

# Planning Committee Agenda

**12 March 2019 at 7pm**

**Council Chamber  
Civic Centre, Duke Street  
Chelmsford CM1 1JE**

## **Membership**

Councillor I. Wright (Chairman)  
Councillor R.J. Poulter (Vice-Chairman)

## **and Councillors**

E.A. Ahmed, L. Ashley, R.F. Denston, M.W. Holoway,  
P.V. Hughes, L.A. Millane, F.B. Mountain, S.W. Pontin,  
T.E. Roper, G.C. Seeley, R.A. Villa, M.D. Watson  
and P.R.A. Wilson

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. 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](mailto:brian.mayfield@chelmsford.gov.uk), call in at the Civic Centre or write to the address above.

Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the start of the meeting.

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# PLANNING COMMITTEE

12 March 2019

## AGENDA

### PART I

Items to be considered when members of the public are likely to be present

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To consider the minutes of the meeting held on 15 January 2019.

3. **PUBLIC QUESTION TIME**

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Cabinet/Committee is responsible.

If a number of people wish to ask substantially the same questions or make the same points on a matter, they are encouraged to appoint one or more spokespersons to do so on their behalf in order to avoid repetition.

The Chairman may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Where an application is returning to the Committee that has been deferred for a site visit, for further information or to consider detailed reasons for refusal, those who spoke under public questions at the previous meeting may not repeat their questions or statements.

4. **DECLARATION OF INTERESTS**

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

5. **ANNOUNCEMENTS**

6. **SITE AT JUBILEE FARM, NEWNEY GREEN, WRITTLE, CHELMSFORD - 18/01167/FUL**

7. **STABLES VISITOR CENTRE, HYLANDS ESTATE, LONDON ROAD, CHELMSFORD - 18/01969/FUL**

8. **PLANNING APPEALS**

9. **URGENT BUSINESS**

To consider any other matter which, in the opinion of the Chairman, should be considered by reason of special circumstances (to be specified) as a matter of urgency

PART II (EXEMPT ITEMS)

NIL

**MINUTES**

of the

**PLANNING COMMITTEE**

held on 15 January 2019 at 7:00 pm

Present:

Councillor R J Poulter (Vice Chairman in the Chair)

Councillors E A Ahmed, L Ashley, R F Denston, P V Hughes,  
F B Mountain, S W Pontin, R J Poulter, T E Roper, G C Seeley,  
D W Stevenson, R A Villa, M D Watson and P R A Wilson

1. **Apologies for Absence**

Apologies for absence were received from Councillors M W Holoway, L A Millane and I Wright. Councillor D W Stevenson acted as substitute for Councillor Millane.

2. **Minutes**

The minutes of the meeting held on 4 December 2018 were confirmed as a correct record and signed by the Chairman.

3. **Public Question Time**

Members of the public attended to ask questions and make statements on items 6, 7 and 8 on the agenda. Details are recorded under the relevant minute numbers below.

4. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda. Councillor P R A Wilson declared a non-pecuniary interest in item 7 in his capacity as a governor of New Hall School and took no part in the consideration of and voting on the application.

5. **Announcements**

On behalf of the Committee the Chairman congratulated Councillor Villa on the award to him in the Queen's New Year's Honours List of the British Empire Medal for his 50 years' service to the community.

6. **Site at 140 Mill Road, Stock, Ingatestone, Essex – 18/01631/FUL**

The Committee considered an application for the construction of nine apartments with associated access, parking and landscaping on the site of 140 Mill Road, Stock. A Green Sheet was distributed at the meeting, setting out a correction to paragraph 6.14 of the report and stating that a unilateral undertaking to carry out habitat migration projects had been received.

One local resident, a representative of Stock Parish Council and a ward councillor attended to speak against the application. A representative of the applicant spoke in favour of it. Those who opposed the application did so on the following grounds:

- Whilst the principle of development of the site for a single dwelling was acceptable, the application represented excessive development in an area of large, single detached properties. The proposed building was much larger than the original property (now demolished) and twice the size of the last application, which was refused. The application was an unacceptable intensification of development on the site and would have an adverse impact on neighbouring properties and the local scene.
- The design of the proposed building was poor, contrary to national planning policy.
- Neighbouring properties would be overlooked.
- Parking provision was inadequate, with the possibility that vehicles would need to park on Mill Lane, to the detriment of highway safety.
- The loss of trees, including a protected oak tree, and the effect of the construction of basement parking on other trees, was not acceptable.
- The intensification of development on the site would have an adverse impact on drainage.

The person who spoke in support of the application questioned the accuracy of some of the statements made by objectors, saying the application accorded with all relevant policies; pointing out that there was an extant planning permission for a larger property on the site and that the proposed building fitted satisfactorily on the developable land; asserting that the design of the property and the proposed screening of the site accommodated the amenity of adjoining properties; and expressing the view that parking provision was acceptable and integrated on to the site.

In response to the concerns expressed by objectors, the officers said that:

- The proposed building would be within the defined settlement boundary and fitted acceptably on to the developable land.
- The design of the scheme was better than that of the refused application.
- The provision of 18 parking spaces for residents and four for visitors met the parking standards for a development of this size and type and there was no objection from the Highway Authority.
- The protected oak tree that would be removed was not the largest tree on the site and the Council's Tree Officer had no objection to its removal. There would be a condition that it be replaced and that further landscaping be provided.

Replying to questions from the Committee, the officers said that the entrance to the site would be sufficiently wide for vehicles and that any conflict between cars entering and leaving would be resolvable within the site. Planning officers and the Highway Authority regarded the parking provision as adequate and there was no justification to refuse the application on that ground. With regard to drainage, this was not a major development and the scheme adequately addressed any such requirements.

In the Committee's opinion, the application complied with relevant planning policies. The massing of the property, which was smaller than that for which an extant permission existed, was lessened by a design better than that for previous applications and the site was well screened, with overlooking carefully avoided. The building did not detract from the street scene, the provision of flats in the village was acceptable, and the parking provision met required standards. For those reasons, the Committee felt that planning permission should be granted, subject to the recommended conditions.

**RESOLVED** that application 18/01631/FUL in respect of the site at 140 Mill Road, Stock, Ingatestone, Essex be approved, subject to the conditions detailed in the report to the meeting and the amendment set out in the Green Sheet.

*(7.08pm to 7.55pm)*

7. **Beaulieu Park, White Hart Lane, Springfield, Chelmsford - 18/01514/REM**

Councillor P R A Wilson declared a non-pecuniary interest in this item in his capacity as a governor of New Hall School and took no part in the consideration of and voting on the application.

