



**Planning Committee**  
**4<sup>th</sup> October 2022**

<b>Application No</b>	:	21/02049/FUL Full Application
<b>Location</b>	:	Land Adjacent Broadacre Vicarage Road Roxwell Chelmsford
<b>Proposal</b>	:	<b>Demolition of existing buildings; construction of a workshop and ancillary store building with alterations to landscaping; widening of existing access.</b>
<b>Applicant</b>	:	Mr A Courts Lescott Courts Ltd
<b>Agent</b>	:	Halliday
<b>Date Valid</b>	:	7th December 2021

## 1. Introduction

- 1.1. The application was considered at the Planning Committee meeting on 6 September 2022. The Planning Committee resolved not to agree the recommendation for approval, and indicated they were minded to refuse the application for the following reason:  
  
1 - The development would harm the Green Belt
- 1.2. In accordance with the Council's Planning Code of Good Practice the application was deferred until the following meeting to allow consideration of the wording of the reason for refusal.
- 1.3. The Committee Report from the 6 September meeting is attached at appendix CCC1 and the Green Sheet also from that 6 September 2022 meeting is attached at appendix CCC2.

## 2. Consideration of concerns raised by the Planning Committee

- 2.1. The site is located within the Metropolitan Green Belt. Members raised concern that the proposal would have a greater impact on the openness of the Green Belt than the existing and the 2019 extant planning permission on the site (19/01705/FUL refers). Members felt that there was a significant enough difference between the proposal and the 2019 planning permission in respect of the area of hard surfacing such that it would be harmful to the openness of the Green Belt.
- 2.2. Members were of the view that the proposal would have a greater impact on the openness of the Green Belt and therefore would be inappropriate development.
- 2.3. Chapter 13 of the National Planning Policy Framework 2021 (NPPF) relates to protecting Green Belt land. Paragraph 137 of the NPPF states that the essential characteristics of Green Belts are their openness.
- 2.4. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.5. Paragraph 148 states that 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.
- 2.6. Paragraph 149 states that local planning authorities should consider the construction of new buildings as inappropriate in the Green Belt unless they fit with one of a list of exceptions. One exception is d) *"The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces."* Another exception is g) *"the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development."*
- 2.7. Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include b) *engineering operations*.

- 2.8. Strategic Policy S11 of the Chelmsford Local Plan states that for new development in the Green Belt 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.
- 2.9. Local Plan Policy DM6 relates to new buildings in the Green Belt and states that planning permission will be granted for a list of exceptions to inappropriate development. This list of exceptions follows the list set out in Paragraph 149 of the NPPF.
- 2.10. Part B of this Policy relates to Previously Developed Land. The Policy states that:
- Planning permission will be granted where the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use and/or development. The Council will assess the development based on the following:*
- i. the size, scale, massing and spread of the new development compared to the existing; and*
  - ii. the visual impact of the development compared to the existing; and*
  - iii. the activities/use of the new development compared to the existing; and*
  - iv. the location of the site is sustainable and appropriate to the type of development proposed.*
- 2.11. Local Plan Policy DM10 relates to Change of Use (Land and Buildings) and Engineering Operations. Part A of this Policy relates to the Green Belt. This Policy states that, in the Green Belt, A planning permission will be granted for the change of use of where:
- 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.*
- 2.12. Openness is identified within the NPPF as one of the Green Belt's essential characteristics. Openness is taken to be 'open textured' and include both spatial and visual considerations. In this respect the proposed development would need to be no greater spatially or visually than the existing development and be sensitive to the sites rural setting.
- 2.13. The proposal would replace the existing buildings which have a lawful use to be used as a workshop and for storage with two new buildings which would be used as a workshop and for storage purposes. The existing buildings have a footprint of 225 square metres. The two proposed buildings combined would measure approximately 283 square metres in footprint which would be approximately a 26% increase in terms of footprint. The 2019 planning permission granted planning permission for buildings with a combined footprint of 281 square metres which would be approximately a 25% increase in terms of building footprint.
- 2.14. The proposed development would create an area of hard surfacing on a large part of the centre of the site. The hardstanding includes the proposed access, access drive, parking and turning areas. The access runs from the north-eastern corner in a southerly direction through the site. In total the proposal would create an area of approximately 1,090 square metres of hardstanding. The 2019 planning permission on the site would create an area of approximately 930 square metres of hardstanding. The proposal would increase the amount of hard surfacing on the site from the 2019 permission by 160 square metres, which would be approximately a 17% increase. The existing site has no hard surfacing.

- 2.15. The hard standing would amount to additional harm to the openness of the Green Belt than its current state as open green field and would represent physical and visual encroachment into the countryside, which conflicts with one of the five purposes of the Green Belt outlined in Paragraph 138 of the NPPF.
- 2.16. In light of Member's concerns refusal reason 1 sets out the harmful impact the development would have on the openness of the Green Belt.

### **3. Recommendation**

- 3.1. The following reason for refusal is suggested:

#### **Refusal Reason 1**

Policies S11, DM6 and DM10 of the Chelmsford Local Plan and Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) specify types of development that are not inappropriate development in the Green Belt.

The proposal would hard surface a large amount of the site. The proposal would be significantly different to the application approved in 2019 in terms of the amount of hardstanding to be created and the size of the accessway to the site. The extent of these differences mean that the development would fail to preserve the openness of the Green Belt and would be inappropriate development in the Green Belt.

Paragraph 147 of the NPPF advises that inappropriate development is by definition harmful to the Green Belt and should be not approved in very special circumstances. The NPPF advises that substantial weight should be given to any harm to the loss of openness, one of the essential characteristics of 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, is clearly outweighed by other considerations.

There are no very special circumstances which clearly outweigh the harm caused by inappropriateness, loss of openness and conflict with one of the purposes of the Green Belt (to safeguard from encroachment).

The proposed hard standing which includes a hard surfaced access, turning and parking area would be contrary to Policies S11, DM6 and DM10 of the Chelmsford Local Plan and the objectives of the NPPF. The substantial harm caused to the Green Belt is not outweighed by very special circumstances.



**Planning Committee**  
**6<sup>th</sup> September 2022**

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Appendix 1	Consultations
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## **1. Executive summary**

- 1.1. The application is referred to the Planning Committee at the request of a local ward member so that the impacts on the Green Belt, the highway and neighbouring property can be considered by the Planning Committee.
- 1.2. The site is located within the Metropolitan Green Belt and is an irregular shaped parcel of land on the southern side of Vicarage Road. The site has two existing buildings which have lawful uses as a workshop and as storage. They have been vacant for some time. The site has an existing access onto the highway in the north eastern corner.
- 1.3. The proposal seeks to replace the existing buildings with new buildings of a similar size and in a similar location to be used as a workshop (Class E(g)use) and for storage (Class B8 use).
- 1.4. The proposal would replace existing commercial buildings with similar sized commercial buildings which would not have a greater impact on the openness of the Green Belt than the existing buildings on the site. The development would not be inappropriate development in the Green Belt.
- 1.5. The proposed development would not adversely affect the amenity of any nearby or neighbouring residential properties.
- 1.6. The proposal would have a safe and suitable access onto the highway. The proposal would provide sufficient off-street parking provision and would provide a suitably sized turning area for large goods vehicles so that they can enter and leave in forward gear.
- 1.7. Approval is recommended.

## **2. Description of site**

- 2.1. The application site is an irregular shaped parcel of land on the southern side of Vicarage Road. There are two existing buildings which are located to the rear of the application site.
- 2.2. The site is in a rural location within the Metropolitan Green Belt.
- 2.3. The site has an existing unmade access onto the highway. The site is located on a bend along Vicarage Road. The road to the east lies within the Flood Zones 2 and 3 and the north eastern corner which is close to the access into the site lies within Flood Zone 2.
- 2.4. There is one neighbouring residential property, Broadacre, which shares its eastern boundary with the application site. The site is surrounded by agricultural fields to the north south and east. The nearest settlement is Roxwell which lies to the west and can be accessed directly from Vicarage Road or from Boyton Cross Lane further to the west directly off the A1060.
- 2.5. There are two semi-derelict buildings on the application which have a lawful use to be used for storage and workshop purposes (history refers). There is also an extant planning permission for a workshop building and storage building on the site which are of a similar combined size to that under consideration on this application. The planning history is a material planning consideration.

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

- 3.1. The proposal is for the demolition of the existing buildings and the construction of one new warehouse building and one new workshop building to be used by the applicant. The proposal also includes landscaping, hard surfacing and all associated works.
- 3.2. The proposed warehouse/store building would be sited in the western part of the site in a similar location to the existing building. This building would be located close to the boundary with Broadacre. The building would be single storey with a slack dual pitch roof. The ridge height of the building would be 3.9m and the building would measure 9.2m by 8m.
- 3.3. The proposed workshop building would be sited in the southern part of the site. This building would be single storey with a slack dual pitch roof. The ridge height of the building would be 3.9m and the building would measure 19m by 11m.
- 3.4. The vehicular access into the site would be in the north eastern corner and the access would run southwards to a hard surfaced turning and parking area.
- 3.5. The site would be landscaped with measures including additional tree planting and a new hedgerow.
- 3.6. The user of the site would be a specialist manufacturer of plastic bags and sacks. The bags/sacks are cut to size and printed on site. The business was established in 1995 and has an existing premises in Brentwood District where they currently operate from. The user would be the only occupier of the application site.

