

Planning Committee Agenda

11 January 2022 at 7pm

Remote Meeting

Membership

Councillor J A Sosin (Chair)

and Councillors

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

Local people are welcome to attend this meeting 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 Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 email brian.mayfield@chelmsford.gov.uk

PLANNING COMMITTEE

11 January 2022

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 7 December 2021

5. PUBLIC QUESTION TIME

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

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

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 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, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

6. MARSH FARM VISITOR ATTRACTION, MARSH FARM ROAD, SOUTH WOODHAM FERRERS – 21/02024/FUL

7. PLANNING APPEALS

MINUTES
of the
PLANNING COMMITTEE
held on 7 December 2021 at 7:00pm

Present:

Councillor J A Sosin (Chair)

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

1. Chair's Announcements

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

2. Apologies for Absence

Apologies for absence had been received from Councillor P Hughes.

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 2 November 2021 were confirmed as a correct record.

5. Public Question Time

Statements were made by members of the public on Items 6, 7 and 8 and by ward councillors on Items 7 and 8. Details are recorded under the relevant minute numbers below.

6. Land South-West of Pembroke House, London Road, Great Notley – 21/01821/FUL

The Committee considered an application for the construction of three detached dwellings with associated garaging/cartlodes on land to the south-west of Pembroke House, London Road, Great Notley. Permission was also sought for a new vehicular access to the highway, pedestrian access, draining and associated landscaping.

The agent for the applicant attended the meeting to speak in support of the application, arguing that it was appropriate for the location, in keeping with its surroundings and sustainable.

Members of the Committee, however, were of the view that the development was clearly contrary to policy. They believed that it was not appropriate for a rural location, was outside of a designated development area, was out of context with nearby houses and the occupiers of the properties would be heavily reliant on car transport. The Committee therefore agreed that the application should be refused for the reasons set out in the officers' report to the meeting

RESOLVED that application 21/01821/FUL in respect of land to the south-west of Pembroke House, London Road, Great Notley be refused for the reasons set out in the report.

(7.03pm to 7.19pm)

7. 184 New London Road, Chelmsford – 21/01932/FUL

Councillor G H J Pooley spoke in his capacity as a ward councillor on this application. Being pre-determined on it, he withdrew from the meeting after speaking and took no part in the discussion or voting on it.

An application had been received for the installation of play equipment in the rear garden of 184 New London Road, Chelmsford.

The Committee heard from a representative of the applicant, who spoke in support of the application, from the son of a neighbour and from a ward councillor, both of whom felt that the size and position of the structure would be overwhelming and detrimental to the amenity of those living in the neighbouring property. A statement from the applicant was also submitted to the meeting.

The Committee's discussion of the application centred on whether the structure would result in visual harm, loss of privacy, noise and disturbance for occupiers to the neighbouring property. A proposal to hold a site visit was lost on being put to the vote. On balance, members believed that the measures proposed to mitigate the impact of the structure would be sufficient to overcome the concerns that had been expressed.

RESOLVED that application 21/01932/FUL in respect of 184 New London Road, Chelmsford be approved, subject to the conditions detailed in the report to the meeting and

consideration being given to strengthening Condition 3 to require that any planting that fails or dies is replaced.

(7.19pm to 7.49pm)

8. 4 The Green, Writtle, Chelmsford – 21/01258/FUL

The Committee considered an application for a garden shed at 4 The Green, Writtle.

A ward councillor and a neighbour attended the meeting to speak against the application. Their main concern was the effect rainwater and surface saturation caused by the shed's proximity to the heritage garden wall between the application and neighbouring properties could have on the wall's structural integrity. They suggested that the shed should be at least two metres from the wall rather than the one metre proposed.

Officers informed the Committee that the Council's Heritage Officer was of the view that the measures proposed to mitigate the effect of rainwater run-off from the shed in its proposed location and to prevent surface saturation were adequate to protect the strength and integrity of the wall. Members discussed whether another opinion should be sought on the effect the presence of the shed would have on the wall but concluded that the advice of the Heritage Officer was sufficient. There being no other reasons to refuse the application, the Committee considered that it should be granted.

RESOLVED that application 21/01258/FUL in respect of 4 The Green, Writtle, Chelmsford be approved, subject to the conditions detailed in the report to the meeting.

(7.49pm to 8.19pm)

9. Planning Appeals

With regard to the decision to allow the appeal on application 20/01720/FUL, Land South-West of Cards Road, Sandon, the Committee shared the concerns of Sandon Parish Council submitted to the meeting about the effect of the development on local residents, particularly from construction traffic. It suggested that the Parish Council discuss with the developer ways in which the impact on the village of the construction phase could be mitigated.

RESOLVED that the information on appeal decisions between 20 October and 24 November 2021 be noted.

(8.19pm to 8.28pm)

The meeting closed at 8.28pm

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

- DM8** Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- DM10** Policy DM10 - Change of use (Land & Buildings) & Engineering operations - Planning permission will be granted for the change of use of buildings in the Green Belt, Green Wedges and Rural Area subject to the building being of permanent and substantial construction and where the building is in keeping with its surroundings. Engineering operations will be permitted within the Green Belt where they preserve openness, do not conflict with the purposes of including land in the Green Belt, and do not harm the character and appearance of the area. Changes of use of land will be permitted in the Green Wedges and Rural Area where the development would not adversely impact on the role, function and intrinsic character of the area.
- 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.
- DM18** Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.
- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- 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.

- SPDSWF** A Plan for South Woodham Ferrers is an adopted Supplementary Planning Document and is part of the Local Development Framework. The Plan focuses on themes of shopping and business, housing, open space and leisure, access and transport, and car parking. It also sets out planning guidance, proposes improvements, and seeks to co-ordinate action by public and private interests. The Plan is linked to borough-wide planning policies.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- SPS11** Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

VILLAGE DESIGN STATEMENTS

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

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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



Planning Committee
11th January 2022

Application No	:	21/02045/FUL Full Application
Location	:	Marsh Farm Visitor Attraction Marsh Farm Road South Woodham Ferrers Chelmsford Essex CM3 5WP
Proposal	:	Change of use of land and buildings to a dinosaur based educational attraction (F1/F2); including installation of prefabricated dinosaurs; children's play equipment and activity areas; use of existing polytunnel structure as covered area with seating and digging pits; use of existing ancillary building for bespoke learning experiences, including theatre; fencing and associated works
Applicant	:	Mr James Sinclair
Agent	:	Mr Barry Davies
Date Valid	:	14th October 2021

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Appendices:

Appendix 1	Consultations/Summary of residents comments.
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 Rural Area where new development is restricted. The application seeks planning permission for the change of use of land and buildings to a dinosaur based educational attraction, including installation of prefabricated dinosaurs, children's play equipment and activity areas, use of existing polytunnel structure as covered area with seating and digging pits, use of existing ancillary building for bespoke learning experiences including theatre, fencing and associated works.
- 1.3. The proposal would not comprise a standalone facility and would form part of the range of attractions offered at Marsh Farm.
- 1.4. The proposal is well designed and would have no harmful visual impact upon the character and appearance of the surrounding area, where it would be viewed against the backdrop of the existing Marsh Farm Visitor Attraction.
- 1.5. The proposal would not generate noise or disturbance which would be harmful to the living conditions and amenities of neighbouring residential properties.
- 1.6. There would be no increase in flood risk within or outside the site and the proposal would not give rise to ecological harm.
- 1.7. The proposal would not give rise to an unacceptable increase in vehicle numbers and there is adequate parking provision within the site.
- 1.8. Approval is recommended.