An application had been submitted for the provision of community gardens and associated strategic landscaping on land at Beaulieu Park to the west of New Hall School and to the east of Old Lodge Farm and All Lodge Court, Springfield. The application included the creation of landscaped open space, the provision of a secondary footpath/cyclepath, a community garden building, a formal garden and orchard area, an informal kickabout area for ball games and associated ancillary development. A Green Sheet was distributed at the meeting which set out a number of amendments to the report and further consultation responses received since its publication.

Twelve people attended the meeting to speak against the application and five in support of it. A ward councillor for Springfield also spoke in opposition. The main concerns among those who opposed the application were:

- The view that the scheme did not preserve the setting of the Grade I listed building at New Hall School, contrary to statutory requirements. The plans were inadequate, incomplete and lacked detail. They failed to mitigate sufficiently the impact of the new Beaulieu development on New Hall and threatened its heritage status. They diverged from the original guidance for landscaping associated with the Beaulieu Park development set out in the North Chelmsford Area Action Plan in that they included plans for car parking and buildings. The school had produced its own plans for community gardens, landscaping and footpaths which it felt were more sympathetic to the setting and improved the access to and from the school via the western gate. It was felt that no opportunity had been given to consider those plans and negotiate amendments to the submitted scheme to reflect the school's ideas.
- The applicant's proposals did not take account of the access to the school that could be provided via the western gate. They did not enable, and actually prevented, pedestrian access to the gate over the community garden land, which the school was promoting on grounds of security for pupils.
- The presence of buildings within the community gardens would have a detrimental effect on the condition of the historic wall at the school's western boundary. Allowing vehicular access and parking would harm the setting and the safety of users of the gardens.

Those who spoke in support of the application welcomed the provision of the green spaces and their accessibility by all parts of the community. The scheme had been thoughtfully conceived and the designers had engaged at all stages with the school to reflect the setting and accommodate access requirements as far as possible. The applicants had provided areas of green / public open space successfully in the Beaulieu development. The community gardens would be managed by the Land Trust, who would involve the community in their detailed design to ensure that they met its needs and wishes. Historic England regarded the plans as acceptable and sympathetic to the setting. The applicants were willing to discuss with New Hall School the idea of providing access to the gardens via the western gate during lesson times for educational purposes only.

The Committee was informed that it could only consider the reserved matters before it in respect of the defined area covered by the original planning permission granted in March 2014 and its associated parameter plans. However desirable it may be to include proposals to enable access to the gardens via the western gate, that was beyond the scope of the current scheme and would need to be the subject of a separate application by the school as the owners of the historic wall and the strip of land between it and the land the subject of the reserved matters. The Council would, however, be willing to facilitate discussions between all the interested parties to bring that about.

As regards other aspects of the objections, Historic England and the Council's heritage officer had been closely involved in the scheme's general design, and local schools, colleges and the wider community would take part in the development of its details. The effect of the scheme on the setting of New Hall was acceptable for the reasons set out in the report. The buildings to be provided were for community use and related to the function of the community gardens. Vehicular access to the car park would be restricted to service vehicles and those for disabled people. The car park would have a lockable bollard at its entrance and The Land Trust would be the keyholder. The applicants would be encouraged to achieve Secure by Design accreditation.

The Committee recognised that it could only make a decision on the scheme before it and that its consideration was limited to the land covered by the reserved matters. On that basis, all aspects of the application were acceptable. It asked, however, that an informative be added to reflect the desire that the applicants and New Hall School come to an arrangement regarding access by the school to the gardens by way of the western gate during lesson times and for educational purposes only.

**RESOLVED** that application 18/01514/REM in respect of the site identified in the report to the meeting at Beaulieu Park, White Hart Lane, Springfield, Chelmsford be approved, subject to the conditions detailed in the report to the meeting and with the addition of the following informative:

**Informative 7 Western Gate**

You are encouraged to liaise with New Hall School, the local planning authority and the highway authority, outside of the scope of this reserved matters approval, to discuss, and consider the feasibility of controlled pedestrian access by students and staff of New Hall School from the Western Gate to the Community Gardens in order to allow students and staff access to the gardens for educational purposes only, and strictly during lesson times.

*(7.55pm to 9.17pm)*

8. **Land at The Bell, 126 Main Road, Danbury - 18/01171/FUL**

The Committee had before it an application for the retention of the existing public house at 126 Main Road, Danbury, Chelmsford and the erection of a two-storey dwelling and bin/cycle stores. The application included associated landscaping and fencing and the provision of a replacement pub car park. A Green Sheet setting out amendments to two of the proposed conditions in the report was distributed at the meeting.

Four local residents, a representative of Danbury Parish Council, and a ward councillor attended the meeting to speak against the application. The agent for the applicant spoke in support of it. The objections related primarily to:

- The effect of noise and light pollution on residents whose properties adjoined the proposed car park at the rear of the public house. This was exacerbated by the fact that the site sloped towards properties in Parkdale, making light pollution more likely.
- Concerns about highway safety, given that the site was accessed from a very busy road and was close to a zebra crossing, mini roundabout, school and bus stop. Related to this were worries about large delivery vehicles accessing and egressing the site, their ability to turn around within the new car park, and the hours of delivery coinciding with times when the road was busiest.
- The loss of tree cover resulting from the construction of the car park, the effect on the ecology of the site, and the risk of surface water run-off to properties at the rear.
- The secluded nature of the relocated car park, the consequent effect on the security of adjoining properties, and the loss of part of the public house's garden.

The agent for the applicant informed the Committee that the Highway Authority regarded the access arrangements and the delivery management plan to be acceptable; the same number of parking spaces would be retained; the landscape buffer would minimise the impact of noise and light on local residents; the ecological survey had been carried out in June, which was widely regarded as an appropriate time to do so; and the proposals were consistent with the pattern of existing development.

Planning officers added that:

- The relationship of the application dwelling and the associated proposals with neighbouring properties was satisfactory.
- The potential for noise and light pollution had been mitigated.
- The highways implications had been carefully considered: the amount of traffic to and from the site would not change; the new access was further away from the crossing than the current one; the delivery management plan reduced potential problems caused by vehicles accessing and leaving the public house; and a condition could be added to prohibit deliveries outside of school hours.
- The surface of the car park would be permeable, reducing the risk of water run-off from the site.
- In terms of security, the relationship of the new dwelling with the footpath would enable the current open aspect to be retained.