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

- 4.1. 19/01705/FUL - Approved 23rd December 2019  
Demolition of existing buildings and erection of a replacement single storey warehouse and workshop (Use Class B1(c), new landscaping, hardsurfacing and associated works.
- 4.2. 19//00881/CLOPUD - Approved 11th July 2019  
Construction of single storey side extension to existing building.
- 4.3. 14/14/01219/CLEUD – Lawful Development Certificate granted 29th September 2015  
Continuation of use of existing workshop located in south east corner of the site; 2. Continuation of use of existing storage building located in the south west corner of the site; 3. Continuation of use of existing access located at the north east corner of the site and turning/parking areas adjacent to each building

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

- Roxwell Parish Council
- Environment Agency
- H.S.E East Anglia Area
- Economic Development & Implementation
- Public Health & Protection Services
- Essex County Council Highways
- Local residents

- 5.1. Full details of consultation responses are set out in appendix 1.
- 5.2. Roxwell Parish Council object to the application. They state:
- No meaningful work has taken place on the site or in buildings historically
  - Site is in a countryside bordered with a hedgerow and trees, which offer good habitat for local wildlife
  - Site was not included in the Employment Land Review so should not be considered for this use
  - The entrance into the site is hazardous
  - The road can in times of heavy rainfall flood
  - Site is located on an accident black spot
  - Proposed replacement buildings are much bigger than existing
  - Site is in the Green Belt and is not suitable for any development
  - Manufacture of plastic sacks could cause contamination
- 5.3. Environment Agency have not commented on the application.
- 5.4. HSE do not advise against the application.
- 5.5. Economic Development & Implementation have not commented on the application
- 5.6. Public Health and Protection Services state that the acoustic report which was provided during the lifetime of the application indicates that the noise levels from the operation of the proposed business would not cause adverse noise issues nearby and therefore do not object on noise/disturbance grounds. The hours of use proposed by the applicant should be imposed by a planning condition.
- 5.7. Essex County Council Highways state that the vehicular access would be improved, parking provision is in accordance with the adopted parking standards and a turning area for heavy goods vehicles would be provided within the site.
- 5.8. Forty representations have been received objecting to the proposal. The objections are broadly based on the following grounds:
- Unsafe access into the site as site is on a dangerous bend
  - Risk of collisions along this stretch of road
  - Road is not suitable for heavy goods vehicles
  - Site inaccessible due to flooding
  - Site was never used for industrial purposes
  - A plastics business is not appropriate in this rural location
  - Loss of habitat
  - Adverse impact on neighbouring property (Broadacre)

## 6. Planning considerations

### *Main Issues*

- 6.1. The main issues are whether:
- 6.2.
  - The development is not inappropriate development in the Green Belt
  - The proposal has an acceptable impact on the openness of the Green Belt
  - The proposal has an acceptable neighbour relationship
  - The proposal is acceptable in highway safety terms of its access and parking provision

### *Principle of development*

- 6.3. The site lies within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence. Openness is taken to mean the absence of development and the effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk, and site coverage.
- 6.4. Paragraph 147 of the National Planning Policy Framework 2021 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.5. Paragraph 149 of the National Planning Policy Framework NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exception to this include:

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

- 6.6. Chelmsford Local Plan Policy DM6 relates to new buildings in the Green Belt. Part C of this Policy is specifically tailored to replacement buildings. It states

Planning permission will be granted for the replacement of a building provided that:

- i. the existing building being replaced is of permanent and substantial construction; and
  - ii. the new building is in the same use as the existing; and
  - iii. the new building is not materially larger than the one it replaces; and
  - iv. the new building would not be out of keeping with its context and surroundings and does not result in any other harm.
- 6.7. The existing buildings are covered in vegetation, but they are substantially intact and could be used for their lawful use. The existing buildings on the site have a lawful use as a workshop and storage building respectively, this use was established under a lawful development certificate (14/01219/CLEUD refers). The proposal would similarly construct two detached buildings largely within the same part of the site to be used as a workshop and as a storage building.

#### 6.8. Building comparisons

	Existing Buildings	2019 Extant Planning Permission (19/01705/FUL)	Current Application (21/02049/FUL)
Workshop Building	112	112	209
Storage Building	113	169	115
Workshop and Storage Buildings combined	225	281	324

- 6.9. The existing buildings and both the approved and proposed scheme would have similar building heights of 3.8m and 3.9m.
- 6.10. The two existing buildings have a combined footprint of 225sqm. The proposed buildings combined would have a footprint of 324sqm. This would amount to an increase of 44% in terms of footprint overall on the site above the existing. This is not considered to be materially larger.
- 6.11. Both of the buildings would be finished externally in green steel cladding. The buildings sit within a large site, and given their position within the site and the existing vegetation and screening along the boundaries together with the landscaping and vegetation proposed, views of the site from public vantage points would be limited.
- 6.12. The proposal would replace two existing buildings on the site. The proposed buildings would be of the same use as the existing buildings and would not be materially larger than the existing buildings they replace and would not be out of keeping with its context and surroundings and does not result in any other harm. On this basis the proposed scheme would not be inappropriate development in the Green Belt; and the proposal would comply with Paragraph 149 of the NPPF and DM6 of the Chelmsford Local Plan.
- 6.13. The development would not be harmful to the intrinsic character or beauty of the countryside.

#### *Neighbour Amenity*

- 6.14. 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:
- 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
  - 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.

- 6.15. During the lifetime of the application a site visit was undertaken to visit the applicant's existing premises in Kelvedon Hatch. The business creates plastic bags/sacks. The plastic product is brought to the site on a bale or drum and unloaded into the building. The product is then cut to size on the machines which are stored and operated from within the workshop building. Once the bags are cut to their correct size and shape, they are then printed and packaged up and ready to be stored for delivery. The products would be stored in the separate store building.
- 6.16. On the site visit to the existing premises, noise levels were observed from within the building and outside the building with the machines in operation. The observations took place from within the building, immediately outside the building and then at a distance of approximately 20m from the building. The observations were made with the doors to the building both open and closed. The noise observed from 20m away was barely audible with the doors open and any noise which could be heard could be described as a low monotonous hum. By comparison the proposed workshop building on the application site which is where the same equipment would be operated from is approximately 28m away from the boundary with Broadacre, the storage building would also be sited between the workshop building and the residential neighbour. There would be a distance of approximately 43m between the proposed workshop building and the rear elevation of Broadacre.
- 6.17. In addition to the site visit to the existing premises, an additional acoustic noise assessment has been provided for consideration. Having regard to the noise assessment Public Health and Protection Services raise no objection to the proposed scheme on the basis of noise and disturbance and subject to the hours of use being controlled by planning condition, which is attached to this permission, they are of the view that the proposal would not result in adverse noise impacts.
- 6.18. The application site has a lawful use to be used as a workshop and for storage. There are no current restrictions on the site in terms of the hours of use, or the access into and out of the site. The proposal under consideration provides an opportunity to control the hours of use and the access/egress movements into the application site.

#### *Access and Parking*

- 6.19. Paragraph 110 of the NPPF states that when assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 continues that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 identifies that within this context applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.
- 6.20. Chelmsford Local Plan Policy DM27 relates to parking standards. This policy states that 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. Proposals which provide below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard.

- 6.21. The proposal would utilise the existing vehicular access onto Vicarage Road. The application site is on a bend in Vicarage Road. The access is located in the north eastern corner of the site. The proposal would widen the access into the site. A number of representations have been made objecting to the proposal on the grounds of highway safety. The Parish Council raised particular concerns about the volume of traffic local flooding concerns affecting the highway. The local highway authority reviewed the concerns specifically raised by the Parish Council and have raised no objection to the proposed access arrangements on the grounds of highway safety.
- 6.22. In line with Parking Standards eight parking spaces would be required. The application proposes five spaces, however, the proposed occupier would employ 4.5 members of staff. Given the number of employees proposed by the applicant's business and that there would be space on the hard surfacing outside of the designated parking bays, this is a justification to provide below the standard. A turning area is also proposed within the site, capable of accommodating/allowing large vehicles to turn around in the site and enter and exit in forward gear. This would be accessed via a hard surfaced access drive within the application site close to the eastern site boundary. Conditions requiring the provision of the parking and turning areas and the widening of the access are attached to this permission.

#### *Ecology*

- 6.23. The habitat on site is recorded as traditional orchard which is listed as a priority habitat under s.41 of the Natural Environment and Rural Communities Act 2006. The presence of scrub and hedgerows, and the general unmanaged nature of the site is not an uncommon feature of this habitat type and is a mosaic of habitats.
- 6.24. A supporting bat report concluded structures on site are not likely to support bats. No further surveys are required.
- 6.25. The site is considered to provide opportunities for reptiles where it has been left in an unmanaged, overgrown state. It is unnecessary to carry out a full reptile survey as precautionary working methods will allow the species, if present, to remain unharmed as much of the existing habitat is to remain. The methodology provided for a phased reduction of vegetation is acceptable and the proposed development is not likely to result in harm in a manner defined as an offence under the Wildlife and Countryside Act 1981.
- 6.26. The proposed development is a similar scale to those permitted in 2019 (ref. 19/01705/FUL). Some non-protected leyland cypress trees have been removed on the western aspect. The proposed development is not likely to impact the priority habitat. A construction exclusion zone with barrier fencing should be erected to protect this area during works.
- 6.27. To ensure the development delivers biodiversity enhancement conditions relating to protective measures to show the construction exclusion zone for retained habitats and soft landscaping details (to include new tree planting and biodiversity enhancements) are attached to this permission.

### *Flooding*

- 6.28. The majority of the site lies within Flood Zone 1 which has the lowest flood risk. The buildings are not located within Flood Zones 2 or 3. There would be no adverse increase in flood risk.
- 6.29. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable in accordance with the adopted Local Plan Policies.

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

- 7.1. The application may be CIL liable and there may be a CIL charge payable.

### **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**

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;

- d) Details of planting including the additional new fruit trees or features to be provided to enhance the value of the development for biodiversity and wildlife;
- e) Management details and a five year maintenance plan

Reason:

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

**Condition 5**

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

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

Reason:

In the interests of the visual amenities of the area and to safeguard the residential living environment of the occupiers of the existing neighbouring dwelling in accordance with Policy DM29 and Policy DM23 of the Chelmsford Local Plan.

**Condition 6**

The use hereby permitted may only be operated between the hours of 7:30am and 17:30pm on Monday to Friday and 8am and 12:30pm Saturdays. The use hereby permitted shall not be operated outside these hours or at any time on Sundays or Bank Holidays.

Reason:

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

**Condition 7**

Prior to construction details shall be submitted to and approved in writing showing the construction exclusion zone for retained habitats on the application site. The development shall then be carried out in accordance with the approved details.

Reason:

This information is needed to ensure there is no harm caused to protected species and their habitats in accordance with Policy DM16 of the Chelmsford Local Plan.

**Condition 8**

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

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan and to ensure that the development would not result in unacceptable light pollution within the Green Belt in accordance with Policy DM6 of the Chelmsford Local Plan.

**Condition 9**

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

Reason:

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

**Condition 10**

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

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

**Condition 11**

Prior to first occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with a vehicular crossing of the highway verge as shown on approved drawing no. 21/235/01 Rev F.

Reason:

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

**Condition 12**

Prior to occupation of the development, the vehicular access at its centre line shall be re-provided with a visibility splay with dimensions of 2.4 metres by 60 metres to the west (for east bound vehicles) and 2.4 metres by 105 metres to the east (for west bound vehicles), as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided retained free of any obstruction at all times.

Reason:

To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety.

**Condition 13**

Prior to first occupation of the development the vehicle vehicular turning facility, as shown on approved drawing no. DR1, 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.

**Condition 14**

Prior to first occupation of the proposed development, the 5no. vehicle parking spaces shown on approved drawing no. 21/235/01 Rev F, shall be made available. The vehicle parking area and associated turning area shall be retained at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason:

In the interests of highway safety and that appropriate on-site parking provision is provided.

**Condition 15**

No goods, plant, machinery, merchandise or materials shall be stored outside the buildings hereby permitted.