2. Description of site

- 2.1. The site is located to the south of South Woodham Ferrers on land between the River Crouch and the Urban Area of South Woodham Ferrers. It is located within the Rural Area beyond the Green Belt and is located within Flood Zones 2 and 3. Marsh Farm is an established family visitor attraction. The site contains a number of buildings used as part of the visitor attraction. There are also animal paddocks, open spaces, theme park rides, marquees and spaces used for children's play and entertainment.
- 2.2. The application site is located within the south-east corner of the site. It comprises an area of hardstanding, a poly tunnel and a detached outbuilding and is currently used for ancillary storage associated with the day to day running of Marsh Farm. The area is not open to the public. It is bordered by an internal access road and buildings comprising part of the visitor attraction.
- 2.3. There is a Public Right of Way (PRoW) running parallel to the southern boundary of the site and the sea wall and to the west of the site along Marsh Farm Road. The site boundaries along the PRoW comprise mature vegetation.
- 2.4. The site is located within the Coastal Protection Belt. the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and RAMSAR.

3. Details of the proposal

3.1. The proposal would change the use of the land and buildings into dinosaur based educational attraction comprising the following:

- Resurfacing and landscaping of land to form a dinosaur trail comprising 15 prefabricated dinosaurs ranging between 0.5 to 5 metres in height, information panels, climbing wall to a maximum height of 2.5 metres and dinosaur footprint.
- Change of use of and recovering of existing polytunnel structure to form new area and digging pits,
- Construction of 'Jurassic Park' style entrance and exit gates measuring about 3.2 metres high by 3 metres wide.
- Conversion of existing ancillary outbuilding to south of site to form a new theatre, interactive dinosaur display/ games areas, plus associated reception and WC facilities.
- New boundary fencing and ancillary works including ramp to theatre building and signage.

4. Other relevant applications

4.1. Since 2014, the wider application site has been the subject of a number of planning applications. These are listed below. Of particular relevance is the 2014 application for a certificate of lawfulness which was granted for the use of the site as a visitor attraction. This included the use of land forming part of this planning application as an ancillary storage area.

- 14/01331/CLEUD - Approved 23rd January 2015 Use of site as visitor attraction (D2 Assembly and Leisure) including staff car park, overflow car park, events field, ancillary storage, picnic area, children's outdoor activity area and birds of prey display area.

4.2. Other relevant applications include:

21/00218/FUL – Approved 7th September 2021

Retrospective application for change of use of visitor reception/cafe to farm shop (e); surfacing of land adjacent to farm shop and use for activities associated with the farm park; surfacing to existing overspill parking area (part)

16/01596/FUL - Approved 19th December 2017

Retrospective application for change of use of part of existing building from an educational /livestock building to a registered children's day nursery (use class D1).

15/01287/FUL - Approved 22nd September 2015

Retrospective application for extension to staff car park and proposed extension to staff car park.

15/01001/FUL - Approved 19th August 2015

Siting of educational play equipment.

14/00594/FUL - Approved 23rd January 2015

Retrospective application for construction of birds of prey enclosure, train station, ticket booth, snack shack, walk through aviary, laying of hard surface access track. Change of use of buildings including piggery building to education and interpretation centre with cafe, part of cowshed to retail gift shop with refreshment facilities. Change of use of land to recreational activity area (children's pedal go-karts and mini- golf)

5. Summary of consultations

- South Woodham Ferrers Town Council – Objects
- Inappropriate in a country park
Concerns about significant traffic increase on network and resident amenity
The noise generated by the site will increase.
- Use is not educational.
- Site located within a flood zone concerns about evacuation
- Chelmsford City Council should use the planning legislation and Essex County Council should use its powers as Landlord to constrain the use of the site.
- Public Health & Protection Services – No comments.
- Essex County Council Highways – Proposal acceptable.
- Natural England – No objection
- Environment Agency – No objection.
- Local residents - A number of representations have been received to the proposals from local residents. These are listed below and can be briefly summarised as:
 - Character and appearance
 - Intensification of use
 - Noise
 - Traffic and vehicle movements
 - Residential living conditions / amenity
 - Flooding
 - Other matters.

5.1. A full summary of consultation responses and comments is given at Appendix one:

6. Planning considerations

Main Issues

Principle of development

- 6.1. The site is located within the Rural Area where Local Plan Policy DM10 applies. Part C specifically relates to land within the Rural Area such as the application site and specifies that subject to compliance with the following four criteria, planning permission will be granted for the change of use of land or buildings in the Rural Area:
- i. the building is of permanent and substantial construction, and works to convert the building would not result in substantial reconstruction; and
 - ii. the building is in keeping with its surroundings, and any alterations or extensions do not harm its original character; and
 - iii. it does not adversely impact on the identified intrinsic character, appearance and beauty of the Rural Area; and

- iv. the building was constructed less than ten years ago for the purposes of agriculture, but it can be demonstrated that it is no longer required for agriculture.
- 6.2. Policy DM10 also permits engineering operations within the Rural Area where they do not adversely impact upon the identified intrinsic character, appearance and beauty of the Rural Area.
- 6.3. Policy DM8 relates to new buildings and structures in the rural area but does not apply as no new buildings are proposed. Policy DM20 relates to community facilities. The site is not a community facility and the policy does not apply to this proposal.
- 6.4. Policy S1 relates to Strategic Planning Principles. Policy S11 relates to the role of the countryside. A Plan for South Woodham Ferrers is an adopted Supplementary Planning Document and forms part of the development plan.
- 6.5. The principle of development is acceptable subject to compliance with policies DM10, S1, S11 and the Plan for South Woodham Ferrers listed above.