In discussing the application, the Committee requested that notices be provided in the garden and car park of the public house asking users to respect the peace and quiet of neighbours, and that the building contractors be particularly aware of the safety of children whilst works were in progress. In response to questions, members were told that:

- Improved lighting of the area in and around the application site would reduce the safety issues associated with the seclusion of the car park.
- Enforcement action could be taken to ensure compliance with the delivery plan.
- The question of whether the proposals would affect the amenity of adjoining neighbours was, to an extent, subjective but in the officers' view they were not detrimental in this case and complied with Policy DC4.
- The effect of the proposal on the conservation area had been assessed by the Conservation Officer, who was content with them, and the impact was less than that associated with the application previously refused.
- The trees to be removed were not of great value.
- The arrangements for refuse collection vehicles were likely to be the same as at present.

The Committee believed that any concerns it might have had about the development had been satisfactorily answered. It felt that the proposed boundary treatment would be effective in minimising the impact of noise and light on neighbours; that the lighting plans addressed the issue of safety and security; and that the effect on the conservation area would be minimal. Members were therefore content to approve the application, subject to the amendment of condition 21 that deliveries to the public house during term time take place during school hours.

**RESOLVED** that application 18/01171/FUL in respect of land at The Bell, 126 Main Road, Danbury, Chelmsford be approved, subject to the conditions detailed in the report to the meeting, as amended below, and with the additional informatives referred to:

**Revised wording for Condition 21:**

Prior to the construction of the dwelling house all deliveries to the public house shall take place in accordance with the General Delivery Management Plan ref 1806-16/SMP/01 and in addition delivery vehicles shall not arrive at or depart from the site within the thirty minutes before the main pupil start time at the neighbouring Danbury Park Primary School and the thirty minutes after the main pupil finish time at the school during the school's term time and thereafter shall continue to take place in accordance with the agreed Plan and school related times unless otherwise agreed in writing by the local planning authority.

**Additional informatives:**

- Prior to the first use of the repositioned pub car park, details of signage to be displayed at the site to advise customers to leave the premises quietly shall be submitted to and agreed in writing by the local planning authority. The agreed signs shall be installed prior to first use of the car park and thereafter retained. Reason: In the interest of the amenities of neighbouring residential properties in accordance with policy DC4 of the Adopted Core Strategy and Development Control Policies Development Plan Document.
- The applicant is requested to install signage at the site to advise customers to leave the premises quietly before the first use of the repositioned car park and to retain them thereafter.

*(9.17pm to 10.22pm)*

**9. Planning Appeals**

**RESOLVED** that the information on appeal decisions between 21 November and 21 December 2018 be noted.

*(10.22pm to 10.23pm)*

**10. Urgent Business**

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

The meeting closed at 10.23pm.

Chairman

## **PLANNING POLICY BACKGROUND INFORMATION**

### **DEVELOPMENT PLAN**

Section 38 (6) of the Planning and Compensation Act 2004 Act states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

### **DEVELOPMENT PLAN DOCUMENTS**

The Core Strategy and Development Control Policies Development Plan (DPD) was adopted by Chelmsford Borough Council on 20 February 2008. This contains Core and Development Control Policies (prefixed by CP or DC) which are applied Borough-wide. The Borough's area is covered by three further adopted development plan documents: Chelmsford Town Centre Area Action Plan (2008), North Chelmsford Area Action Plan (2011) and the Site Allocations DPD (2012). These development plan documents implement the Core Strategy by identifying land-use allocations, proposals and notations which are set out in their relevant Proposals Maps.

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

### **DEVELOPMENT PLAN DOCUMENT 2001 - 2021**

- CP1** Core Policy CP1 Securing Sustainable Development - The City Council will promote and secure sustainable development by linking housing and employment needs and directing development to locations supported by effective transport provision, leisure, community and other essential services, whilst minimising damage to the environment and actively securing environmental enhancements. When considering development proposals the City Council will take a positive approach reflecting the presumption in favour of sustainable development contained in the NPPF.
- CP2** Core Policy CP2 The City-wide Spatial Strategy - All proposals for development will be considered in the context of the City-wide Spatial Strategy which sets out the City Council's vision for development growth in the Borough in the period up to 2021.
- CP5** Core Policy CP5 Containing Urban Growth - Urban growth will be contained by defining the physical limit of the urban areas of Chelmsford and South Woodham Ferrers and the Defined Settlements.
- DC1** Development Control Policy DC1 Controlling Development in the Metropolitan Green Belt - Planning permission for new buildings will be refused except where it is required for purposes directly related to agriculture, appropriate facilities for outdoor sport, outdoor recreation, nature conservation and cemeteries, affordable housing for local needs, residential infilling in villages, replacement of an existing building, limited infilling or redevelopment of previously developed sites where this would not have a greater impact on the openness of the Green Belt. These are subject to compliance with policies DC33, DC32, DC12, and DC11 respectively. Local transport infrastructure, extension or alteration of a building, the re-use of a building and development brought forward under a Community Right to Build Order are appropriate in the Green Belt provided that they preserve openness. , These are subject to compliance with policies DC47 and DC57 respectively. Inappropriate development is by definition harmful and should not be approved except in very special circumstances.

- DC2** Development Control Policy DC2 Controlling Development in the Countryside beyond the Metropolitan Green Belt - The countryside within the rural area beyond the Metropolitan Green Belt will be protected for its intrinsic character and beauty. Planning permission will be granted for development within the rural area provided that the intrinsic character and beauty is not adversely impacted upon and provided it is for a new building that supports sustainable growth of an authorised viable rural business and there is a justified need and no adverse impact upon character, appearance and visual amenity of the countryside; or promotes development and diversification of agriculture and other appropriate land based rural businesses or is accommodation in connection with such uses; or is for affordable housing for local needs; or is for the replacement of a building; or is for local transport infrastructure; or is for residential infilling in villages. These are subject to compliance with policies DC33, DC32, DC11 and DC12. The extension or reuse of an existing building is acceptable subject to compliance with Policy DC47 or DC57. Engineering or other operations or changes of use of land are acceptable provided they would have no material effect on the appearance and character of the countryside.
- DC4** Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.
- DC7** Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.
- DC13** Development Control Policy DC13 Site of Biodiversity and Geological Value - The City Council will seek to restore, maintain, and enhance biodiversity and geological conservation interests. Appropriate weight will be attached in respect of designated sites when determining planning applications.
- DC15** Development Control Policy DC15 Protected Lanes - Planning permission will be refused for development that would have an adverse environmental impact upon Protected Lanes as defined on the Proposals Map. Any proposals which would give rise to a material increase in the amount of traffic using Protected Lanes will not be permitted.
- DC18** Development Control Policy DC18 Listed Buildings - Planning permission and/or listed building consent will be refused where development proposals or works affect both the exterior and interior of buildings on the statutory List of Buildings of Special Architectural or Historic Interest unless they preserve or enhance the special character and/or setting of those buildings. The City Council will only permit the change of use of a listed building where it is in the interests of the long-term preservation of the building and its setting.
- DC20** Development Control Policy DC20 Registered Parks and Gardens - Planning permission will be refused where development would have an adverse effect on the special character of parks or gardens included in the Register of Parks and Gardens of Special Historic Interest in England.
- DC25** Development Control Policy DC25 Water Efficiency and Sustainable Drainage Systems - The City Council requires developments to incorporate measures that reduce the demand for water, and the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.
- DC26** Development Control Policy DC26 Contaminated Land - Planning permission will only be granted for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the City Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and that there will be no adverse impact on the quality of local groundwater or surface water quality.
- DC38** Development Control Policy DC38 Promoting Sport, Leisure, Recreation and Tourism - Sets criteria for granting permission for new facilities or improvements and extensions to existing.