Reason:

In the interests of the visual amenities of the area in Policy S11 of the Chelmsford Local Plan

**Condition 16**

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

Reason:

The erection of additional extensions which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) would be disproportionate in size in relation to the original building and would therefore constitute inappropriate development in the Green Belt contrary to Policy DM6 and Policy DM11 of the Chelmsford Local Plan.

**Condition 17**

The buildings hereby approved shall only be used as a workshop (Class E(g)) and as a store (Class B8) and for no other use.

Reason:

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

**Notes to Applicant**

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

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

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

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

- 3 The Local Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are: Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 4 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.
- 5 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at [www.chelmsford.gov.uk/streetnaming](http://www.chelmsford.gov.uk/streetnaming). Enquires can also be made to the Address Management Officer by emailing [Address.Management@chelmsford.gov.uk](mailto:Address.Management@chelmsford.gov.uk)
- 6 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 7 An asbestos survey should be undertaken prior to the demolition of the buildings. Any asbestos found must be removed by a licensed contractor and disposed of at appropriate facility.

### **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.

Roxwell Parish Council

Comments
<p>23.12.2021 - The above proposes the following:- Demolition of existing buildings. Construction of a workshop and ancillary store building with alterations to landscaping. Widening of existing formation access.</p> <p>This site over the last few years has seen several applications which on each occasion have not had the support of Roxwell Parish Council or local resident</p> <p>The site was originally an orchard (going back 60-70years) and to this moment in time it has not changed. The buildings that are currently in situ were once chicken sheds, then turned into storage sheds. The land was originally owned by the then residents of Broadacre, who decided towards the end of their tenure to sell the orchard area off.</p> <p>The new owner then filled them with various items over the years. To the knowledge of Roxwell Parish Council and many older local residents over the last 40-50 years no meaningful work has ever taken place on the site, despite the information made available by the owner that it was a well used site, which had been backed up by letters from supposed clients. (This information is included within the planning statement for this application. But should be dismissed as irrelevant at this time.)</p> <p>The site is in a countryside location and is surrounded by well substantiated trees/bushes and hedgerow, offering good habitats for birds and insects.</p> <p>This site is not included in the Employment Land Review 2001/2021, and therefore should not be considered for such now.</p> <p>The proposed entrance onto VICARAGE ROAD is going to be hazardous as this road is subject to a current maximum speed limit of 60mph and has no footpath for pedestrians. This is not suitable for numerous vehicle movements every day. It would hard to think that as stated in the application, there will only be one vehicle movement of goods to and from the site daily.</p> <p>Also during exceptional wet weather this stretch of road from the bridge close by the Hare PH and Thatcher's Farm can flood, and is at times too deep for vehicles to drive through.</p>

Although the application states there are other routes by which to access the site, local knowledge will tell you otherwise as once already this year the village was virtually cut off. ( The flood prediction Map shown in 1.05 does not give accurate picture of the flooding hazard outside this site.) Even ECC highways did not support earlier applications due to the risk of accidents.

Although work has already taken place to remove the hedge and bushes from the front of the site, which may well open up the view to the east, but it will not have improved the view to the west. As it has been documented in earlier applications the residents of Broadacre have witnessed several accident over the years.

The site has the potential to become an accident blackspot.

The proposed replacement buildings footprint shows that they are much bigger than the existing.

This site is in the green belt, and despite the planning inspectorate granting retrospective planning permission back in 2015, this site is not suitable for this or any other type of development now or in the future.

This application has been padded out with information not produced in previous applications.

Roxwell does not want another site creating problems such as have been encountered at other sites in the Parish due to the lack of foresight when making judgement on an application. The operation planned for this application is the manufacture of plastic sack which could well cause unwanted contamination in and around the area.

Taking the above points into consideration Roxwell Parish Council strongly recommend that this application be rejected as have all other submitted.

In addition, Roxwell Parish Council fully support the comments and objections that will be submitted by the current owners of Broadacre.

## Environment Agency

Comments
No response received

## H.S.E East Anglia Area

Comments
21.12.2021 - Do Not Advise Against

## Public Health & Protection Services

Comments
<p>25.03.2022 - The submitted ad hoc noise measurements do not meet the requirements outlined in the previous consultation response. A full acoustic scheme/report to cover actual noise levels and what noise protection measures are required should be submitted for consideration and approval</p> <p>14.01.2022 - I note the preliminary acoustic report submitted with the application. Due to the apparent industrial nature of the plant to be installed in the workshop I request that more information in relation to the noise to be generated and the proposed control measures to ensure disturbance is minimised, is submitted in the form of a report/scheme, for approval.</p> <p>The hours of use proposed by the applicant should be imposed as a condition.</p> <p>An asbestos survey should be undertaken prior to the demolition of the buildings. Any asbestos found must be removed by a licensed contractor and disposed of at appropriate facility.</p> <p>13.06.2022 - The submitted acoustic report indicates that the noise levels from the operation of the proposed business will not cause adverse noise issues nearby and therefore this appears satisfactory.</p> <p>The hours of use proposed by the applicant should be imposed as a condition.</p>

## Essex County Council Highways

Comments
<p>06.01.2022 - Your Ref: 21/02049/FUL</p> <p>Date:- 6th January 2022</p> <p>The proposal has the same gross floor area as previous and similar extant approval 19/01705/FUL.</p> <p>The vehicular access would be improved, parking provision is in accordance with the Parking Standards and a turning area for heavy goods vehicles would be provided within the site.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.</p>

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.

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. Prior to occupation of the development, the vehicular access at its centre line shall be re-provided with a visibility splay with dimensions of 2.4 metres by 60 metres to the west (for east bound vehicles) and 2.4 metres by 105 metres to the east (for west bound vehicles), as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided retained free of any obstruction at all times.

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

3. Prior to first occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge as shown in principle in the Proposed Block Plan, drawing no. 21/235/01 Rev F.

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

4. 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. 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.

6. Prior to first occupation of the development the heavy goods vehicle vehicular turning facility, as shown in the Vehicle Tracking drawing no. DR1, 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.

7. Prior to first occupation of the proposed development, the 5no. vehicle parking spaces shown in principle in the Proposed Block Plan, drawing no. 21/235/01 Rev F, shall be appropriately hard surfaced, and marked out in parking bays in accordance with the Parking Standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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 above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Please Include the Informative below for Condition 3 above:

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.

## Economic Development & Implementation

Comments
No response received

## Local Residents

Comments
Forty representations received – all objecting to the proposed development – on the following grounds: <u>Highways</u> The road junction between Vicarage Road and the A1060 is already a dangerous junction Site is on a blind bend on a 60mph road Any lorry would need to go across both lanes of the road to access/exit the site

Unsuitable to be used by HGVs (40 tonnes) – the bridge has a weight limit of 7.5 tonnes

Road surface is not suitable for large vehicles

Vicarage Road is used currently used by a number of delivery vans

Vicarage Road is popular with dog walker, cyclists and horse riders

Road is narrow and it is already difficult for large vehicles (lorries and buses) to pass each other

Estimated 1300 vehicles pass the site daily

#### Inappropriate use of site

No industrial/manufacturing uses to have taken place on the site

Buildings on site are former chicken sheds

Contamination and disturbance (in terms of noise and odours) from the manufacturing of plastic bags

Should be discouraging the manufacturing of plastic products

Not against employment but in the right location

Hedge across the site frontage would be replaced with a security fence, which would be an eyesore and not reflective of the site being an orchard

Unnecessary destruction of wildlife habitat and trees

Industrial units should be on industrial estates and remote from residential properties

Primarily a rural agricultural and farming area

#### Neighbour Amenity

The proposed buildings would not have good sound retaining properties

Noise from the proposed machinery

#### Flooding

This section of Vicarage Road is liable to flooding

#### Other matters

Number of trees and hedges removed during the nesting season

One of the few remaining unspoilt areas of countryside

Area is full of wildlife and deer are frequently seen passing the road

Insufficient information regarding use and tracked vehicle movements

Long term effect of the proposal on highway users and villagers

Farms within the local area have changed the use of their buildings to commercial uses which has resulted in an increase in traffic

Would not be “green” and would create a carbon footprint

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE  
6 SEPTEMBER 2022**

**Item 6 - 21/02049/FUL**

**Land Adjacent to Broadacre, Vicarage Road, Roxwell, Chelmsford**

1. Amend Paragraphs 6.8 and 6.10 to read:

**6.8 Building Comparisons**

	Existing Buildings	2019 Extant Planning Permission (19/01705/FUL)	Current Application (21/02049/FUL)
Workshop Building	112	112	209
Storage Building	113	169	73.6
Workshop and Storage Buildings combined	225	281	282.6

Paragraph 6.10. The two existing buildings have a combined footprint of 225sqm. The proposed buildings combined would have a footprint of 282.6sqm. This would amount to an increase of 26% in terms of footprint overall on the site above the existing. This is not considered to be materially larger.

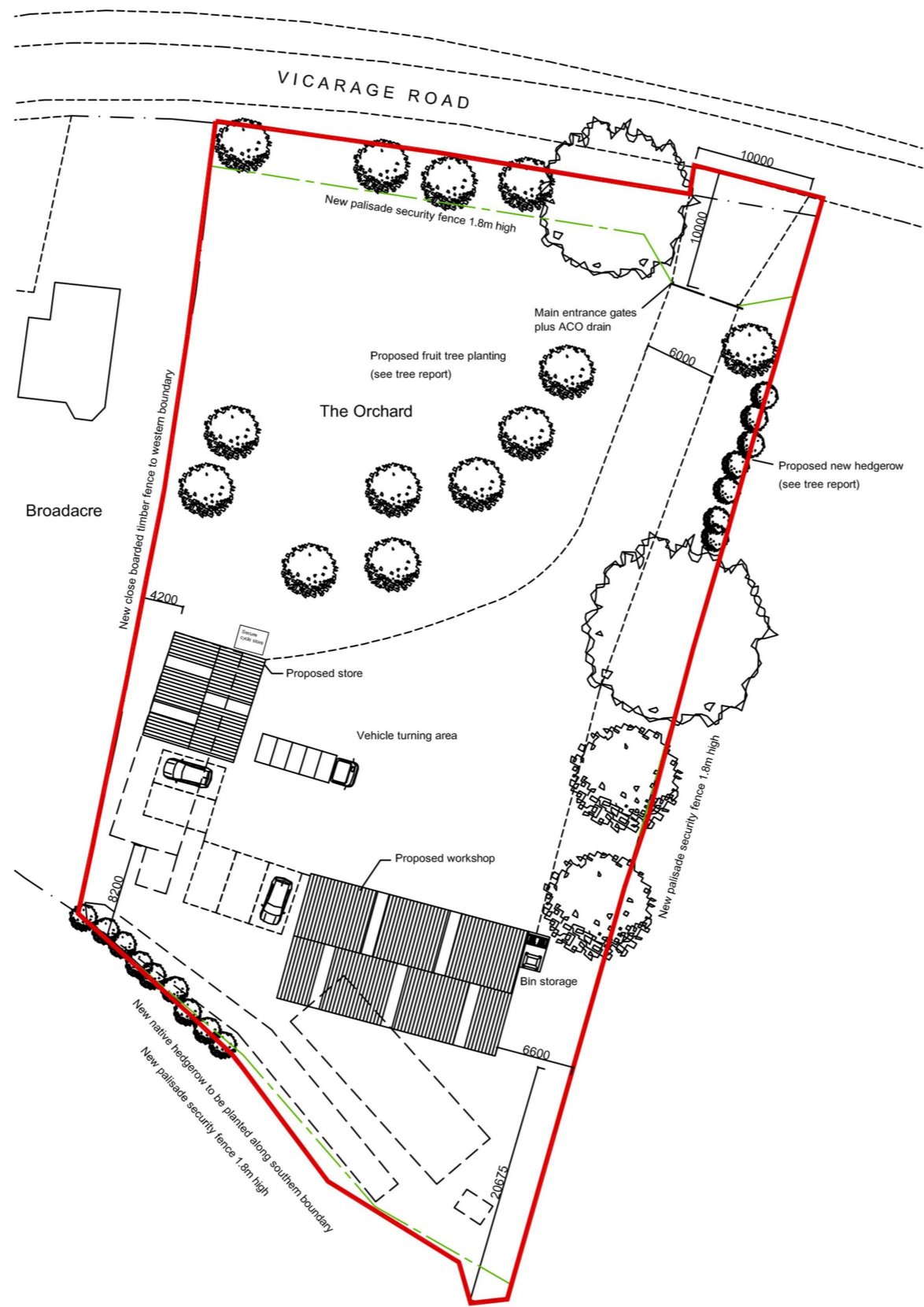
2. Add a further condition:

**Condition 9**

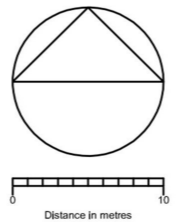
No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within  
15 metres of the highway boundary.

**Reason:**

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



BLOCK PLAN 1:500



NOTES:

REVISIONS:

date:	no:	description:
19.02.21	A	Amended to clients requirements
23.02.21	B	Amended to include security fence
03.03.21	C	Site outlined in red
09.08.21	D	Scheme amended
07.10.21	E	Scheme amended
03.11.21	F	Amended for Planning Validation

client:

Lescott Courts Ltd

job title:

The Orchard, Vicarage Road  
Roxwell, Chelmsford  
Essex CM1 4NB

drawing title:

Proposed Block Plan

scale:


1:200 @ A3

date:

January 2021

drawn by:

MH

 HALLIDAY WEST

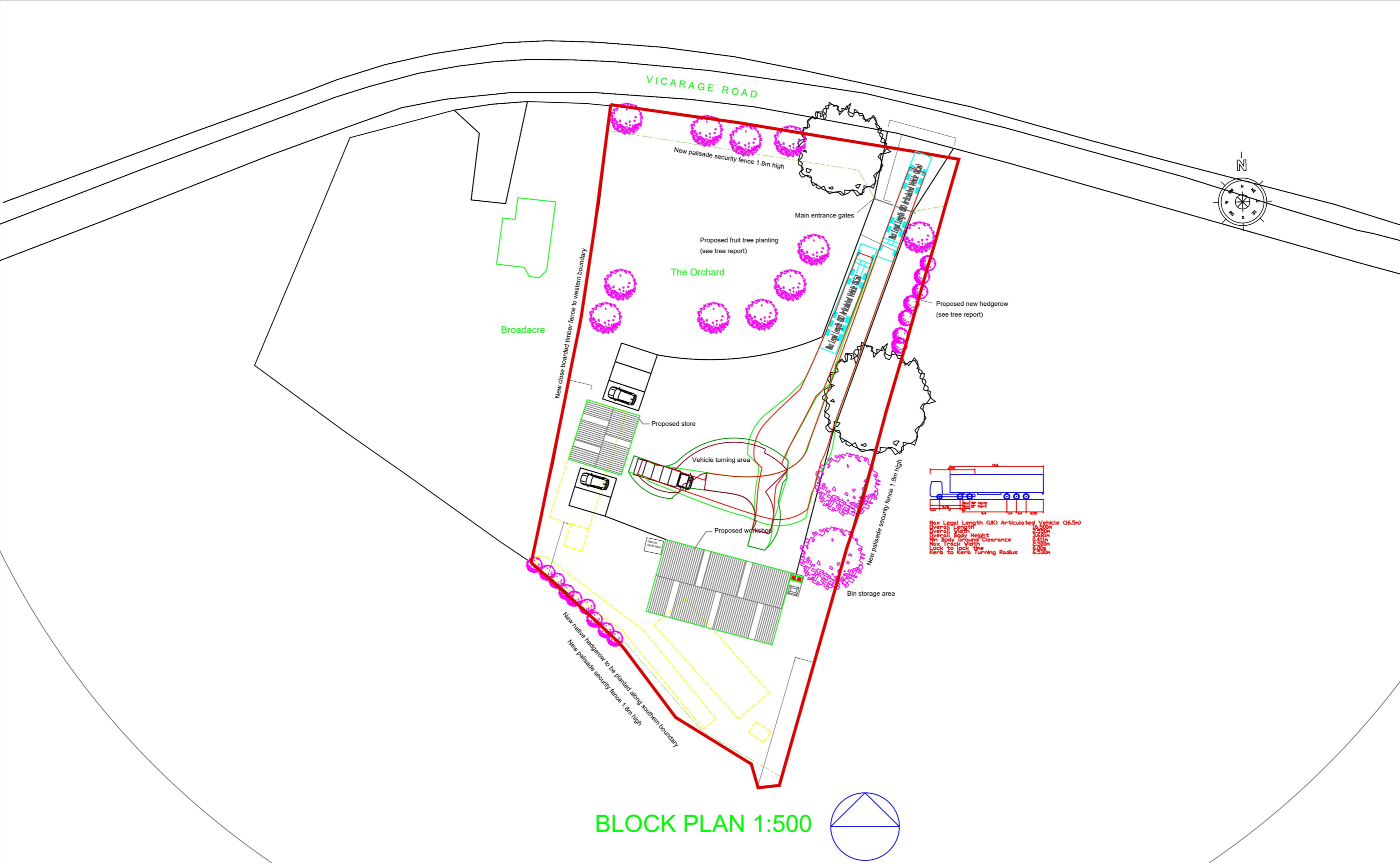
Halliday West Limited  
Chartered Building Surveyors  
2, The Green Writtle, Chelmsford, Essex, CM1 3DU.  
Telephone: 01245 421500  
Email: admin@hallidaywestsurveyors.co.uk

drawing no:

21/235/01  
Sheet 1 of 2

rev:

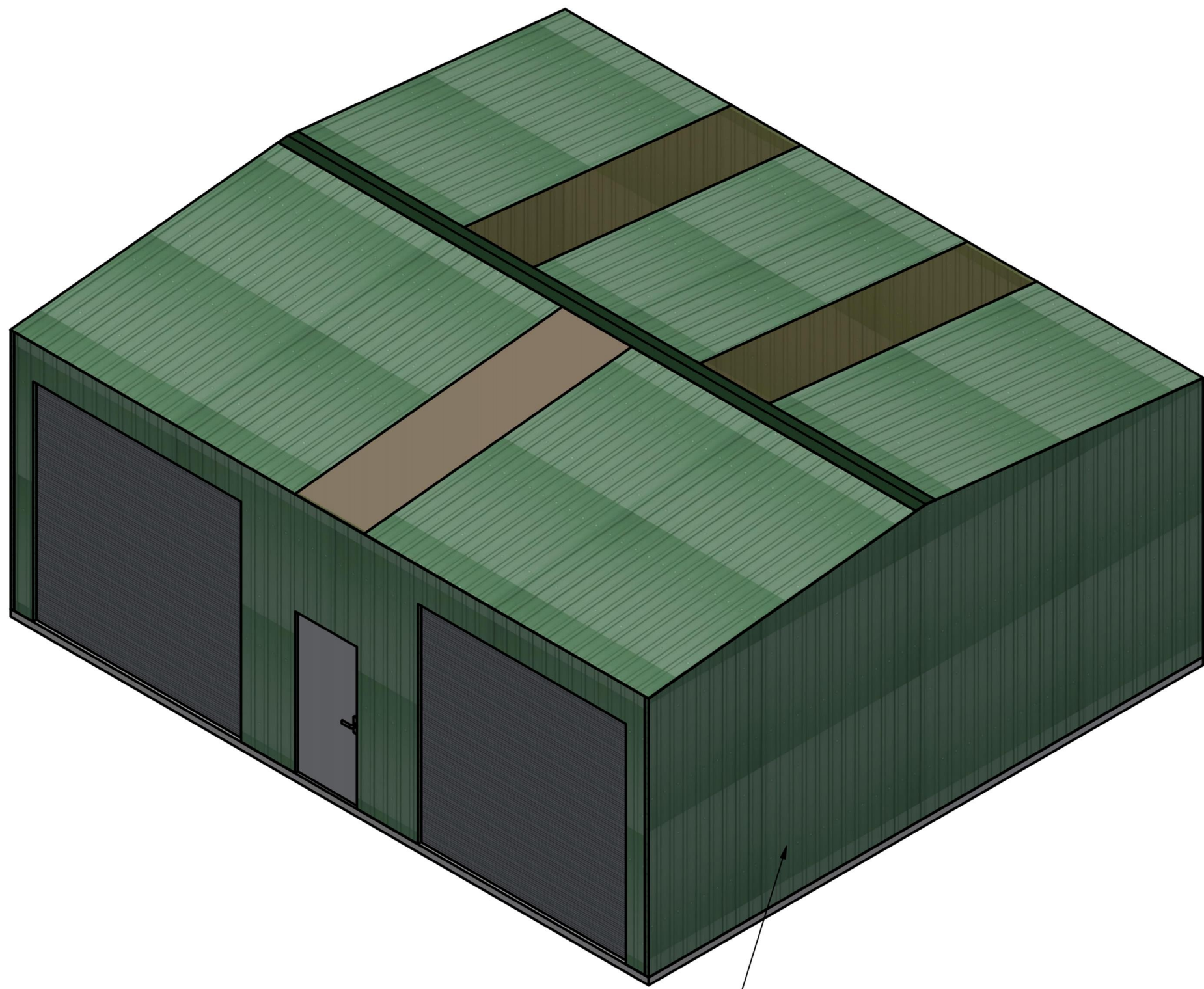
F



BLOCK PLAN 1:500

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	project: Orchards, Vicarage Road, Roxwell	status: Planning	drawn	Revision
	discipline: Transport Planning	project no. JTP 431	chk'd SAA	dwg no. DR1