Design and Layout and impact upon character and appearance of countryside

- 6.6. The site is located within an ancillary corner of the visitor attraction, surrounded by mature vegetation and buildings forming part of the Marsh Farm complex.
- 6.7. The site would be cleared and made good. The dinosaur attraction would be formed, with conversion of the existing storage building and formation of associated gates, fences, and landscaping.
- 6.8. Whilst in the countryside, the Marsh Farm visitor attraction comprises a standalone and isolated pocket of leisure / tourism related development in between the River Crouch to the south and the Urban Area of South Woodham Ferrers to the north. It has a developed, commercial and managed urban character, separate to the Country Park.
- 6.9. The wider countryside is a hinterland of primarily arable marshes on the northern shores of the River Crouch. Gently rising from the marsh levels, the countryside is indented by many creeks, with scattered blocks of trees, scrub and hedgerows. The urban edge of South Woodham Ferrers is very abrupt and stark within the landscape.
- 6.10. The Plan for South Woodham Ferrers seeks to form a 'green necklace', separating the urban area from the River Crouch.
- 6.11. The visitor attraction is viewed against the backdrop and urban setting of the Urban Area of South Woodham Ferrers and is set down below the River Crouch riverbank, where it is visible along the public rights of way to the south and west of the site.
- 6.12. The 15 dinosaurs would be located within a themed trail within the centre of the site. They range in height between 1.5 metres and 5 metres and would be painted in natural colours. They would be fixed structures, would not move and would not make sounds. The two tallest dinosaurs would measure 5 metres tall and would be located centrally within the site. The heights of the dinosaurs would range and fall within the trail, with many ranging between 2 to 3 metres. The height of the tallest dinosaurs would not exceed the height of the existing buildings or the children's play tower contained within the attraction to the north of the installation.

- 6.13. Seating and play features would be contained within the trail which would be landscaped and themed. The height of the climbing walls and fencing would not exceed 2.5 metres.
- 6.14. No illumination is proposed. A sound system may be installed within the trail. Details of this have not been confirmed but further details of both lighting and sound can be sought by the use of planning conditions.
- 6.15. The existing outbuilding and polytunnel are in a good general state of repair and are well constructed and fit for purpose. Other than a new cover, only modest alterations would be needed to the poly tunnel.
- 6.16. The existing outbuilding would be refurbished, repaired and made good. Limited information has been submitted with the application regarding the conversion of the building, but it is clear that the alterations would be largely cosmetic in nature and would not affect the structural integrity of the building. The proportion of old to new build work would be reasonable. The alterations to the building would be in keeping with the design and appearance of other buildings within the site. The building has been used for general storage and is not required or designated for agricultural use.
- 6.17. The application site already forms part of the visitor attraction and the proposal would give the area a public facing, rather than back of house function. There would be no change in the overall use or character of the site as a visitor attraction.
- 6.18. Architecturally the proposal is acceptably designed, and the proposal would be in keeping with the character and context of the existing visitor attraction. The height, mass and proportions of the dinosaurs would generally be smaller and more modest in mass and scale than the other existing features and buildings within the site.
- 6.19. The proposal would be located at about 200 metres from the nearest residential properties and, with the exception of the edutainment building, due to its single storey form, would not be overbearing or dominating in relation to proximity from these existing residential properties.
- 6.20. The proposal would be contained within the site and would be screened by existing buildings and boundary treatment. The site is set down below the riverbank where dense and thick vegetation screens it from views along the ProW.
- 6.21. Whilst it may be possible to glimpse the proposal within short /long distance views along the ProW, any view loss would be temporary and fleeting. The proposal would be viewed against the backdrop of the existing tourist attraction and the urban edge of South Woodham Ferrers rather than the open estuarine marshland / countryside. The natural colours of the dinosaurs and the introduction of fencing can be conditioned to integrate the proposal into the character and context of the area.
- 6.22. Both in terms of landscape character and visual amenity, the proposal would not lead to unacceptable harm to the intrinsic character, appearance, and beauty of the area.
- 6.23. The proposal does not propose any additional parking and is not for a standalone facility. All associated parking for customers would take place within the existing car parking areas for customers.

- 6.24. Concerns have been raised that the proposal would lead to the intensification and over commercialisation of the site. The Council is aware of the planning history and there have been a number of planning applications granted for development of the site. Planning law is clear that applications must be assessed on their merits against the relevant development plan and any other considerations that may apply. The site is an existing and established Visitor Attraction and the proposal would not be out of keeping with it.
- 6.25. The proposal would comply with the requirements of Local Plan Policies SPS1, SPS11 and DM10.

Flooding

- 6.26. The site is located within Flood Zones 2 and 3a and a flood risk assessment has been submitted with the application.
- 6.27. The Environment Agency have been consulted on the proposal. They have reviewed the supporting information and have no objections subject to conditions. The conditions require details of flood resistant/resilient measures are incorporated into the design of the building to mitigate the proposed development from flooding as well as details of the emergency refuge and flood plan.
- 6.28. A sequential and exceptions test has been completed by the Local Planning Authority and the proposal complies with it.
- 6.29. The change of use of both the land and the building does not impact the risk of flooding, either within the site or to neighbouring properties, or increase this in any way. There is also no greater risk to customers or visitors as a result of the change of use.
- 6.30. The comments made within the letters of representation regarding flooding and drainage are noted. The supporting information has been considered by the Environment Agency but they raise no objection to the submitted documentation.
- 6.31. In the absence of an objection from the Environment Agency, the proposal is not considered to lead to harmful drainage or flooding to warrant a reason for refusal on this ground and complies with Local Plan Policy DM18.

Neighbour Amenity

- 6.32. The proposal would be located within the south-east corner of the site. The closest residential properties to this part of the site would be located about 200 metres to the north.
- 6.33. The dinosaurs themselves would be passive and would not emit noise. It is understood a sound system would be installed as part of the installation. Details of the sound system can be conditioned and acoustically rated such that acceptable noise levels are achieved.
- 6.34. The existing Visitor Attraction already operates a sound system and any additional sound would be experienced within the context of this system.
- 6.35. Public Health raise no objections to the proposal. It is not considered that the proposal would lead to material adverse impacts on noise that would harmfully affect the living conditions and amenities of local residents, nor the tranquillity of the countryside.

- 6.36. The proposal would not intensify the use or development of the site in respect to noise and disturbance.
- 6.37. The proposal would not be visible from residential properties located within the Urban Area of South Woodham Ferrers. At a maximum of 5 metres in height, the dinosaurs would be no taller than the existing single storey buildings found within the site. The proposal would not lead to a harmful change in outlook from ground or first floors. The proposal would be screened by other buildings and features within the visitor attraction which are located closer to the residential properties than the application site. The impact of the proposal would not be unacceptable.
- 6.38. Any view loss along public rights of way would be temporary and fleeting and would not be unacceptable given the separation distance and boundary treatment, which can be conditioned.
- 6.39. It is noted that representations have been submitted detailing issues of noise and disturbance which have been generated by the site. It is acknowledged that the running and management of events have previously led to noise complaints however this proposal does not relate to them.
- 6.40. The use of the site has evolved since it was originally run by Essex County Council as an educational Country Park and Farm and it is now an established visitor attraction. The management and running of the wider site and the holding of events are separate issues from the development which is being applied for as part of this planning application. The development which is being applied for does not give rise to unacceptable noise impacts.
- 6.41. The construction of the development would be temporary. It is inevitable that there will be some disruption during the construction phase, but any inconvenience would be short lived. Breaches in noise and disturbance can be reported to Public Health and Protection. A condition relating to construction hours is attached to the decision notice.
- 6.42. Subject to the imposition of conditions detailed above, the development complies with Local Plan Policy DM29.