- DC44** Development Control Policy DC44 Private Amenity Space - All new dwellings will be required to have a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location.
- DC45** Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.

**EMERGING CHELMSFORD DRAFT LOCAL PLAN**

- LPCF1** Local Policy CF1 Delivering Community Facilities - Planning permission will be granted for new, or extensions to existing facilities and services which support the local community where there is sufficient access, including for the disabled and vehicle parking. The development must also be visually compatible with its surroundings.
- LPCF2** Local Policy CF2 Protecting Community Facilities - The change of use of premises or redevelopment of sites that provide valued community facilities will only be permitted where the site cannot be used for an alternative community facility or where there is already an adequate supply of that type of facility in the locality or settlement concerned. Existing open spaces, sports and recreational buildings and land will also be protected.
- LPCO1** Local Policy CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas - Inappropriate development within the Green Belt will not be approved except in very special circumstances. Green Wedges will be protected and enhanced as valued and multi-faceted landscapes. The valued landscape character of the main river valleys where they extend into the countryside will be protected as Green Corridors. The intrinsic character and beauty of the Rural Area will be assessed and development will only be supported where it would not adversely impact on its identified value.
- LPCO2** Local Policy CO2 New Buildings and Structures in the Green Belt - New buildings in the Green Belt will only be permitted where they do not constitute inappropriate development except in very special circumstances. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- LPCO4** Local Policy CO4 New Buildings and 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.
- LPHE1** Local Policy HE1 Designated Heritage Assets - The impact of any development proposal on a designated heritage asset, and the level of any harm, will be weighed against any public benefits arising from the proposed development. The Council will preserve listed buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- LPMP1** Local Policy MP1 High Quality Design - Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.
- LPMP3** Local Policy MP3 Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- LPMP4** Local Policy MP4 Design Specification for Dwellings - All new dwellings shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. All houses in multiple occupation shall also provide, amongst other matters, adequate cycle storage, parking and sound proofing.

- LPMP5** Local Policy MP5 Parking Standards - All development will be required to comply with the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended.
- LPNE1** Local Policy NE1 Ecology and Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- LPNE3** Local Policy NE3 Flooding/SUDs - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off.
- LPPA1** Local Policy PA1 Protecting Amenity - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions
- LPPA2** Local Policy PA2 Contamination and Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local ground or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.
- SPS1** Strategic Policy S1 Spatial Principles - Sets out how the Council will apply guiding Spatial Principles to deliver the Strategic Priorities and Vision in order to underpin the Spatial Strategy.
- SPS2** Strategic Policy S2 Securing Sustainable Development - The Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Sustainable Development in Chelmsford will demonstrably contribute to the Local Plan Vision and Spatial Principles and will accord with the policies in this Local Plan and where relevant, Neighbourhood Plan policies
- SPS5** Strategic Policy S5 Conserving and Enhancing the Historic Environment - The Council will protect and enhance the historic environment. When assessing applications for development there will be a presumption in favour of the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to protect the significance of non-designated heritage assets.
- SPS6** Strategic Policy S6 Conserving and Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures.
- SPS7** Strategic Policy S7 Protecting and Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.

- SPS9** Strategic Policy S9 The Spatial Strategy - New housing and employment growth will be focussed to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around Key Service Settlements outside of the Green Belt in accordance with the Settlement Hierarchy. New development allocations will be focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford, and South and East Chelmsford. Special Policy Areas will be used for mainly institutional uses within the countryside.
- SPS13** Strategic Policy S13 The Role of the Countryside - The general extent of the Green Belt is established and will be protected from inappropriate development. The main river valleys are identified as valued landscapes and are locally designated as Green Wedges and Green Corridors. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt, is designated as the Rural Area.

## **VILLAGE DESIGN STATEMENTS**

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

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) was published in July 2018. It replaces the first NPPF published in March 2012 and almost all previous national Planning Policy Statements and Planning Policy Guidance, as well as other documents.

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

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

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

Paragraph 213 in the implementation section of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).



## Planning Committee

12<sup>th</sup> March 2019

<b>Application No</b>	:	18/01167/FUL Full Application
<b>Location</b>	:	Site At Jubilee Farm Newney Green Writtle Chelmsford
<b>Proposal</b>	:	<b>Demolition of existing buildings and redevelopment to provide 12 dwellings with associated landscaping access, garages, parking and amenity space.</b>
<b>Applicant</b>	:	C/o Agent Faberdean W Ltd
<b>Agent</b>	:	Strutt And Parker LLP
<b>Date Valid</b>	:	4th July 2018

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### Appendices:

Appendix 1	Consultations
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## 1. Executive summary