40MM COMPOSITE CLADDING

3 NO. 40MM COMPOSITE  
PANEL GRP ROOF LIGHTS

1.0

VIEW C

VIEW D

8.00

VIEW B

9.20

VIEW A

6° ROOF PITCH

3.90

3.48

VIEW D

VIEW A

P.A. DOOR

2 NO. ROLLER-SHUTTER  
DOORS (3M x 3M)


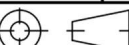
VIEW B

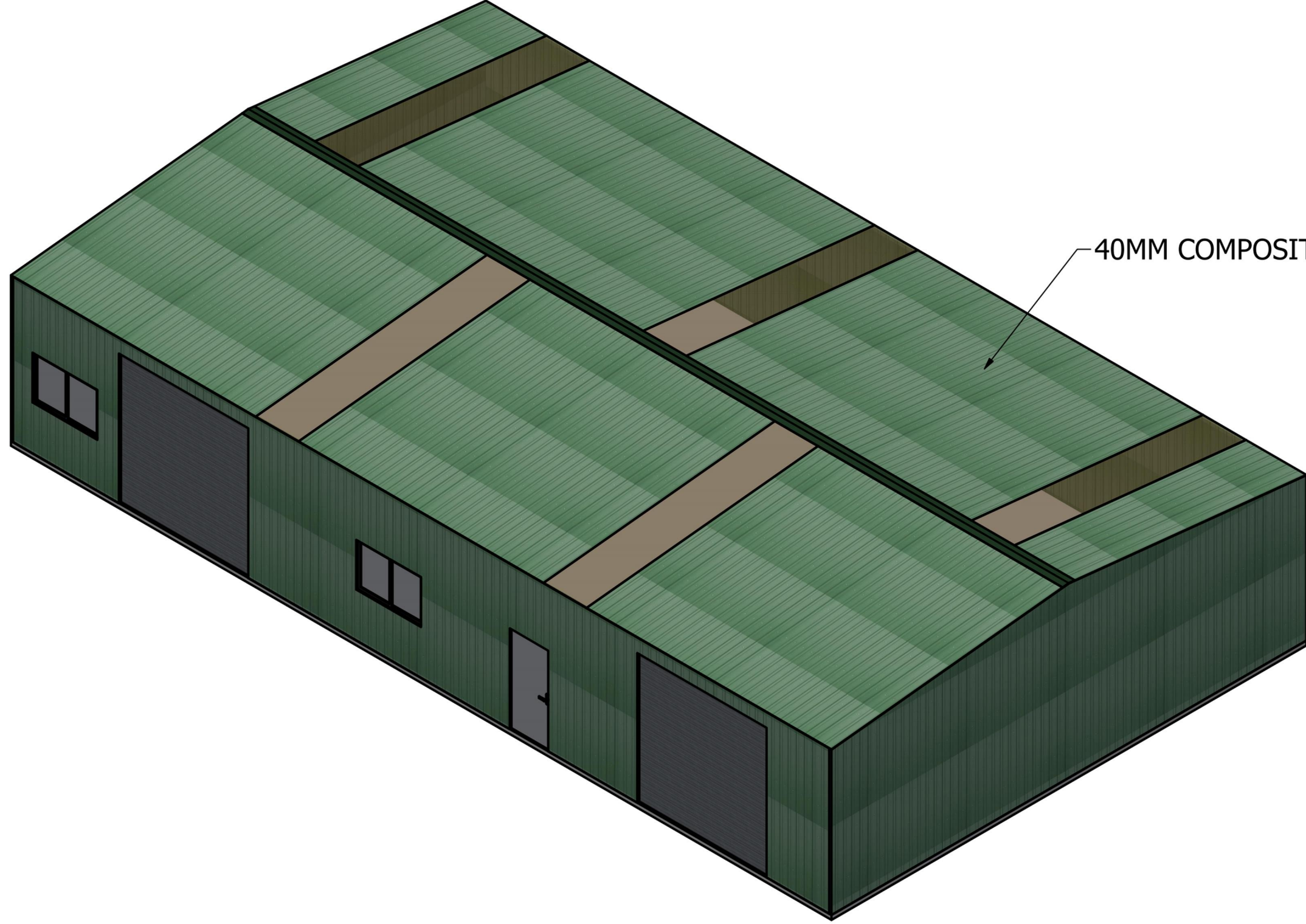
VIEW C

BUILDING PROJECT: STORE

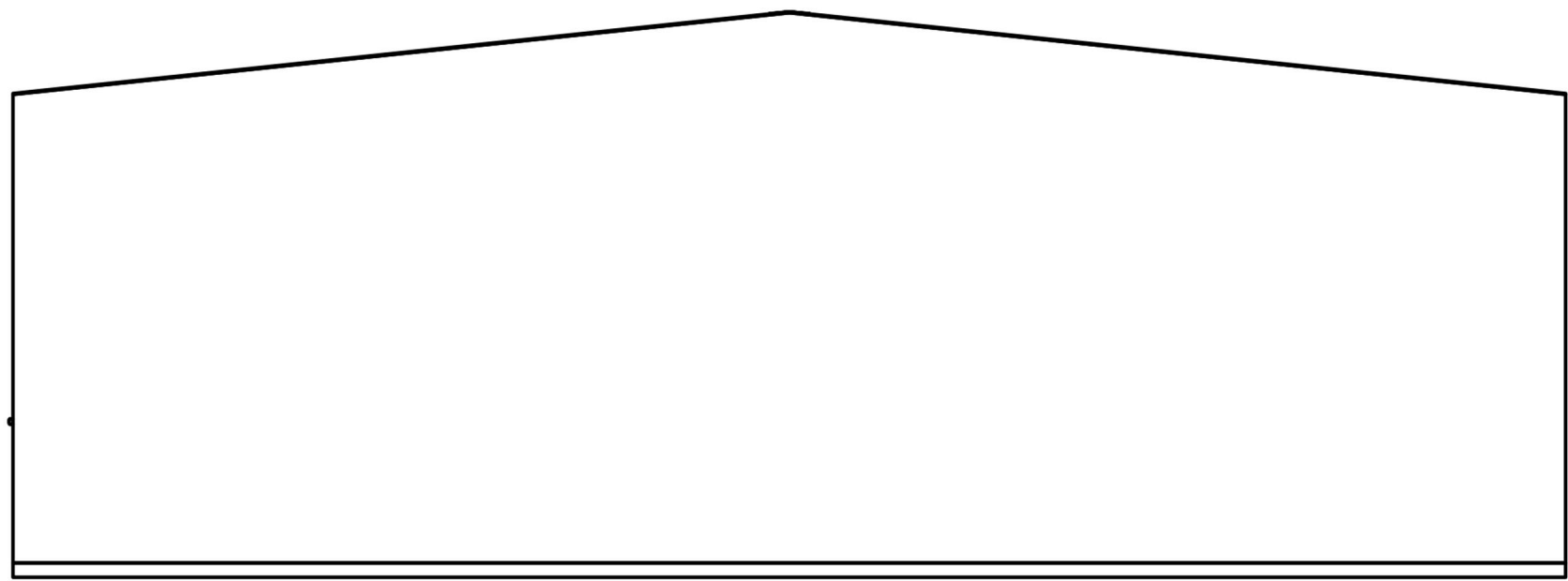
COLOUR: JUNIPER GREEN (TO BE CONFIRMED)

PLEASE NOTE: DIMENSIONS IN METRES

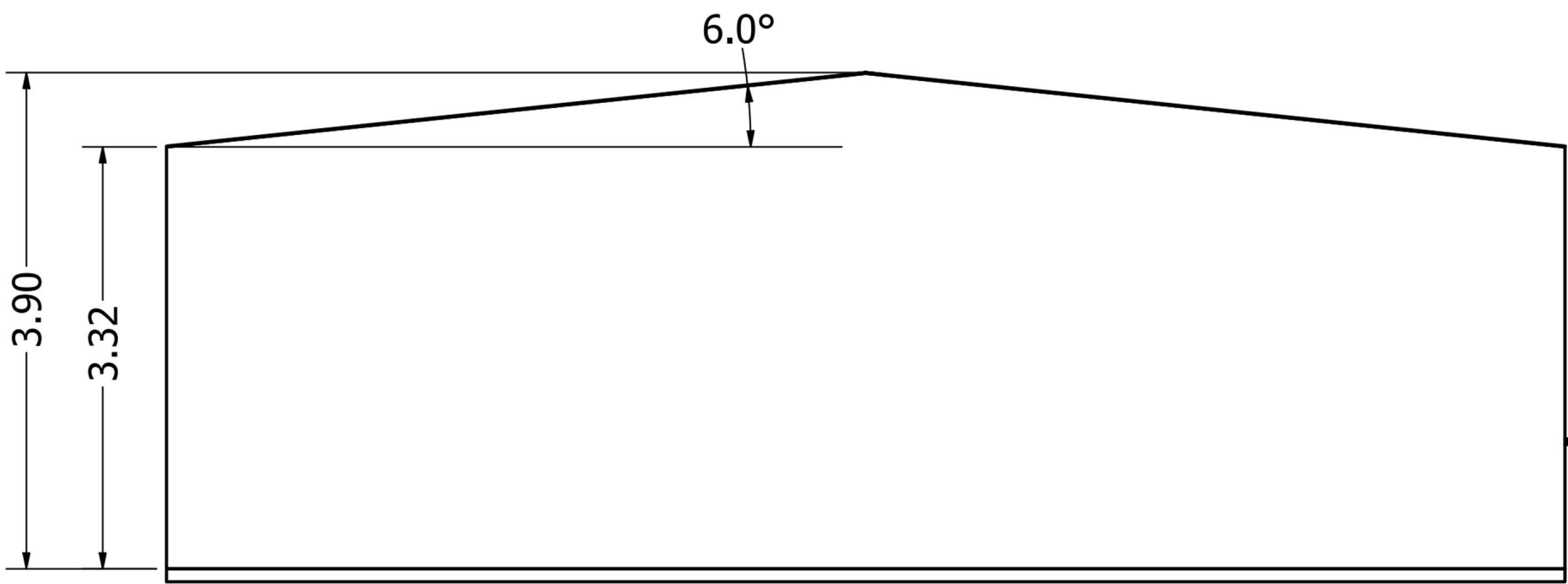
DRAWN	AJS	DATE:	29/11/2021	<div><b>Format Steel Buildings Ltd</b> Unit 6 Hingley Road Hayes Trading Estate Halesowen West Midlands B63 2RR Tel: 01384 893908 Mob: 07800 904887 E-Mail: sales@formatsteelbuildings.co.uk Web: www.formatsteelbuildings.co.uk</div>		
REV:	D	NOTES:				
PROJECT	FSB 193042					
MATERIAL:						
THICKNESS:						
FINISH:				[G] - P001		
THIRD ANGLE			SCALE: 1:50@A1	IF IN DOUBT ASK!	SHEET 1 OF 1	



