of development on protected trees.
Agreed with CCC on	
Disagreed with CCC on	The proposal would not unduly compromise the long-term health and viability of protected trees.
Costs Decision	None

Land Rear Of 21 To 23A Broomhall Road Broomfield Chelmsford Essex CM1 7HB

Reference	23/00313/FUL
Proposal	Construction of 2 single storey dwellings using the existing access
Appeal Decision	Appeal Dismissed - 09/04/2024
Key Themes	
Agreed with CCC on	- Height and footprint of the proposed houses would be in stark contrast to the existing low, small-scale outbuildings in the surrounding gardens and much higher than boundary fences- Increased activity to the rear of the existing dwelling from cars and people using the access and parking area- Proposed scheme would be at odds with the existing open, dark, rear garden environment- Introducting sizeable built development into a spacious, largely undeveloped area would harm the sense of openness- Significant part of the dwelling on plot 1 would be visible in the gap between 19 and 21 Broomhall Road which, due to its location behind the row of existing houses fronting the street, would appear out of character- Conflicts with Policy DM23 and the Framework which requires development to be sympathetic to the local character- More intensive use of the driveway which due to the proximity to the existing bedroom windows which are higher than the proposed fence vehicles coming and going from the site would cause harmful noise and disturbance - Contrary to Policy DM29 and the Framework as would harm the living conditions of the occupiers of 21 Broomhall Road with particular regard to noise, disturbance and visual intrusion- Harms identified above attract considerable weight. Limited weight to delivery of housing and economic benefits and remaining matters neutral which do not outweigh the harm.
Disagreed with CCC on	
Costs Decision	None

Land West Of Larkrise Cottage Cock Lane Highwood Chelmsford Essex

Reference	23/00851/OUT
Proposal	Outline application for the demolition of existing garage and construction of new dwelling with scale and layout to be determined. Appearance, means of access and landscaping reserved matters.
Appeal Decision	Appeal Dismissed - 09/05/2024
Key Themes	Is the proposal inappropriate development; effect on openness; sustainability; any very special circumstances
Agreed with CCC on	Inappropriate development; harmful to openness; unsustainable location; no very special circumstances
Disagreed with CCC on	
Costs Decision	None

Kates Cottage Park Lane Ramsden Heath Billericay Essex CM11 1NN

Reference	23/00879/FUL
Proposal	Demolition of existing bungalow and outbuildings. Construction of one new dwelling and detached garage.
Appeal Decision	Appeal Dismissed - 09/05/2024

Key Themes	Whether the proposal would be inappropriate development in the Green Belt The effect of the proposal on the openness of the Green Belt If very special circumstances outweigh the harm to the Green Belt
Agreed with CCC on	The proposal would be inappropriate development in the Green Belt Proposed development would be materially larger than the buildings it replaces Proposed development would have a greater impact on the openness of the Green Belt than the existing
Disagreed with CCC on	
Costs Decision	None

Householder

Heathfield Dowsett Lane Stock Ingatestone Essex CM11 1JH

Reference	23/00508/FUL
Proposal	Construction of incidental domestic stable building
Appeal Decision	Appeal Dismissed - 02/05/2024
Key Themes	Whether the proposal would be inappropriate development in the Green Belt, with due regard to the openness of the Green Belt and the purposes of including land within it; andWould any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
Agreed with CCC on	Inspector agreed that the proposed development would constitute inapporpriate development within the Green Belt and would by definition, harm the Green Belt. As a result of its large size and unsympathetic siting, the proposal would conflict with the Green Belt purpose of Paragraph 143(c) of the Framework which is to assist in safeguarding the countryside from encroachment.
Disagreed with CCC on	Inspector disagreed with the Council in regard to the use of the stable for purposes for outdoor sport and recreation. In effect, inspector viewed that the proposal is for a private equestrian building in connection with a residential use, not a use related to outdoor sport or recreation. The stabling of horses within an incidental domestic building would not be sufficient to demonstrate that the site is being used for outdoor sport or recreation. As a result, the inspector did not consider that the proposal falls within the exception of paragraph 154(b).
Costs Decision	None