- 1.1. This application is referred to planning committee at the request of a local ward member for reasons relating to the Green Belt, overdevelopment of the site and the impact of the development on the highway network.
- 1.2. The site is currently vacant, having been previously used for primarily private equestrian purposes. It is officer's understanding that stabling and workshops also operated at the site, however these were secondary to the use of the site by 'Team Hayler'; internationally competing dressage riders who have since relocated.
- 1.3. The existing site contains three stable blocks, two lawful dwellinghouses, a large indoor riding arena, outdoor menages and paddocks. The majority of the application site is covered in hardsurfacing. The proposal is for the redevelopment of the site to provide twelve houses. A large area to the rear of the site, as well as an area to the front, are within the Applicant's ownership (outlined in blue on the application drawings). These areas would be landscaped with wildflower meadow and new tree planting.
- 1.4. The site is located within the Metropolitan Green Belt. Both National and Local planning policy encourage the re-use of previously developed sites. The National Planning Policy Framework (NPPF) and Policy DC1 list the forms of development that are not considered to be inappropriate in the Green Belt. This includes the redevelopment of previously developed sites (brownfield land) where the redevelopment would not have a greater impact on the openness of the Green Belt. The site falls within the definition of previously developed land.
- 1.5. The proposed development would result in a reduction of over 30% of the existing building footprints. The overall volume of the proposed buildings would be around 36% less than that of the existing building volumes. There would also be a reduction in the amount of hardstanding by around 60%. The scheme has also been designed in an appropriate, well-contained and detailed layout. The proposal would have a lesser impact on the openness of the Green Belt and would not amount to inappropriate development.
- 1.6. There would be a reduction in vehicle movements when compared to those that could have been generated by the previous use. Sufficient parking and spaces are provided. The proposed development is acceptable to the Highway Authority.
- 1.7. The site is in a remote location, such that access to nearby services and schools could only realistically be made by private vehicle movements. There are no nearby public transport links and there are no pavements or street lighting along the lane. This carries significant weight against the proposed development.
- 1.8. The scheme includes a substantial amount of landscaping and ecological benefits. An area measuring the same size as the application site would be planted as wildflower meadow. Over 30 new specimen trees would be planted. This would be a significant improvement to the site's landscape and ecological value.
- 1.9. On balance, the benefits of the proposal are considered to outweigh the locational disbenefits of the site. The proposal is acceptable and the considerations outlined in the report justify the grant of planning permission.
- 1.10. Approval is recommended, subject to conditions.

## **2. Description of site**

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

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

- 3.1. The application proposes the removal of all buildings within the site, including the two lawful dwellings. The site would be redeveloped to provide 12 new dwellings.
- 3.2. The application proposed three one and a half storey dwellings towards the front of the site, facing towards the Lane. There would be two new 'barn-like buildings' within the site, each split into four dwellings. There would be a further one and a half storey dwelling to the rear of the site. Single storey car ports and garages would connect buildings, forming a courtyard arrangement. Dwellings would contain three or four bedrooms depending on the property type.
- 3.3. Amended plans were submitted during the life of the application. A detached dwelling was removed from the rear of the site and incorporated into one of the barn buildings. Improvements were made to the design of all dwellings. In particular the barn buildings were amended to remove gable projections, dormer window features and improve the overall fenestration.
- 3.4. The existing access point would be utilised. 29 formal parking spaces would be provided within car ports, garages and parking areas. Two parking spaces provided for visitors would also be provided. A type 3 turning head would be provided.

- 3.5. The application is accompanied by a comprehensive landscaping plan, which would include proposals for biodiversity and wildlife. The land to the rear and front of the site, within the applicant's ownership and outlined in blue on the application drawings, would be given over to landscaping and biodiversity.

#### 4. Other relevant applications

*06/01704/CLEUD - Approved 5th October 2006  
Construction of a manege*

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

*06/01703/CLEUD - Approved 16th October 2006  
Existing use of building as dwelling house*

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

*06/02248/FUL - Approved 5th January 2007  
Removal of condition 1 of EEC/CHE/586/62 (agricultural occupancy).*

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

*11/01985/FUL - Approved 2nd March 2012  
Construction of a 20m x 40m indoor dressage training facility.*

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

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

*Reason:*

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

#### 5. Summary of consultations (summaries in Appendix 1)

- ② Public Health & Protection Services – Potential for contamination; charging infrastructure should be provided for electronic vehicles.
- ② Writtle Parish Council – Objection. The proposal is inappropriate development in the Green Belt due to the form and scale of the buildings. There would be an adverse impact on openness and the proposal would not be inkeeping with the surrounding setting. The site is unsuitable due to the lack of infrastructure. Concern raised in relation to traffic and conflict with the use of the lane by cyclists and horse riders. There is no public transport to the area, no schools and internet is unreliable. The indoor manege should not be used in calculations for previously developed land due to the previous planning condition. Concerns over loss of equine facilities.

- ❑ Essex County Council Highways - A seven day speed survey has been submitted which demonstrates to the satisfaction of the Highway Authority that the available visibility splays to the existing vehicular access point to be used for the proposed development, are suitable for the measured vehicle speeds along the Newney Green carriageway. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions.
- ❑ Recycling & Waste Collection Services – Concern about access to site and impact of refuse vehicle on block paving.
- ❑ Technical & Parking Services – No response. Site not located within a resident’s permit parking zone.
- ❑ Essex County Fire & Rescue Service - More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. Additional water supplies for fire fighting may be necessary for this development.
- ❑ Environment Agency – Consultation not required.
- ❑ Economic Development & Implementation – No comments.
- ❑ Essex County Council (SUDS) – No objection, subject to conditions.
- ❑ Anglian Water Services Ltd - The foul drainage from this development is in the catchment of Chelmsford Water Recycling Centre that will have available capacity for these flows. Drainage strategy required by condition.
- ❑ Local residents – 31 letters of representation received from 26 respondents. All letters are in objection. Concerns include:
- Sewage connection issues, and concerns with resource supply (water/electricity/internet)
  - Increase in traffic, highway safety, no pavements, lack of parking, disruption of cycle route
  - Damage rural setting, out of character with Newney Green
  - Overlooking/loss of privacy
  - Set a precedence for future development in the area
  - Damage to local ecology
  - Increase in pollution
  - Existing infrastructure can’t cope
  - Inaccuracies with application
  - Risks to horses and equestrian uses
  - Green Belt harm, size and scale of the development

- Previous condition restricts occupancy of building
- Substitute the land for other uses
- Water drainage issues
- Development not sustainable
- Construction disturbances

## 6. Planning considerations

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

- a) Loss of Existing Use
- b) Green Belt Policy and Impact on Openness
- c) Character and Design
- d) Residential Amenity
- e) Highways Matters
- f) Accessibility
- g) Refuse and Recycling
- h) Landscaping and Ecology

Each of these elements is expanded in more detail below.

### (a) Loss of Existing Use

- 6.2. Emerging Policy CF2 relates to protecting community facilities. This directs the Council to only grant planning permission for the redevelopment of sites that provide valued community facilities or services where specific criteria are met. The reasoned justification to the policy says that other valued facilities also include show centres, livery yards or riding schools, that provide a facility for the equestrian community.
- 6.3. The site was previously occupied by 'Team Hayler', a father and daughter who are internationally competing dressage riders. Team Hayler occupied the main dwelling on the site (Ponderosa) and used the equestrian facilities for their own training and development. The primary equestrian use of the site was a personal one.
- 6.4. In 2011 planning permission was granted for a large indoor riding arena. At the time the riding arena was found to be inappropriate development in the Green Belt, requiring 'very special circumstances' for the proposal to be granted planning permission. The application was granted as it was found that the indoor riding arena was required to support Team Hayler's training was sufficient to overcome harm and amount to very special circumstances. It was therefore necessary to restrict the use of the building to only for the personal use of Team Hayler and not for any shows, clinics, training or commercial use or activity. As such, the indoor riding arena does not benefit the community.
- 6.5. It is officer's understanding that other horses, in addition to the horses of Team Hayler, were stabled at Jubilee Farm. It is also understood that workshops were run from the site. Whilst these uses took place, they were very much ancillary and subordinate to the primary use of the site by Team Hayler. These workshops and training events would have been open to a limited

audience within the equestrian community that wanted to be trained by Team Hayler, rather than an open community riding school.