Access and Parking

- 6.43. The proposal does not include any additional parking. The applicants Planning Statement confirms that the proposal is not for a standalone facility.
- 6.44. It is evident from visiting the application site that there is a large amount of car parking available; there are two large car parks next to the site entrance. A parking accumulation study was undertaken as part of the previous planning application (21/00218/FUL – planning history refers). This showed existing spare capacity in the car parking areas. The use of the events field for parking is noted.
- 6.45. The Highway Authority have been consulted on the proposal and raise no objections to it. They state that the proposal would not impinge on the existing permitted car parking areas.
- 6.46. They consider that the parking accumulation study has demonstrated there is adequate parking provision for the development applied for and there is spare capacity.
- 6.47. No concerns regarding highway safety and impact on the surrounding road network and emergency vehicle access have been raised by the Highway Authority.

- 6.48. The site provides sufficient parking provision to accommodate the needs of the visitor attraction.
- 6.49. The concerns made within the letters of representation are noted and have been subsequently considered by the Highway Authority when making their comments, but they do not affect the Highway Authority recommendation.
- 6.50. The sustainability of the site and availability of non-car modes of transport are noted but do not affect the recommendation.

Trees and Ecology

- 6.51. There are no trees situated on or immediately adjacent to the application site which are protected by Tree Preservation Order.
- 6.52. The site comprises area of land used for storage, a polytunnel and an outbuilding. There would be no ecological implications arising from the use of these buildings or change of use of the site.
- 6.53. The site is located next the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and RAMSAR.
- 6.54. A Habitats Regulations Assessment has been completed by the Local Planning Authority which considers the impact of the proposal on ornithology (breeding and wintering birds) which are associated with the nation, European and international protected sites. This concluded that the proposal would not have significant adverse impacts upon the above protected sites.
- 6.55. Natural England have been consulted on the proposal and raise no objection to it. They have considered the proposal with regard to the impact of the development on protected species and have not identified a requirement for any further survey work to be undertaken. In the absence of a formal objection to the proposal from Natural England, the proposal is considered acceptable in ecological terms.

Other Matters

- 6.56. In addition to the above main considerations, numerous other considerations have been raised which are considered below.
- 6.57. The comments relating to the use of the building for educational purposes under Use Class F1(a) are noted. However, planning law is clear that applications must be considered on their merits against the relevant development plan and other material considerations that apply. The use of the proposal would be consistent with and in keeping with the site's use as a Visitor Attraction. There is no requirement to condition the use of the area to education only.
- 6.58. As the proposal would not comprise a stand alone facility and would be bound by the general operating and licence terms relating to the day to day running of Marsh Farm Visitor Attraction, there is no requirement to attach a condition relating to the hours of use of the proposal to the decision notice.

- 6.59. Policy DM23 requires new buildings and extensions to create inclusive environments. The development proposed is mainly a walk-through activity both indoors and out catering for persons who may require assistance with mobility. As a private facility it would be for the applicant to include specific provision for people with specific disabilities.
- 6.60. There is no indication that there will be an increase in the number of staff employed at the site.
- 6.61. The comments relating to the applicant's appearance on BBC Essex are noted, as is the likely investment to the site. These are not material planning considerations.

7. Community Infrastructure Levy (CIL)

- 7.1. This application is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site

Condition 3

No construction shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction works shall take place at any time on Sunday or a Bank Holiday.

Reason:

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

Condition 4

Prior to their installation, full details of the:

1. Dinosaurs,
2. Climbing wall,
3. Signage,
4. Fences,
5. Gates,
6. Sound system,
7. Lighting,
8. Polytunnel cover,

9. Finish of edutainment building and
10. Hard and soft landscaping

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the design of the development integrates with the character and appearance of the area in accordance with Policy DM23 of the Chelmsford Local Plan.

Condition 5

No external lighting shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority.

All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason:

To ensure there is no disturbance or harm caused to protected species in accordance with Policy DM16 of the Chelmsford Local Plan.

Condition 6

Prior to conversion of the edutainment building, details of flood resistant/resilient measures to be incorporated within the design of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be converted in accordance with these details subject to any such variation that may be agreed with the Local Planning Authority.

Reason:

To ensure the building is appropriately safeguarded from unacceptable risk of flooding in accordance with Policy DM18 of the Chelmsford Local Plan.

Condition 7

The development shall be carried out in complete accordance with the recommendations contained within the Marsh Farm Flood Risk Assessment dated 2021 subject to any such variation that may be agreed with the Local Planning Authority.

Reason:

To ensure the proposal does not give rise to an unacceptable risk of flooding in accordance with Policy DM18 of the Chelmsford Local Plan.

Condition 8

Prior to first use the proposal, details of the emergency refuge for the edutainment building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposal shall be carried out in accordance with the approved details, subject to any such variation that may be agreed with the Local Planning Authority.

Reason:

To ensure that appropriate flood risk management arrangements exist for the emergency refuge in accordance with Policy DM18 of the Chelmsford Local Plan.

Condition 9

Prior to first use of the attraction, the Flood Warning Emergency Evacuation Plan shall be updated for the site and shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plan shall remain in place and evacuation measures shall be carried out in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority.

Reason:

To ensure that suitable Flood Evacuation measures exist for the site in case of flooding in accordance with Policy DM18 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

Positive and Proactive Statement

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

Background Papers

Case File

Appendix one: Summary of resident's representations:

- Proposals were briefly discussed at residents' meetings, but no agreements or approval were sought or given. Use of polytunnel / building not mentioned.
- Proposal out of keeping with character and appearance of the area. Eyesore. Loss of views and loss of quiet countryside setting. Proposal inappropriate in country park. At 5 metres in height, dinosaurs not small and out of keeping with existing buildings. Proposal will be visible from the river. Loss of quiet enjoyment of footpath.
- Proposal will lead to intensification of site and increase in visitor numbers. Site over commercialised. A variety of marquees and structures have been added to the site which are harmful the character of the area. Permitting an intensification of use with additional structures not in keeping with the rural character.
- The site abuts a number of international wildlife designations including-Special Area for Conservation -Special Protection and RAMSAR Site -Marine Conservation Zone Policies S4 and DM16 are relevant and safeguards site from light pollution.
- Lack of information within the application regarding operation of dinosaurs, will they move/create sound, refurbishment of building, will poly tunnel be sound proofed?
- Not an educational facility. Visitor attraction. The application should be restricted to F1(a) educational use only.
- Traffic, noise and light pollution and extended trading hours will increase. At the residents' public meeting it was stated they are expecting to increase visitor numbers to 280,000 visitors year, a 47% increase.
- Proposal will lead to traffic congestion and queuing along local roads and disturbance to residents. Potential to block and effect emergency vehicle access to River Crouch. Harm to users of the neighbouring road and public rights of way. There are no surfaced footpaths on either side along the frontage of Marsh Farm. Highway safety concerns arising from additional traffic movements.
- No coach parking shown.
- The East Field is being used as an activity field, reducing the available parking capacity to approximately 700 spaces. ECC highways would have considered the current planning application on the basis that 956 car parking spaces would be available.
- No consideration of sustainable modes of transport.
- Will teaching will take place at the site? Appears proposal will be used for school trips.
- There have been continual noise problems at the visitor attraction.
- Proposal will lead to noise, inconvenience and disruption to local residents leading to harm to quality of life. How will construction take place without causing noise, public nuisance or accessibility.
- Failure to comply with licensing restrictions and exceeding agreed noise levels Enforcement investigation open regarding potential planning breaches including new tarmacked areas and concrete areas, has this been considered within flooding reports.
- Flood warning plan outdated, not fit for purpose and Flood Risk Assessment out of date. Various factual flaws in report. Many farm animals not on site. How would animals be evacuated in the event of a flood? No flooding procedures in place for proposal.
- The application has recently been highlighted in an interview with the applicant on BBC Radio Essex on 8th November, 2021. The applicant indicated that the proposal represents an investment of £1.6m.
- Opening hours should be restricted in accordance with the times given in the application documents, that is, from 10.00 am to 5.00 pm. Building work and deliveries should be restricted from 10:00 - 17:00 on weekdays only; there should be no work or deliveries of building equipment, machinery etc. to MF on weekends and Bank Holidays.
- Development is in conflict with Woodham Ferrers Neighbourhood Plan. Fails to establish a 'Green Necklace' around the edge of the town. Fails to comply with Adopted Chelmsford Local Plan Policies.

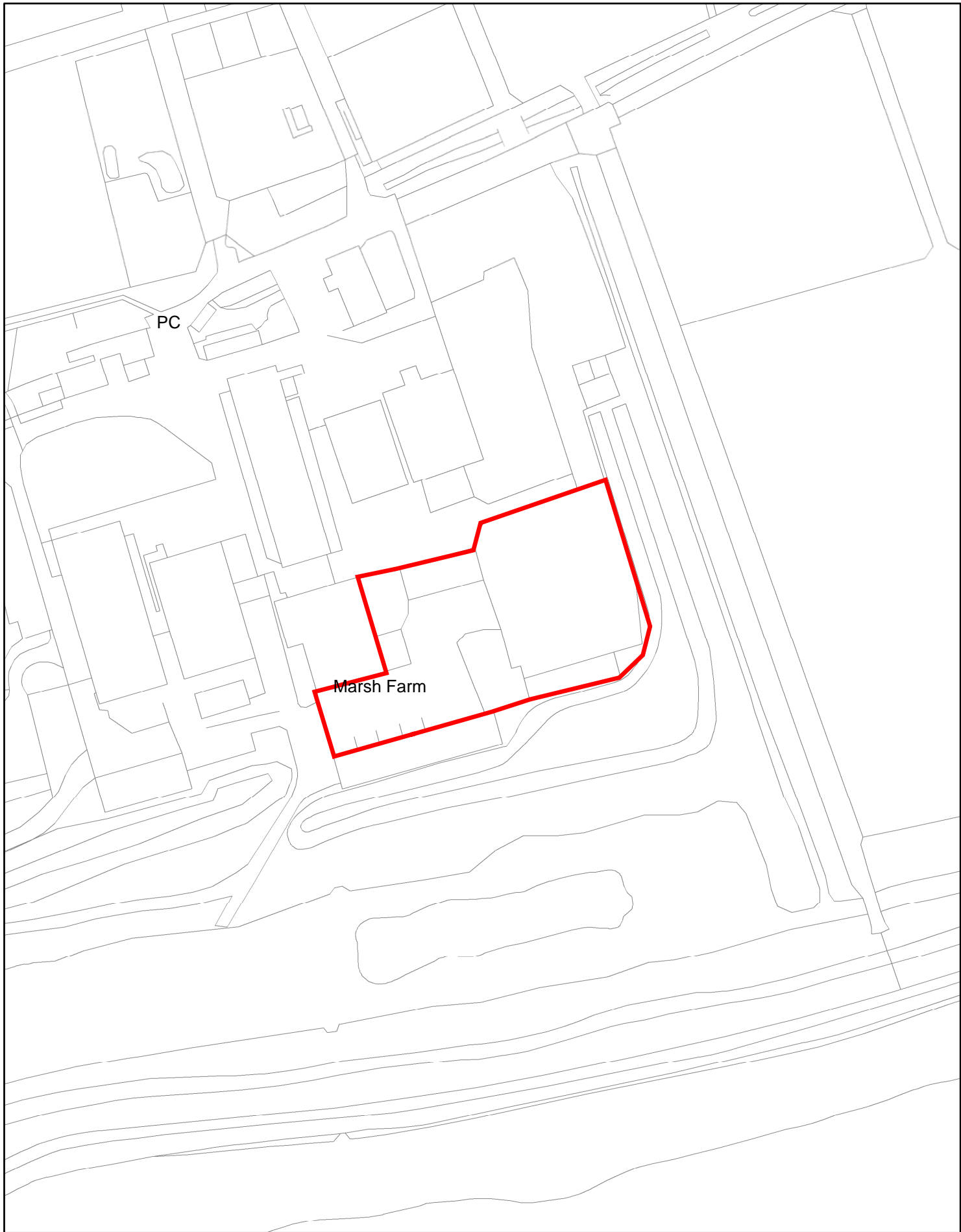
- The application does not provide any ecological assessment of likely impacts.
- Is there access for people with disabilities?
- Will more staff be employed on the site?