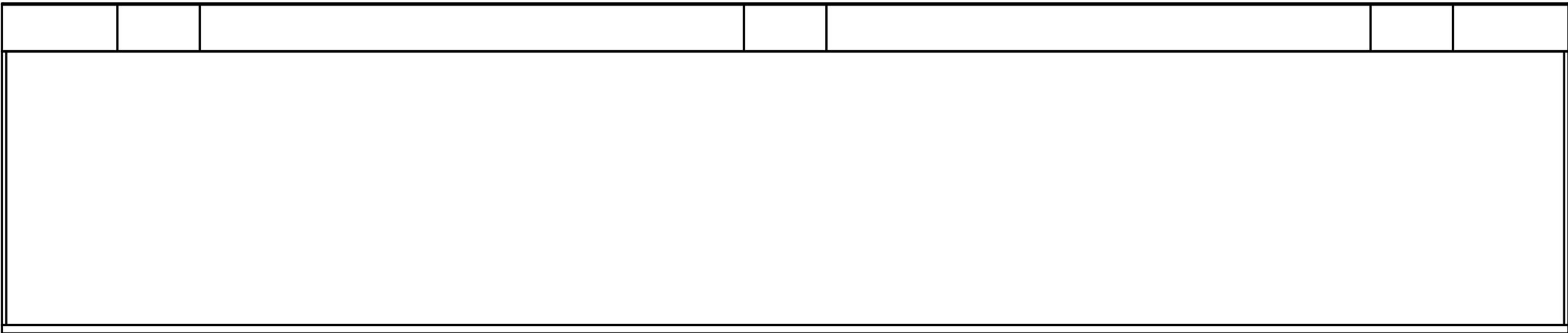
40MM COMPOSITE CLADDING



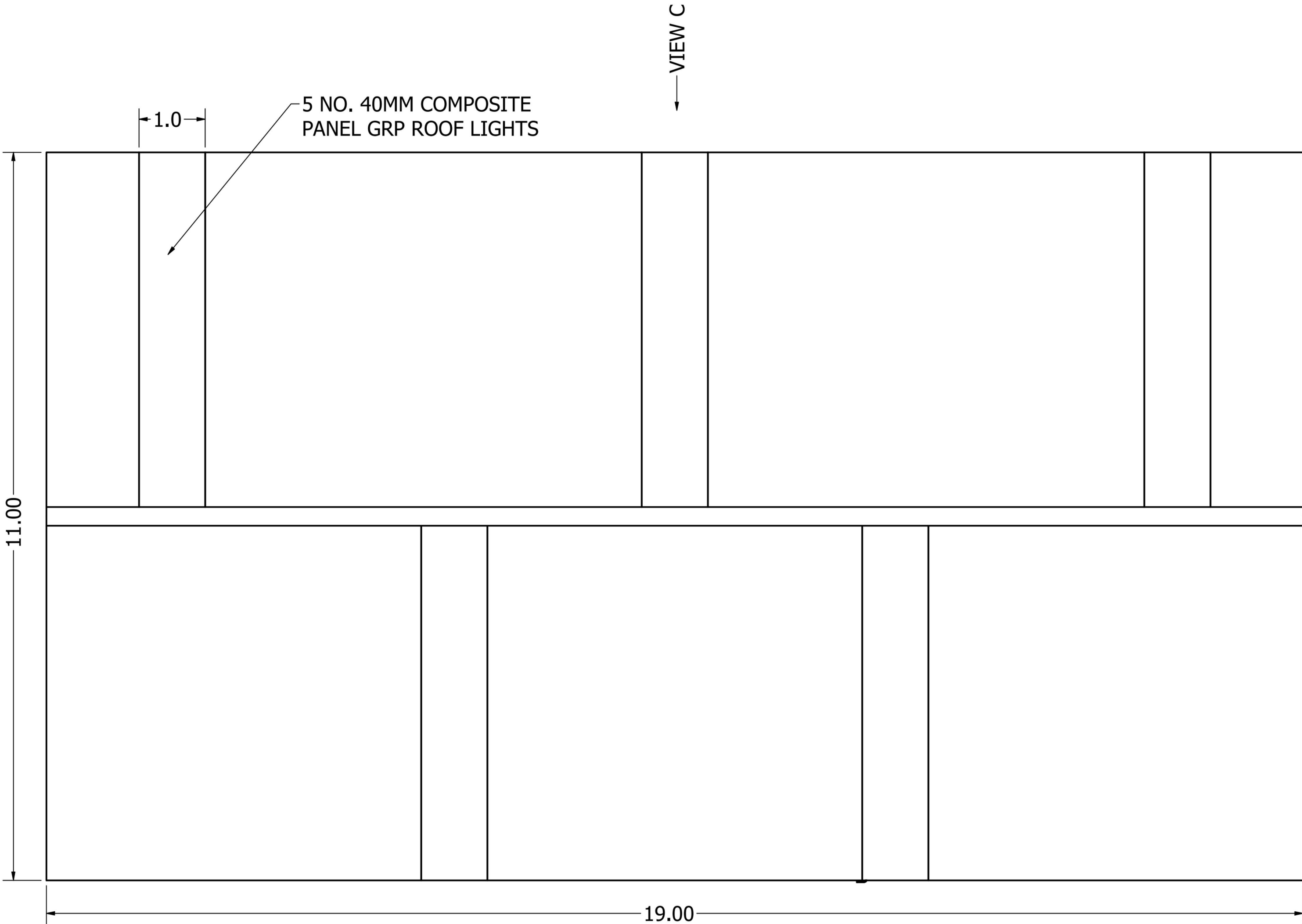
VIEW B



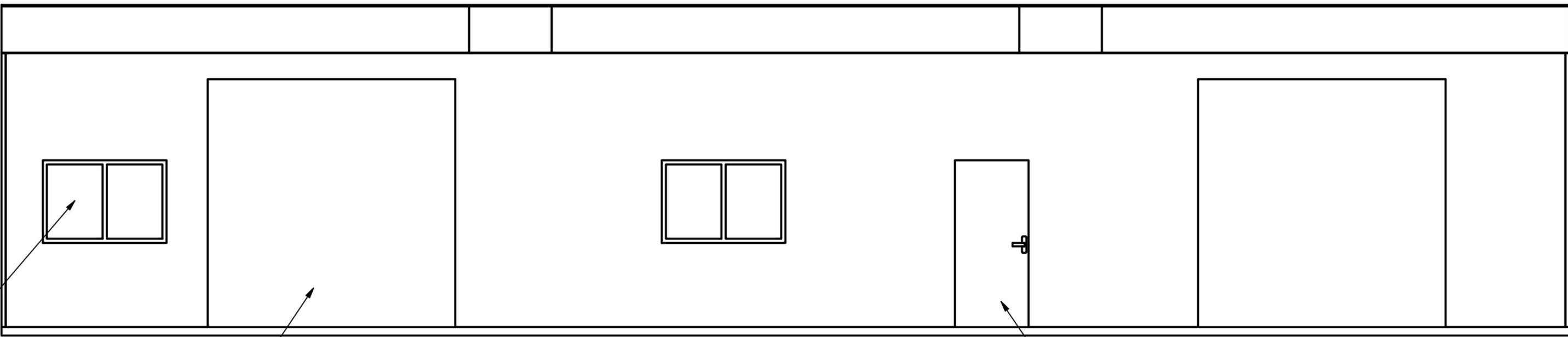
VIEW D



VIEW C



VIEW A





VIEW B

2 NO. WINDOWS

2 NO. ROLLER-SHUTTER DOORS - 3M X 3M

P.A. DOOR

PROJECT: WORKSHOP  
COLOUR: JUNIPER GREEN (TO BE CONFIRMED)  
PLEASE NOTE: DIMENSIONS IN METRES

DRAWN	AJS	DATE:	29/11/2021	 <b>Format Steel Buildings Ltd</b> Unit 6 Hingley Road Hayes Trading Estate Halesowen West Midlands B63 2RR Tel: 01384 893908 Mob: 07800 904887 E-Mail: sales@formatsteelbuildings.co.uk Web: www.formatsteelbuildings.co.uk	
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PROJECT	FSB 193043				
MATERIAL:					
THICKNESS:					
FINISH:				[G] - P001	
THIRD ANGLE			SCALE: 1:50@A1	IF IN DOUBT ASK!	SHEET 1 OF 1

# PLANNING STATEMENT

Site: The Orchards, Land adjacent to Broadacre, Vicarage Road, Roxwell CM1 4NB

Proposal: Demolition of existing commercial buildings and construction of two replacement buildings a revision to planning permission ref: 19/01705/FUL  
Amended application

## Contents

1.00	Site Description .....	2
2.00	Planning Background .....	5
3.00	Planning Policies summary .....	6
4.00	The Proposal .....	8
5.00	Support for the Proposal .....	9
6.00	Summary .....	14

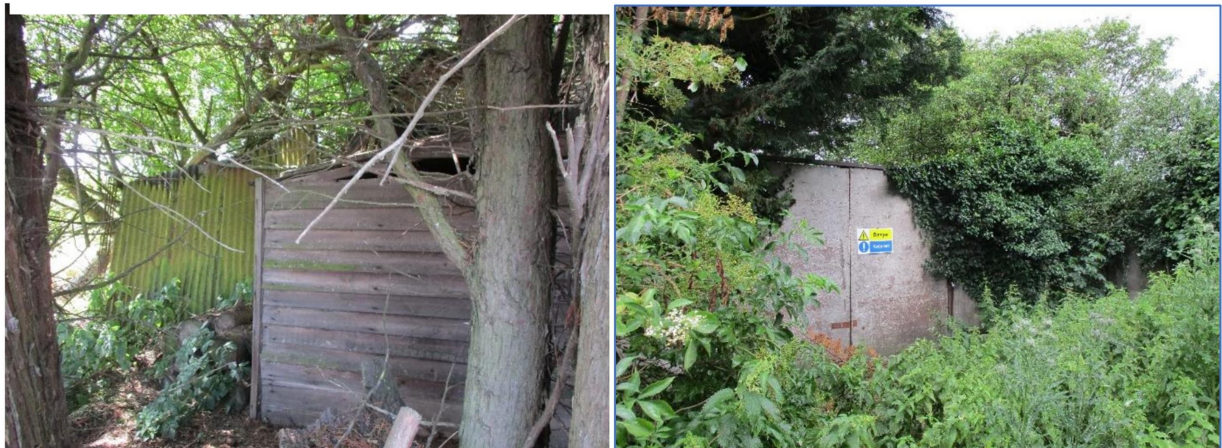
Appendix 1	Decision Notice – 14/012129/CLEUD
Appendix 2	Officer’s report ref: 14/01219/CLEUD
Appendix 3	Decision Notice ref: 19/ 01705/FUL
Appendix 4	Approved Plan ref: 19/ 01705/FUL
Appendix 5	Officer’s report ref: 19/ 01705/FUL

## 1.00 Site Description

- 1.01 The site that has a frontage to the Vicarage Road of 50m and a depth of 70m increasing to 90m, is located to the south of the road adjacent to a dwelling and its extensive gardens, Broadacre. The building is occupied by 2 principal buildings and one smaller store that runs along the rear of the site, plus store sheds. The buildings measure, working from west to east the store roughly 6m x 19 m and, the workshop about 6m x 19m and along the rear 38m maximum x just under 2m and a 2 m x 2m shed. In total is estimated that the building where the ridge height of the two main buildings is 3.8m collectively 240sqm. The buildings have suffered from overgrowth and cracking but in the main are still standing which is not very different from the situation in 2019, when the application for replacement was submitted and approved, see decision Notice ref: 19/01705/FUL in Appendix 3. There clearly some form of hardstand and parking areas but these have since overgrown with vegetation that could be cleared and not covered to a level that could be regarded as naturalised.
- 1.02 There is an access on the northern side that is almost in the corner that is currently only about 4m wide with limited evidence of hard surfacing, although historically used, this fenced off for security reasons.