- 6.6. Whilst examination sessions into the emerging local plan have now taken place, full weight cannot be attributed to emerging Policy CF2 due to objections received and the stage in the plan making process. Limited weight is attached to the emerging policy. On this basis, and taking into account the operation and site circumstances of Jubilee Farm, the Council could not reasonably withhold planning permission due to the loss of the existing use. Further, the Council's Economic Growth and Development Team have no objection to the application.

(b) Green Belt Policy and Openness

*Green Belt Policy*

- 6.1. The site is located within the Green Belt where the National Planning Policy Framework (NPPF) and Policy DC1 seek to preserve the openness of the Green Belt. New buildings within the Green Belt are regarded as inappropriate development except where they fall within one of the prescribed purposes. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF directs local authorities to afford any harm to the Green Belt substantial weight.

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

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

- 6.3. The NPPF defines 'previously developed land' as:

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

- 6.4. The site includes the following buildings:

- Apartment (dwelling)
- Tack Room
- Stable Block 1
- Hay Store
- Indoor Riding Arena
- Stable Block 2
- Stable Block 3
- Dwelling (Ponderosa)

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

*Greater or lesser Impact on Openness*

- 6.9. The buildings within the site are of varying styles and sizes. Many of the buildings have pitched roofs. Buildings are generally single storey, with the exception of the indoor riding arena which has a height of 6.35m and Ponderosa, a chalet bungalow. Buildings are spread across the entire site. The indoor riding arena alone has overall dimensions of 40m by 20m which amounts to a volume of around 4795 cubic metres.
- 6.10. When combined, the existing buildings on the site have an overall volume of about 9036 cubic metres. The buildings have a combined footprint of about 1902 square metres. Buildings cover approximately 40% of the site (as outlined in red on the drawings).
- 6.11. The majority of the site around the buildings, as well as land within the applicant's ownership to the rear of the application site is laid to hardstanding. This covers an area of 2615sqm (excluding buildings). In addition to this there are two outdoor menages, the largest is 60m by 20m.
- 6.12. The proposal is to construct twelve dwellings. These would be spread across the entire application site (as outlined in red) and arranged around a central courtyard. The existing site access would be used. It should be noted that the proposed dwellings do not extend as far back as the indoor riding does.
- 6.13. Plot 1, 2 and 12 would be chalet style dwellings facing towards the Lane. Each of these would have a height of 6.9m. The volumes of each of the dwellings would be 595m<sup>3</sup>, 797m<sup>3</sup> and 789m<sup>3</sup> respectively. The differences in building volumes is due to the addition on single storey elements and car ports.
- 6.14. Plot 7 would also be a chalet style dwelling with a height of 6.9m. This would be the largest dwelling, with a volume of around 995m<sup>3</sup>.
- 6.15. Plots 3-6 and 8-11 would be accommodated in two storey barns. Each of the barns would be split into four dwellings. The barn for plots 3-6 would have a height of 7.2m and an overall volume of approximately 1489m<sup>3</sup>. Plots 8-11 would be approximately 7m tall with a volume of around 1149m<sup>3</sup>.
- 6.16. Overall, the proposed buildings, including car ports and garages, would have footprints of around 1151 square metres. This would be a reduction of over 30% of the existing footprints. The overall volume of the proposed buildings would be 5811 cubic metres which is a reduction

of around 36% of the existing building volumes. Whilst the height of the individual buildings would be greater than the heights of most of the existing buildings to be removed, this is mitigated by the overall reduction in footprints and building volumes. With reference to the amount of hardstanding in the proposed scheme, the proposal would result in a reduction of hard, developed surfacing by around 60%. A large area of land to the rear of the application site, which includes hardstanding, part of the indoor riding arena, an outdoor riding arena and paddocks, as well as paddocks and a menage to the front of the site would also be returned to natural landscaping.

- 6.17. Given that the footprints, volumes and hardstanding are all reduced when compared to those of the existing site, and the scheme has been proposed in an appropriate well-contained layout it is considered that the proposal would have a lesser impact on the openness of the Green Belt. On that basis the development would not amount to inappropriate development in the Green Belt.

*(c) Character and Design*

- 6.18. Paragraph 124 of the National Planning Policy Framework says that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Paragraph 127 says that decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Decisions should ensure that developments will function and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy DC45 states that planning permission will only be granted for new buildings where, amongst other matters, the proposed buildings would have an appropriate visual relationship with the layout, scale, form, massing, materials, details and character and appearance of development in the surrounding area.
- 6.19. Newney Green is a Hamlet consisting of scattered dwellings and farmsteads. Houses sit in well landscaped plots and are of typically rural and traditional proportions.
- 6.20. The proposal includes three houses to the front of the site, set behind an area of landscaping and planting. The three houses at the front would be modest in size and height, with well placed and incidental pitched roof dormer windows within the roof space. The three houses to the front would be of varying materials, including render, stained timber boarding, slates and plain clay tiles.
- 6.21. The two barn buildings would be located in the middle part of the site. They would face one another, over a central courtyard. The barns would be two storey in height and faced with stained timber boarding. The barns would include large glazed elements, replicating a traditional midstretey opening, with shutters. The windows and doors would be positioned in a way which is unregimented and typical of those which would be used in traditional barn conversion schemes.
- 6.22. Plot 7 would be to the rear of the site and would act as a focal point at the head of the courtyard area and access. The dwelling would be of a chalet bungalow style, with incidental dormer windows within the roofspace providing first floor accommodation. Plot 7 would provide a connection between both barns, creating a sense of enclosure and containment to the courtyard.

- 6.23. The proposed development would be located around the same area as the existing development, and would reflect a traditional rural courtyard arrangement. The dwellings would be rural in character and typical of those houses and barn conversions found within the countryside. The dwellings would have acceptable proportions and styles and would include a mix of materials to add variation to the buildings and reflect the mix of materials found within Newney Green.
- 6.24. The proposal would also include a significant amount of landscaping and would remove a large quantity of hardstanding. New native hedgerows would be provided to the front of the application site, as well as to the rear boundaries of the site to soften garden boundary treatments.
- 6.25. The scheme would have an acceptable visual relationship with the surrounding area and would not cause harm to the character and appearance of the countryside.