Appendix 1 – Consultations

- South Woodham Ferrers Town Council – Objects
- Site is located within the centre of a Country Park adjacent to a SSSI, overlooked by a popular scenic public footpath along the sea wall, approached by a narrow lane with no footpaths.
- Proposal inappropriate given that the reason of the proposal is to attract visitors and support retail.
Proposal would lead to an increase in 40,000 vehicles a year to the site.
- There would be an increase in disruption to the local residents and congestion on the highway.
- Potential for obstruction/impediment of access to emergency vehicles accessing River Crouch along Mark Farm Road at entrance / exit times.
The noise generated by the site will increase.
- Use is not educational.
- Site located within a flood zone and susceptible to flooding. Flood evacuation plan last updated in 2015. Unclear whether it has been tested.
- Chelmsford City Council should use the planning legislation and Essex County Council should use its powers as Landlord to constrain the use of the site.
- Essex County Council Highways – Proposal acceptable.
- The Dinosaur based Educational facility would be located with the existing site curtilage. It would not impinge on the existing permitted car parking areas.
- The recent approval 21/00218/FUL included a car parking accumulation study, which demonstrated adequacy for the approved proposal and showed existing spare parking capacity in the car parking areas.
- The recently approved planning application 21/00218/FUL included a car park accumulation survey carried out Saturday 26th June 2021. The survey was carried out when COVID restrictions allowed the Marsh Farm site to be open. The number of parking spaces as approved is 956.
- The maximum accumulation of parked vehicles shown in the study at 13:00 was 361 vehicles.
- The 280,000 visitor number increase is aspirational, however even if this figure is achieved there would be adequate capacity as approved to accommodate visitor cars in the car park as approved.
- The site has been active for many years. The recent owner has developed uses at the site. There is a walkable verge on the west side of Marsh Farm which is considered adequate.
- The car parking layout shown in the “Figure 1 Event Parking Layout – Overview P1526” is informal. Coach Parking and turning could be accommodated. Turning areas for Heavy Goods Vehicles and for Coaches were condition in the Highway Authority’s conditional approval 21/00218/FUL attached.
- The East Field area has approval for car parking, approval 21/00218/FUL.
- There is a limited bus service along Inchbonnie Road with bus stops nearby.
- For the current planning application, it is considered that the majority of vehicle/visitor trips to the new “Dinosaur based educational attraction (F1/F2); including installation of prefabricated dinosaurs; children's play equipment and activity areas etc,” are likely to be mostly linked trips. This is where visitors who have already travelled there would visit the attraction.
- The proposal would not affect the approved car parking areas.
- The educational trips for school children would be during school term times and take place Monday to Friday outside the peak activity times.

- Natural England – No objection
- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
- European sites - Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.
- Sites of Special Scientific Interest - Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.
- Environment Agency – No objection.
- site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding.
- The proposal is classified as a 'less vulnerable' development,
- To comply with national policy the application is required to pass the Sequential and be supported by a site specific Flood Risk Assessment (FRA).
- Actual Risk of flooding - The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change, the site does benefit from the presence of defences. The site level is a minimum of 2m AOD and therefore flood depths on site are 3.04m in the 0.5% (1 in 200) annual probability flood event including climate change.. Assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. The proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 0.5% (1 in 200) annual probability including climate change flood event. A Flood Evacuation Plan has been proposed and demonstrates that compensatory storage is not required.
- Residual Risk - Data shows that in a worst-case scenario the site could experience undefended flood depths of up to 3.04 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 3.15 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. The applicant may need to provide a breach assessment for the development site in their FRA. Assuming a velocity of 0.5m/s, the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change, flood resilience/resistance measures have not been proposed.
- A Flood Evacuation Plan has been proposed Guidance for Local Council Safety of Building – Flood Resilient Construction. The FRA does not propose to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding. We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.
- Safety of inhabitants - Safety of Building The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall-back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to provide certainty that the buildings will be constructed to withstand these water pressures.
- Safety of Inhabitants – Emergency Flood Plan - local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).



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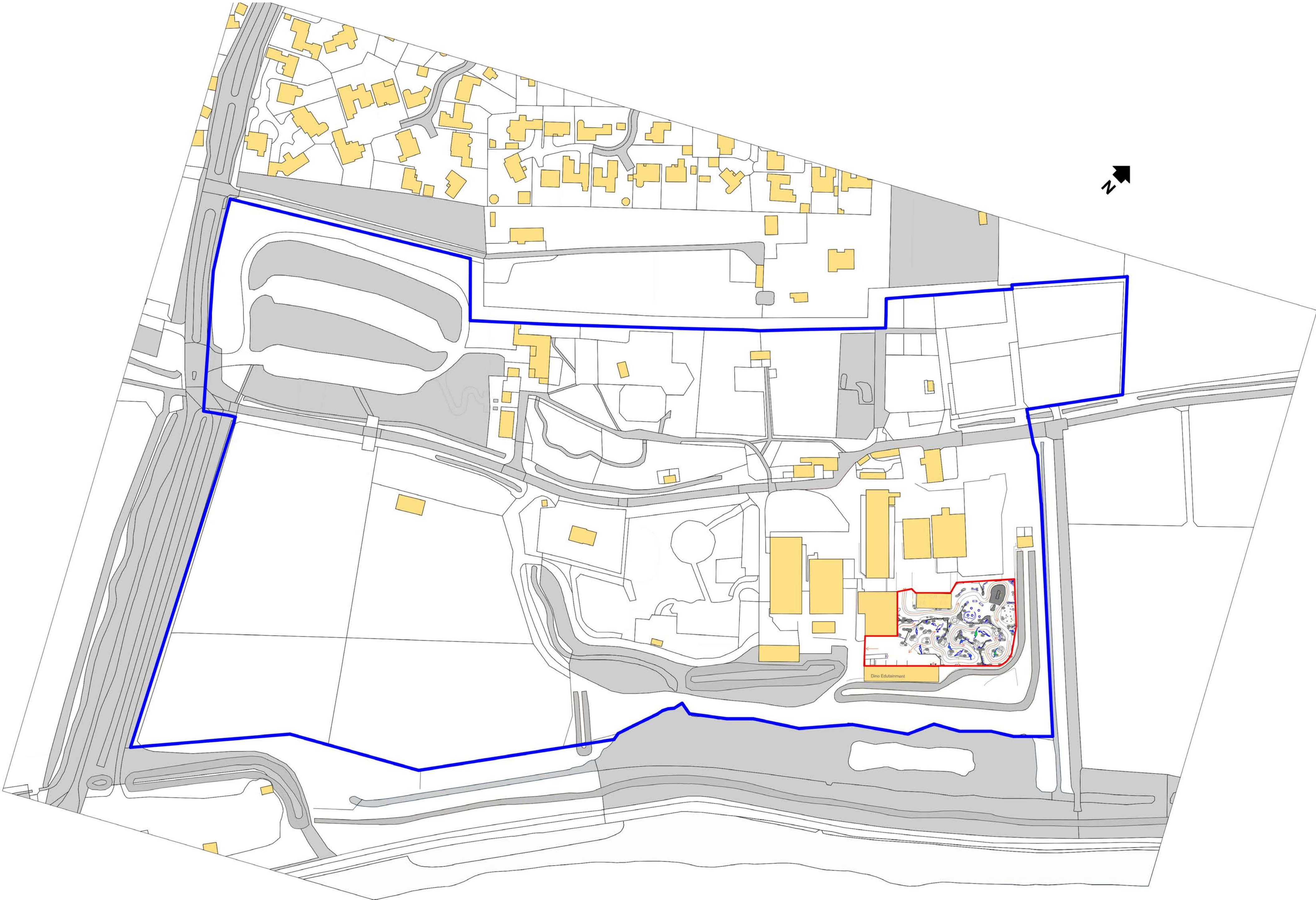
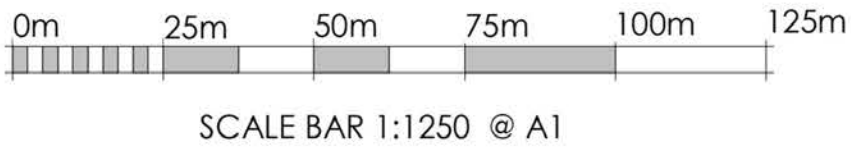
Planning Committee
****21/02045/FUL****