*Building 1 store and building 2 below and sheds*





*Building 3*



*The centre of the site*



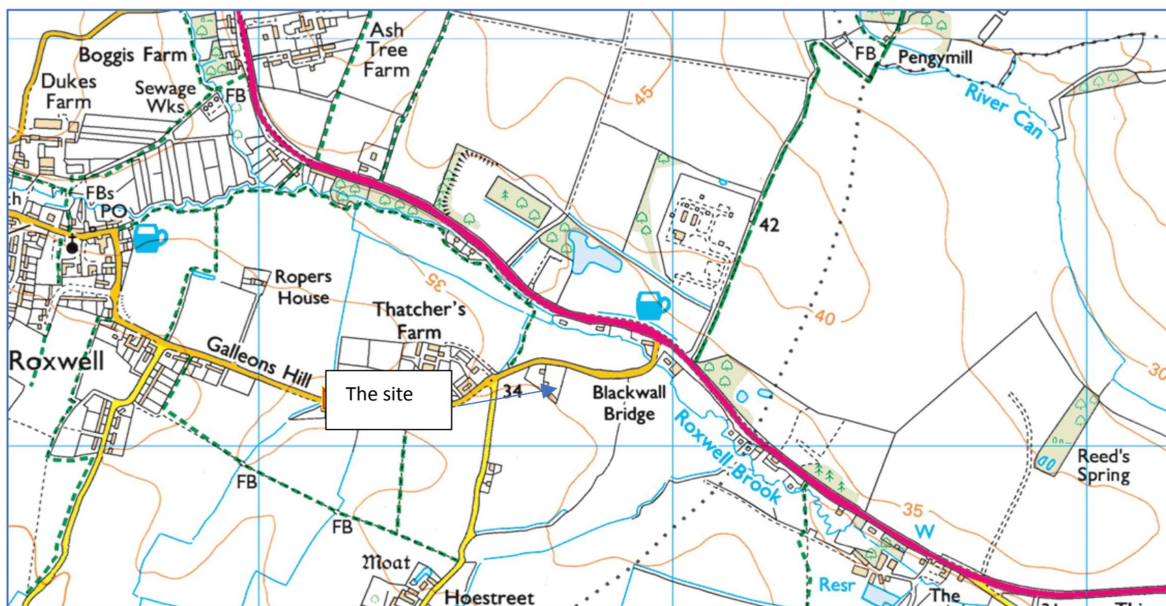
*The Existing access*



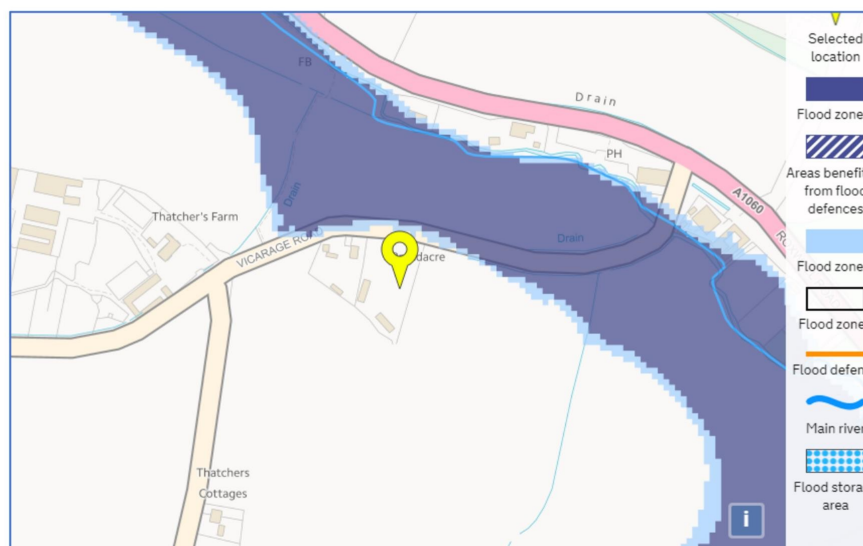
1.03 The site is enclosed by trees that are shown on the topographical survey. A tree report authored by Andrew Day, shows those that require protection through development although none of the trees are protected and those that are not worthy of retention through health or inappropriate species. There are some fruit trees within the heart of the site and some within the hedgerows. There is a native hedgerows trees along the frontage and sides although there are gaps in the planting particularly on the southern elevation. Two rows of conifers are located within the site close to Buildings 1 and 2.



- 1.04 There are no footpaths crossing the site nor are there any around the outside of the site. The road running past the site leads to B1060, about 250m away. The village of Roxwell just over 500m in the other direction. There are bus stops close to the junction with the A1060, with service 59 connecting Chelmsford to Bishops Stortford and an hourly service from Roxwell to Writtle. There are open fields to the east with unhedged field boundaries and there are clear views of the site from this direction but the present boundary treatment screens the buildings from the east the large curtilage to Broadacre screening from the west.



- 1.05 The site lies within the Green Belt. The flood risk map is below indicates that the site is in Flood Zone 1 with the northern edge of the site in Flood Zone 2.



## 2.00 Planning Background

- 2.01 The buildings have evidently been there for a while, as demonstrated in the old aerial photographs from the mid late 1900's in the 2006 appeal information, made against the Enforcement Notice for removal of all commercial uses and external storage( see Appendices) . There were 4 appeals where of importance to the history was that in August 2006 the use of the two primary buildings was established as lawful one for industrial – building 2 ( ref: 2004564) and one for storage – building 1 ( ref: 2004566) .
- 2.02 Also of note was the approval of the LDC ref: 14/01219/CLEUD - Approved on 29 September 2015 that granted the commercial use of the two buildings on the site lawful, as one has been in continuous use as a workshop in excess of ten years and the other has been in continuous use as a storage building in excess of ten years ie independent uses. The certificate established as lawful the use of the existing access to the site from Vicarage Road. The application details that Giles Engineering manufactured and repaired using machinery such as welding steam cleaners etc, with vehicle and small-scale machinery repairs, where the barns were used by others. There was also clarified that there was the use of a 24 ton Ford Truck and other vehicles, as well as storage of various equipment in building 1. Details are within Appendices 1 and 2.
- 2.03 Planning permission was granted on 23 December 2019 ref: 19/01705/FUL for the demolition of all the buildings and replacement with two new commercial buildings (see Appendices so is extant. The smaller proposed workshop building would be located in the south east part of the site, in a similar location to the existing workshop structure. The proposed building dimensions would be 5.8m x 19m a height of 3.8m so a floorspace of 112sqm so principally the same size as the existing close to the boundary with Broadacre. The approved storage building 8.8m x 19.1m and a height of 3.8m floor space of 169sqm would be located in the south west part of the site in a similar location to the existing storage, but replacing a building 113sqm in area. The officer's report is in Appendix 5, where the officer refers to the impact on the openness of the Green belt as being minimal, the NPPF and the then Policy D1 in place, allowing replacement buildings provided that they are in the same use as the existing. There was no objection from ECC highways as the LDC had established the use of the access for commercial vehicles employees and alike. There is support for small rural businesses and the replacement with more substantially constructed buildings that provide better working environment would be beneficial in terms of providing a local service or supporting for other

businesses and employment. The approval is extant but obviously needs the conditions to be discharged.

- 2.04 A planning application was submitted earlier this year ref: 21/00530/FUL for slightly larger buildings than those approved under permission ref: 19/01705/FUL. There was a local concern about the potential for intensification and an objection from ECC highways with regard to highway safety associated with this. This application 21/00530/FUL was withdrawn in May 2021. However, subsequent discussions with ECC Highways confirmed that they would not object if the overall floor area was the same as that approved, with improvements to the turning and access onto the highway indicated at the time of the submission.

### 3.00 [Planning Policies summary](#)

- 3.01 The NPPF 2021 supports sustainable development where its contribution to all aspects of this definition, economic, social and environmental will be established in section 5.00. The site lies in the Green Belt where whilst the aim of planning policy is intended to prevent urban sprawl by keeping land permanently open and parallel sections support protection of the countryside. Para 143 inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances but 145 that states that the construction of new buildings is inappropriate in the Green Belt, but lists exceptions to this, to include the replacement of a building(s), provided the new building is in the same use and not materially larger than the one it replaces where the implications of the latter are discussed in section 5.00. Para 83 (a) of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. The guidance does not differentiate between existing and new business. Additionally, the NPPF supports the redevelopment of previously developed land (PDL) which the site would fall within this definition

- 3.02 The Chelmsford Local Plan adopted in May 2020 is broadly compliant with the above It supports sustainable development.

#### **Policy S1 – Spatial Principles**

The Council will require all new development to accord with the following Spatial Principles where relevant to optimise the use of suitable previously developed land for development.

**Policy DM6** new buildings in the Green Belt. Part B of this Policy relates to previously developed land and states that planning permission will be granted where the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use and/or development. The Council will assess the development based on the following:

- i. the size, scale, massing and spread of the new development compared to the existing;
- ii. the visual impact of the development compared to the existing;
- iii. the activities/use of the new development compared to the existing;
- iv. the location of the site is sustainable and appropriate to the type of development proposed.