(d) Residential Amenity

- 6.26. The closest residential property to the site is Fitzpatrick Farm, which shares the western boundary of the site. Fitzpatrick Farm consists of a dwellinghouse and equestrian facilities. The house is approximately 20m from the boundary of the site. There are stables located along the shared boundary with the application site.
- 6.27. The proposed dwellings are located a sufficient distance away from Fitzpatrick Farm such that they would not be overbearing or cause overshadowing of the neighbour's property.
- 6.28. Plots 3 to 6 would have their rear elevations facing towards the western boundary of the site and towards Fitzpatrick Farm. The rear elevation of the houses would be approximately 13m away from the boundary. The rear elevation would include windows at first floor level, serving bedrooms. The rear elevation of the houses would face onto the part of the boundary that is occupied by the neighbour's stable building. On this basis, and the separation between the new houses and the boundary, would mean that the dwellings would not result in a loss of privacy to the neighbouring property.
- 6.29. The other dwellings within the scheme would be a sufficient distance from neighbouring properties and would not include windows facing towards the boundary with the neighbour.
- 6.30. The proposal has been designed to ensure that there would be no harmful degree of overlooking between each of the properties. Whilst plots 1 and 12 would have first floor dormer windows facing towards the private garden areas of plots 3 and 11 respectively, the dormer windows would serve en-suites and not habitable accommodation. All of the proposed dwellings would be provided with a sufficient amount of private amenity space.
- 6.31. The owners of the neighbouring property have raised concern that the proposed development might affect the safety of their own horses and riders. Their concern seems to be undefined and they have provided no evidence that would enable the Council to assess the degree of risk. Normally the protection of private interests is not relevant to determining a planning application, however, where adjoining uses to a development site are likely to be interfered with then those matters can be capable of being treated as a material consideration on the basis that the private interests affected are of such a nature that it is in the public interest to protect them. It is therefore possible that the protection of the use the neighbouring is capable of being a material consideration. However, in this case, it is not possible to assess if there is any serious risk to the continued use of Fitzpatrick for the equestrian activities. It therefore considered

that little or no weight can be given to any unsubstantiated allegations of interference with those equestrian activities.

- 6.32. Concern has been raised in relation to the capacity of utilities serving the area. This is not a material planning consideration and would be dealt with by individual providers.

(e) Highways Matters

- 6.33. The Lane running through Newney Green is a metalled carriageway with a width of approximately 4.8m. The site is served by an existing access which would be used by the proposed scheme.
- 6.34. A transport statement has been submitted in support of the application. This uses TRICS (Trip Rate Information Computer System) data to compare the number of trips generated by the existing use against the proposed use. TRICS is a database of trip rates for existing developments in the UK and gives the number of trips generated by a certain development type.
- 6.35. The submitted transport assessment, using TRICS, anticipates that the use of the site for livery could generate up to 90 movements. That number would be slightly less for Jubilee Farm on the basis that the stabling of horses by people other than Team Hayler was a secondary and subservient activity. It is however noted that the existing use would have generated horse box movements regularly.
- 6.36. The proposed use of the site for twelve dwellings would generate around 56 vehicle movements per day, based on TRICS data. This has been verified by Essex County Council Highways Authority. Therefore, the number of vehicle movements is likely to be less than the existing use. It is also noted that the frequency of larger horse box movements from the site would also be removed.
- 6.37. On this basis, the proposal would be acceptable in terms of trip generation and would not have a harmful impact on the use of the Protected Lane as less number and smaller vehicles are likely to be using it.
- 6.38. The existing access point to the site would be used. During the life of the application speed surveys were undertaken on behalf of the Applicant and these demonstrated that the speed at which 85% of all vehicles observed was 34.7mph, despite the derestricted speed limit along the lane. On this basis, the Highway Authority is content that the access could be provided be appropriate visibility splays.
- 6.39. Emerging Policy MP5 requires developments to provide parking spaces inline with the standards set out in the Essex Parking Standards document. This required any dwelling with 2 or more bedrooms to be provided with two parking spaces.
- 6.40. Plots 1 and 2 (four bedroom houses) would be provided with 3 parking spaces each. Plots 3 to 6 (three bedroom houses) would be provided with 2 parking spaces each. Plot 7 (five bedroom house) would be provided with a large driveway and garage which could accommodate more than three parking spaces. Plots 8 to 11 (three bedroom houses) would have 2 parking spaces each. Plot 12 (four bedroom house) would have 4 parking spaces. Two visitor parking spaces would be available in the centre of the courtyard. The site's layout would also offer additional informal parking spaces without being detrimental to turning spaces within the site. On this basis, the proposal includes an acceptable amount of parking spaces.

- 6.41. A Construction Traffic Management Plan has been submitted with the application. This is acceptable to the Highway Authority and a condition would be added requiring compliance with this. The construction traffic route is shown in the Traffic Management Plan and would route vehicles from the A414 through Cooksmill Green to the site, avoiding the weight restricted bridge between Newney Green and Writtle.
- 6.42. Overall, the proposal is acceptable in highway terms and would not give rise to any harm to highway safety or amenity. The Highway Authority has no objection to the proposal.

(f) Accessibility

- 6.43. Newney Green is located in a fairly isolated position between Writtle and Roxwell. Whilst Newney Green has a public house, there are no other shops, services or schools. The site is therefore remote and reliant of nearby villages for community facilities. The site is approximately 2 miles from Writtle Infant and Junior Schools and the nearest convenience store.
- 6.44. The NPPF seeks to promote sustainable transport. Whilst the Framework recognises that the opportunities for sustainable travel will be less in rural areas, there is a clear objective to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.45. The site is not served by public transport. There are no pavements and the lane is unlit. The prospect of walking along this country road would present a very real danger for future residents, particularly those less mobile or young children, likely to be present in the family sized homes proposed. The development cannot be said to provide safe and suitable access for all people to local services and this weighs significantly against the proposed development.
- 6.46. It is clear that future residents would be reliant on private vehicles for accessing almost all day to day needs. Such reliance is clearly at odds with the Framework's objectives to promote sustainable transport and a reduction in carbon emissions. This lack of choice would lead to a car orientated modal form of development which weighs significantly against the development.