Planning & Development Management
Directorate for Sustainable Communities

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

Telephone: 01245 606826

A2563 / 301 : Site Location Plan



Site Location Plan
1 : 1250

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

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

Alderton Associates
CHARTERED BUILDING SURVEYORS

3 Brassie Wood
Chelmsford
CM3 3FP

Tel | 01245 460 222
aldertonassociates.co.uk

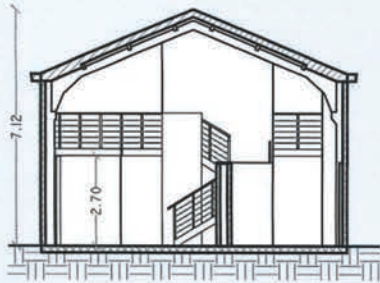
Client
Marsh Farm

Site
Marsh Farm, South Woodham Ferrers, CM3 5WP

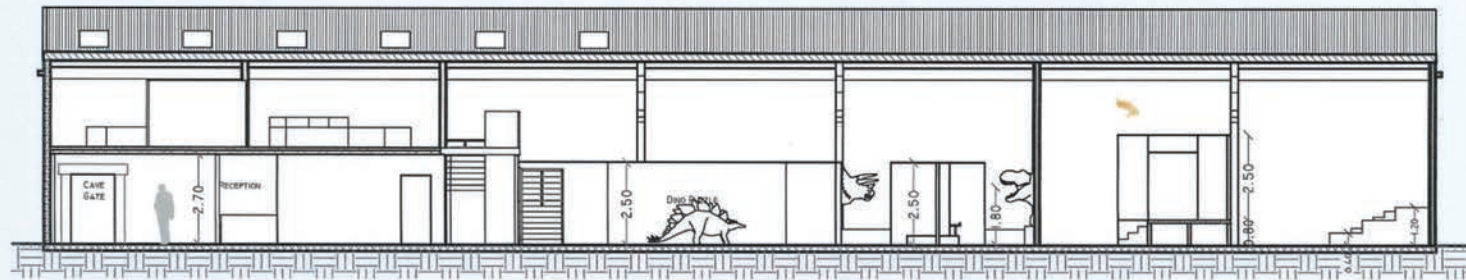
Date	Scale	Drawn	Checked
10/09/2021	1 : 1250	WG	JS

Title:
Site Location Plan

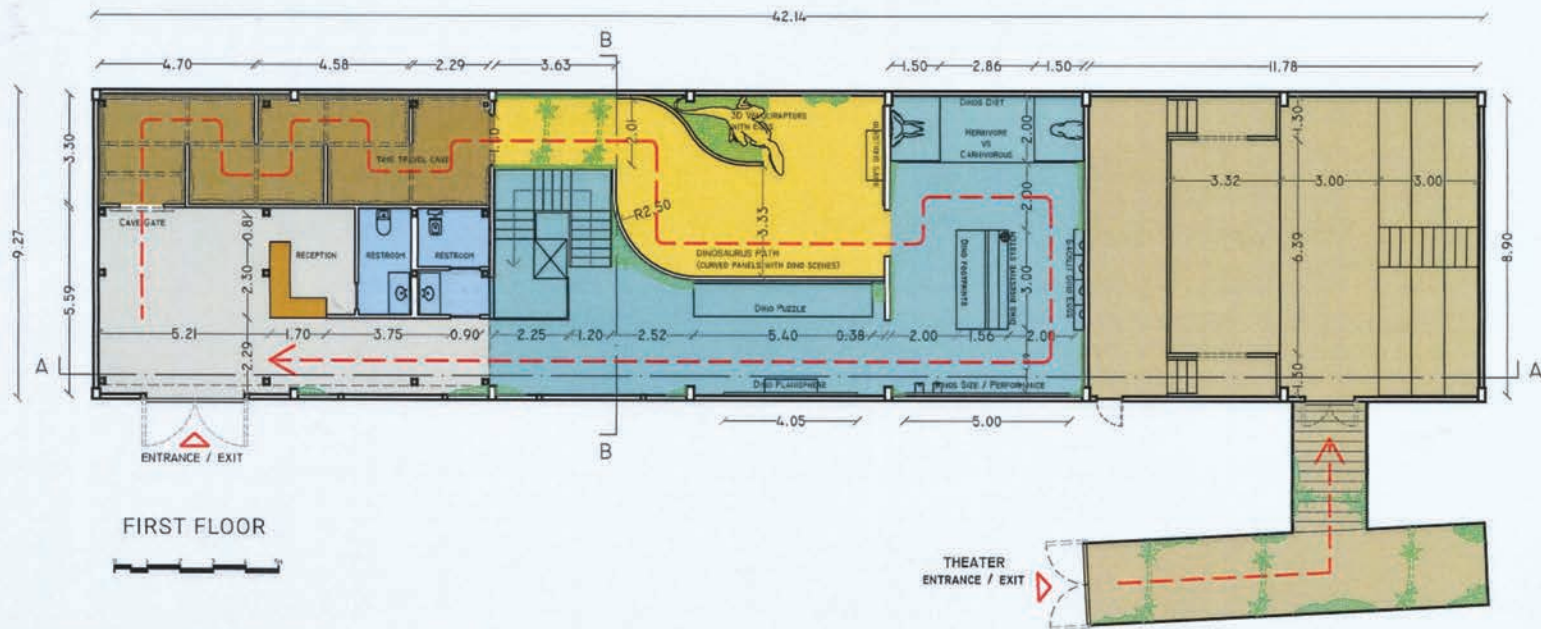
DWG No: **A2563 / 301** Rev:



SECTION BB



SECTION AA



FIRST FLOOR



NOTE:
DINOSAURUS HEIGHT

3.00 Mt

2.00 Mt

5.00 Mt

1.5 Mt

0.5 Mt

WALLS HEIGHT 2.5 Mt

global
ATTRactions

VIA IV NOVEMBRE, 92 - 20021, BOLLATE (MI) ITALY
P: +39 02 33301691 - E: INFO@GLOBALATTRactions.COM

CUSTOMER: MARSH FARM ADDRESS: CHELMSFORD, UK

NAME FILE: DINO PARK_DINOSAURUS HEIGHT_20210624

NAME DRAWING: DINOSAURUS HEIGHT CODE: GA/EN/E01/A

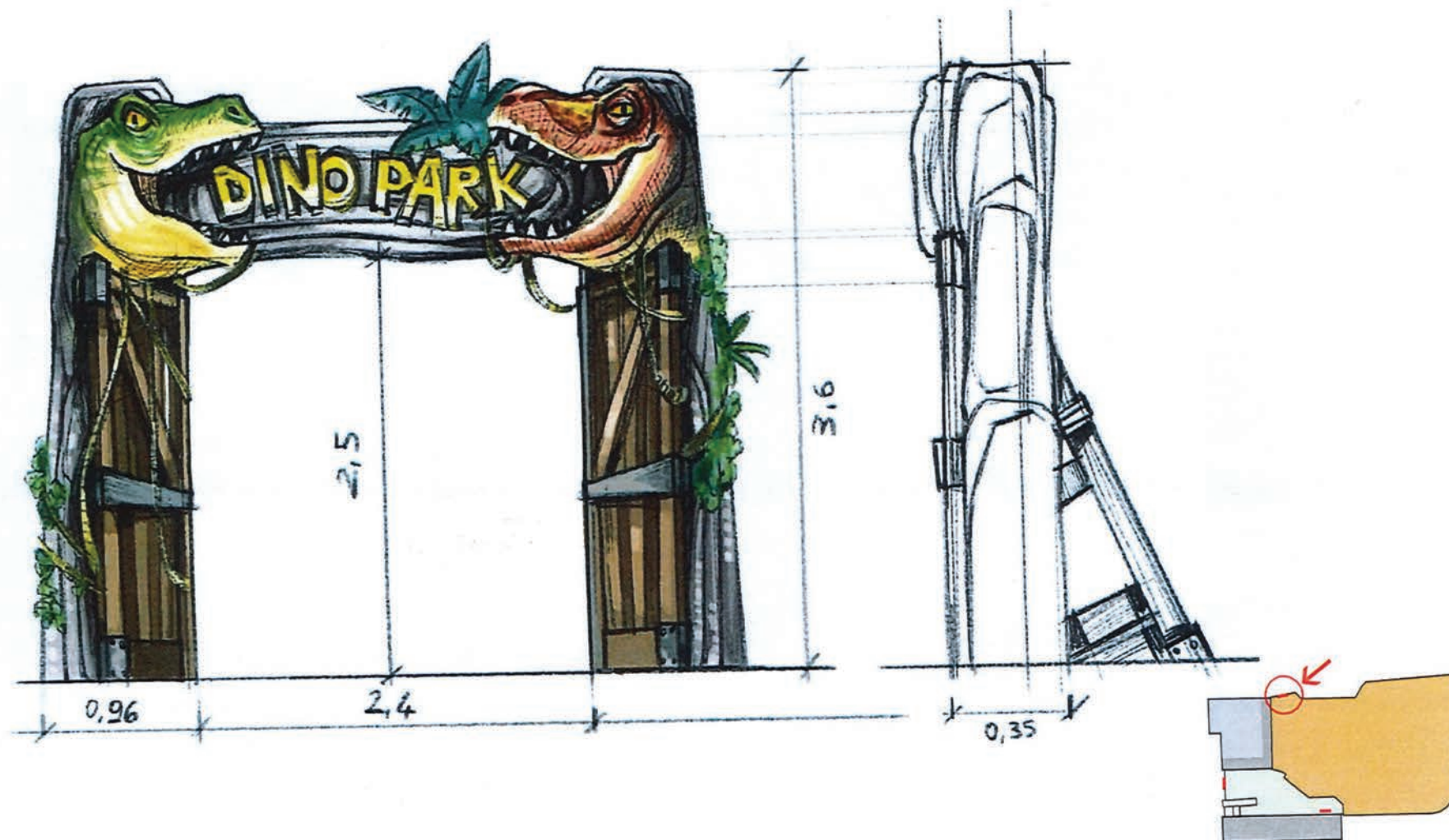
DATE: 24/06/2021 REVISION: A - 22/01/21

SCALE: 1:200 @A2 DESIGNER: ML

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Appeals Report

Appeal Decisions received between 25/11/2021 and 22/12/2021

PLANNING APPEALS

Total Appeal Decisions Received	5	
Dismissed	4	80%
Allowed	1	20%
Split	0	0%

Written Reps

Land South West Of Rivaside Maltings Road Battlesbridge Wickford Essex

Reference	20/00819/FUL
Proposal	Erection of stable building
Appeal Decision	Appeal Dismissed - 29/11/2021
Key Themes	- Whether the proposal would be inappropriate development in the Green Belt - Its effect on the character and appearance of the area - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify the development
Agreed with CCC on	- Proposal would be inappropriate development - Fails to preserve openness of the Green Belt - No very special circumstances to outweigh the harm
Disagreed with CCC on	N/A
Costs Decision	None

Land West Of Le Corbiere Main Road Boreham Chelmsford Essex

Reference	21/00065/FUL
Proposal	Construction of new dwelling with new formation of access and associated landscaping.
Appeal Decision	Appeal Dismissed - 03/12/2021
Key Themes	Character and appearance of the area.
Agreed with CCC on	Cramped development and narrow frontage; out of character and harmful to the appearance of the area.
Disagreed with CCC on	n/a
Costs Decision	None

1 Portland Cottages Chelmsford Road Blackmore Ingatestone Essex CM4 0PZ

Reference	21/00250/FUL
Proposal	Demolition of existing stable & storage buildings. Construction of one single-storey dwellinghouse with associated bin and cycle store, new formation of access, parking & landscaping.
Appeal Decision	Appeal Dismissed - 13/12/2021

Key Themes	Development not located within a sustainable location within the Green Belt
Agreed with CCC on	Development not located within a sustainable location within the Green Belt
Disagreed with CCC on	N/A
Costs Decision	None

Householder

Greenacres Runwell Chase Runwell Wickford SS11 7PU

Reference	21/00353/HHPAA
Proposal	The construction of an additional storey by increasing the building height by 3.5m.
Appeal Decision	Appeal Allowed - 06/12/2021
Key Themes	Prior Approval - External appearance of the dwellinghouse, including the design and architectural features
Agreed with CCC on	n/a
Disagreed with CCC on	The unfussy and simple design would not be unattractive, and would not appear out of place given the diversity of buildings in the immediately surrounding area. The external appearance of the proposed house would be acceptable.
Costs Decision	None

152 Broomfield Road Chelmsford CM1 1RN

Reference	20/02101/FUL
Proposal	Construction of front garden wall and installation of new access gate.
Appeal Decision	Appeal Dismissed - 29/11/2021
Key Themes	Harmful impact on character and appearance of the area
Agreed with CCC on	Harmful impact on character and appearance of the area
Disagreed with CCC on	N/A
Costs Decision	None

ENFORCEMENT APPEALS

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

Householder

Blue Coats Links Drive Chelmsford Essex CM2 9AW

Reference	21/00022/ENFT2
Proposal	Appeal against against a tree replacement notice.
Appeal Decision	Appeal Split Decision - 03/12/2021
Grounds of Appeal	Whether the requirements for replacement planting are unreasonable and the location for planting unsuitable.
Agreed with CCC on	An appropriate eventual size tree is required to adequately mitigate the loss of trees from within the belt.
Disagreed with CCC on	There should be two replacement Scots pine trees planted, not three.
Costs Decision	None