**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.

**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.

**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.

**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.

**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.

#### 4.00 The Proposal

4.01 The proposal has been discussed with the case officer whose advice was to maintain the size of the revised buildings as close to the height of the existing, but accepting that the 'off the peg' approval did not meet the needs of the new owners who would be relocating from Brentwood District Council area. The proposal as set out in the plans by Halliday West, seeks to vary the extant approval to allow the more tailored buildings to meet the needs of the new owners who are relocating from Pilgrims Hatch in Brentwood. The development is for two single storey buildings of the same overall footprint as approved under application ref: 19/01705/FUL with no increase in height. The small storage building (Building B) will be sited closest to Broadacre but with additional screening.

4.02 Building A would be 19m x 11m and a ridge height of 3.9m is a workshop, in a location furthest away from the residential property (Broadacre) and Building B an associated store 9.2m x 8m x height of 3.9m. The planting planned is more meaningful to provide the greater screening visually than currently existing or approved. The buildings will both be finished in green plastisol coated steel cladding with rooflights and windows that improves the appearance of the buildings.

4.03 Bearing in mind the conditions set out in the planning permission ref: 19/01705/FUL the access has been shown to be realigned and made to a width so that vehicles can pass at the entrance. Again, the access and parking has been shown for the 5 car parking spaces 2.9m x 5.5m for the 4.5 staff, employing a grasscrete surface. The delivery vehicle/collection vehicle only would on average, arrive once a day. The driveway and the area of turning would be concrete driveways/hardstand as this is considered the most hard-wearing and durable option, but considering the fairly limited area, now reduced this is not visually harmful. Vehicle turning plan for HGV prepared by Journey Planning demonstrates that the delivery vehicles can turn and egress in forward gear through the existing access, altered to accord with the recommendations of the ECC Highways. The new gate set back as shown on the plans with green security fencing on 3 sides.

- 4.04 In terms of the natural environment, the areas to be planted have been indicated with details of the schedule of plants. The proposal seeks to recreate the orchard in the area that was traditionally this and introduce the measures recommended in the updated bat and biodiversity report page 12.

The application comprises of:

Plans by Halliday West Ass. ref: 21/235/01E site layout and 02A location plan with site splays

Plans of the proposed buildings by Format Architectural Limited

Tree report and Tree Protection Plan by Andrew Day Consultancy

Vehicle turning Plan for HGV prepared by Journey Planning

Bat and biodiversity report by John Dobson

## 5.00 Support for the Proposal

### The Principle of the revised proposal

- 5.01 The main support for the proposal comes from the fact that application ref: 19/01705/FUL is extant and once the conditions have been discharged the application can proceed. The proposal now submitted is for 2 buildings with the same overall footprint and heights of those previously approved. The Council took into account the fact that the buildings have vegetation over parts of them, but are substantially intact and although not currently in use the existing buildings on the site have a lawful use as a separate workshop and a storage building respectively, this was established under 14/01219/CLEUD. The proposed revised development would similarly construct two detached buildings largely within the same part of the site as a workshop and as a storage building but in a better location and of improved design and materials that provides an improved environment for work and provides a contribution to all aspects of sustainable development.
- 5.02 With regard to the impact on the Green Belt and openness in particular explained the with regard to para 14 of the NPPF, replacements of existing buildings provided that they are in the same use, and not materially larger are acceptable. With regard to the former although the workshop and store have been exchanged in terms of position for a better environment within neighbours, there is a flexibility in the use Class order to allow changes of smaller buildings to other commercial uses, and therefore in essence looking at the uses collectively that are the same as the lawful ones and in this case the two buildings are part of the same business and they can be controlled as such.

- 5.03 In terms of scale and the control over this aspect, where a larger building might be permitted, if not materially larger than the existing, materially is not defined in the NPPF but a small increase in floor space has already been allowed. It is the case that in order to accommodate the machinery for the packaging business, a deeper form is required but visually this would not be evident. The proposed area of hard landscaping in between the buildings as an engineering operation that falls within the definition in the NPPF as not inappropriate and allows the proper delivery collection and turning of vehicles again not impacting on openness.
- 5.04 The LDC actually referred to the fact that as well as the buildings, the site enclosed by the red line is a commercial use, basically making the whole of the site previously developed land under the definition of the NPPF. This revised scheme more or less maintains the buildings approximately in their current locations, bar removing them away from the boundaries can be regarded as more visually preferable and allow greater landscaping.
- 5.05 In the last application there was some doubt about the nature/intensity of this use but the Local Plan policies offer more measured control over this – see DM6 which also talks about the spread of development. Both Policy DM6 and the NPPF state that development is required to not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use and/or development. So the size, scale, massing and spread of the new development compared to the existing is important where each aspect, it is considered individually and collectively as not significantly larger. Moving the revised buildings toward the site's centre results in them being less obvious from the perimeter thereby reducing the visual impact of the development compared to the existing this latter point due to low ridge heights, colours and appearance as well as siting. When considering the activities/use of the new development compared to the existing, or lawful the intensity of a use, the site is subject of the LDC which was for separate B8 and B1 uses where this is a B1/ new Class E use with ancillary storage, where the activity can be controlled by the use of the two buildings being linked and there can be a restriction on external storage. The location of the site is sustainable and appropriate to the type of development proposed as small-scale manufacturing business a few hundred metres from a classified road.
- 5.06 In terms of other factors that support the proposal, the development is for an established business that is new to the district that whilst bringing employees with the firm that may employ locally, will as well as using local businesses such as The Hare, the bus service, the

garage business and those in the local industrial estates in Roxwell and Writtle. There are local economic benefits as well as social to support for the community of Roxwell and Writtle. Environmental benefits include the improvement to the built and natural environment not just the structures but the improvement to biodiversity measures – see next point.



*The western boundary*



*The southern boundary*

5.07

#### Biodiversity/Landscaping and Boundary Treatment, Trees and Landscape

There has already been a tree report for the extant scheme, but in relation to the buildings being in slightly different location and marginally larger where there was not a review of the impact of the gateway and access road in the positions, that is required by the conditions of the extant approval, a new report has been commissioned. The Tree Report by Andrew Day Consultancy looks to remove the two larger groups of Leylandii and other trees which through their condition need removing so for example along the eastern edge. Therefore the trees to be removed are T8, T9, G1, G2, G3 & G4 with low quality trees, G7, T13, T14, T15 & T17. The purpose of the trees and hedgerows planned to replace those lost due to condition etc including the unmanaged trees along the south western boundary is so that it provides better screening but also varieties that would be suitable for that location as well as improving the biodiversity of the site. The site plan shows native hedgerows along that boundary and the eastern one where indicated. This would be a mix of *Acer campestre* 15%, *Crataegus monogyna* 35% *Prunus spinosa* 40% and 10% *Ilex aquifolium*, on the eastern side, planted staggered 0.5m apart where at the southern side the holly would be replaced by *euonymus europaeus*. The site was an orchard and to augment the current trees it is suggested that 3 apple trees (Cox / Chivers

delight) and Pear 'Beure' Hardy' and Plum Victoria, all in 12 L pots. The area around the orchard will be kept as long grass and the measures suggested in John Dobson's report be implemented, to accord with Policy DM16

- 5.08 There are currently no fences as and this is a rural area, but the western boundary abuts a garden, where a more solid fence would not look out of places (with allowance for hedgehog movements). Fencing is also a security issue to consider now that the site is more overtly in commercial use. The boundary to the west comprises of a broken fence which affords no screening and security hence the solid timber fence. Security fencing is required of the open type around the other boundaries that still allows planting green mesh security fencing to a height of 1.8 m on the boundary green mesh security fencing will allow protection but at the same time ensure boundary hedges can but kept and augmented



*Example of the treatment used in other rural commercial sites e.g at Crawford's Fox burrows Lane Writtle*



*Proposed sliding gate at the entrance to the site*

#### Highways

5.09 There is an existing access as shown on the plans which lawful where the access requires improvement of the width and the depth so that two vehicles can cross in this section without be stationed in the road. The ECC Highways officer did not object to application ref: 19/ 01705/FUL due to the establishment of the use of the site – see Appendix 5. This revised scheme for similar sized commercial buildings to the extant maintains these as one use B1, with ancillary store rather than the potentially separate units approved potentially generates less traffic. The proposed users only have 4 employees and delivery collection of 1 larger vehicle per day so traffic can be regarded as light. The NPPF on this matter states in regard to rural uses, section 9 – which accepts that there has to be regard for the differences between rural and urban areas, but that said this is a fairly accessible rural site.

5.10 The visibility splays are indicated on the plan where these have been improved to the east by the removal of the trees on that corner but there are physical limitations of the visibility spays to the west that was recognised the ECC reviewed the application in 2019 There can be improvement by removing the existing hedgerow which has already been undertaken although there is a preference to retain the oak tree, but in the interests of highways safety this can be removed. The frontage hedgerow can be replanted with the same hedging deeper into the site. There is a balance to be had, between amenity and highway safety, given that the site has an LDC for commercial use.

- 5.11 Parking falls jointing between ECC and CCC's control where the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards Design and Good Practice (2009). The recommended is 1 space per 30sq.m for the Class B1 element and 1 space per 100 sq.m for the B8 which collectively results in a maximum of 9-10 spaces. The present users would only need 4 spaces so ideally reducing the area of parking reduces the need for hard surfacing. 5 parking spaces are therefore proposed given that figures are maximum standards. The site is not located in an isolated position within walking distance of bus stops and the village. Cycle stores can be provided and it is suggested that 4 of these are located close to the workshop



#### Flooding

- 5.12 The site lies in the flood zone 1 although just beyond the entrance to the site is in flood zone 2 but there was no objection from the Flood Authority, Environment Agency in the original or previous application. Although the road does flood at its crossing with the Roxwell Brook, this prevent access to the B1060, there are alternatives for the access for employees and the delivery/collection drivers would likely be able access in the following day or so. The recent weather has highlighted the flooding that is not matter for application site per se where there is no risk to life which is the case. In view of the fallback of the current and extant permission it is considered that the proposal will have no marked effect above the current situation.

#### 6.00 Summary

- 6.01 One of the key elements of the definition of sustainable development is that it contributes to economic development, in terms of both employment and economic generation where planning controls should allow small businesses to achieve a degree autonomy to suit their needs and allow the potential moderate level of expansion appropriate for the area. The proposed buildings are demonstrated as being slightly larger than the existing, but not materially so, given their location within a commercial LDC site and collectively no larger than the approved scale of development. With regard to the environmental aspect of sustainable development, the alteration of the workshop to be located furthest from Broadacre, gives greater respect to neighbouring amenity ( DM29) resulting in an environmental enhancement over the extant scheme. Improved planting would avoid increased visibility of the proposed buildings that are no taller than the approved. Given the advantages of the relocation of a new business to the district which undoubtedly has spin off benefits for the area, it is requested that the revised scheme is supported.



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