(g) Refuse and Recycling

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

(h) Landscaping and Ecology

- 6.50. Whilst trees would be removed from the site, these are small or insignificant specimens. The line of conifer trees around the outdoor riding arena would be removed. The willow tree to the front of the site would be retained. The proposal would not result in harm to protected

species or habitats due to the structure and condition of the buildings and the current land use. The preliminary ecological survey and arboricultural impact assessment supporting this application are acceptable.

- 6.51. The site is connected to the wider landscape and is proposed to be improved and strengthened with landscaping proposals. The scheme offers an excellent opportunity for additional tree and hedge planting, which is supported by the Landscape and Visual Appraisal submitted with the application. A detailed landscape and biodiversity enhancements plan has also been submitted with the application.
- 6.52. The site is located in the Writtle Farmland Plateau character area as described in the Landscape Character Assessment by Chris Blandford Associates which is a material planning consideration. This highlights the key characteristics of the area as including gappy hedges with single mature deciduous trees and parkland landscapes.
- 6.53. The proposed landscaping plan has been amended during the life of the application. One of the key changes is that an area of proposed woodland planting has been removed that this would not fit with the wider landscape character of the area.
- 6.54. The landscaping scheme covers the application site, as well as the areas to the rear and front of the site. The areas outside of the application site, but within the Applicant's ownership, would undergo extensive landscaping as part of the proposal.
- 6.55. The scheme shows that the area to the rear of the application site would be planted as wildflower meadow. This would cover an area of roughly the same size as the application site and replace the existing hardstanding, horse paddocks and outside riding arena. The native hedgerows along the side boundaries of this area would be retained, enhanced and gapped up where necessary. The rear boundary of the application site would be softened by a new native hedgerow using an appropriate mix of plants (including Hawthorn, Hazel and Dogwood). The rear boundary of the landscaped area to the rear would be delineated by a post and rail timber fence.
- 6.56. In addition to the wildflower meadow and hedgerow enhancements, 19 new trees would be planted in the landscaping area to the rear of the site. These would be scattered close to the boundaries, as well as two small clusters further within the site. Amongst these there would be 10 new Oak trees planted. All trees would be planted at 12-14cm girth size to ensure that they would have more of an instant impact.
- 6.57. The landscape area to the front of the site would measure 0.1 hectares and would replace an existing small paddock and outdoor riding area. This area would also be planted with wildflower meadow and drifts of wildflower bulbs. Six new trees would be planted to the front of the site in a scattered and natural arrangement, similar to the trees along Newney Green. The trees to the front would include 3 Oak trees, a Wild Cherry and two Field Maples. Similarly to the landscaping area to the rear of the site, the new trees would be planted as 12-14cm girth size to ensure instant impact. The existing Willow tree would also be retained.
- 6.58. In addition to the new landscaping, the proposal would also incorporate biodiversity enhancements. These would include 3 reptile mounds to the rear of the site, integral bat boxes, and integral bird boxes for Sparrows and Swallows. Close boarded fences would also include cut throughs to allow for the free and un-impeded movement of Hedgehogs across the site.

- 6.59. The proposed landscaping and ecological enhancements would offer a significant improvement to the value of the site in landscape and biodiversity terms. New planting would be significant and appropriate to the wider area, whilst offering new and enhanced connectivity to the wider landscape features. A condition requiring a management plan for the landscape and ecological features proposed would be necessary.

### ***Planning Balance***

- 6.60. The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development; economic, social and environmental.

### ***Economic***

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

### ***Social***

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

### ***Environmental***

- 6.64. The environmental objective of the NPPF relates to protecting and enhancing our natural, built and historic environment; including making effective use of land and helping to improve biodiversity. The proposal would utilise previously developed land which is encouraged through the NPPF. This carries some weight in favour of the development, although this is limited given that there is no requirement for housing in this location.
- 6.65. The proposal would have a lesser impact on the openness of the Green Belt. The Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. One of the essential characteristics of Green Belts are their openness. As such, the reduction of built form across the site and the reduction of the spread of development across the site carries substantial weight in favour of the development.

- 6.66. The proposed development would also include landscaping and biodiversity enhancements. An area measuring the same size as the application site, currently consisting of hardstanding, paddocks and an outdoor menage would be planted as wildflower meadow. The land to the front of the site, which is also currently developed land, would be planted in the same way. Wildflower planting alone would add significant value to the site in terms of landscape and ecology. In addition, 31 new specimen trees would be planted as well as new native hedgerows and enhancement of existing hedgerows. Overall, the landscape benefits of the scheme and net gains for biodiversity carry significant weight in favour of the development under the environmental objective of sustainable development.
- 6.67. When considered in the round, the disbenefits of the proposal are considered to be sufficiently outweighed by the benefits. The proposal is therefore acceptable, subject to conditions.

### **Other Matters**

- 6.68. Concern has been raised in relation to the potential for further areas to be developed and that the proposal would set a precedent. All applications are considered on their own merits.
- 6.69. Concern has also been raised in relation to drainage and the potential for flooding. The application includes a scheme of sustainable drainage systems which would be an improvement when compared to the amount of impermeable hardstanding within the site. Conditions are attached in relation to drainage systems.
- 6.70. Concern has been raised in relation to contamination and asbestos. A condition is attached to ensure that the site is suitably remediated, and any asbestos disposed of correctly.
- 6.71. The neighbouring property has requested that a covenant be included in the deeds of the properties to restrict the use of bonfires or fireworks within the site. The local planning authority cannot add such covenants and this would be a matter for the developer to consider. It would not be reasonable or necessary in planning terms to add such restrictions as planning conditions.

## **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 be begun before the expiration of three years from the date of this permission.

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**

With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise agreed in writing by the local planning authority.

Reason:

In order to achieve satisfactory development of the site

**Condition 3**

The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and conditions listed on the decision notice.

Reason:

In order to achieve satisfactory development of the site

**Condition 4**

Prior to the digging of any foundations, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and any neighbouring buildings shall have been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 5**

a) Except for demolition no development shall take place until a scheme to assess and deal with any contamination of the site has been submitted to and approved in writing by the local planning authority.

b) Prior to the occupation or first use of the development, any remediation of the site found necessary shall be carried out, and a validation report to that effect submitted to the local planning authority for written approval and the development shall be carried out in accordance with that scheme.

Reason:

This information is required prior to the commencement of the development because this is the only opportunity for contamination to be accurately assessed. This is to ensure the development does not give rise to problems of pollution or contamination in accordance with Policies DC26 and DC29 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 6**

Except for demolition no works shall take place until a detailed surface water drainage scheme (SUDS) for the site, including maintenance and management plan, has submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

**Condition 7**

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

Reason:

To ensure that the landscaping and planting is appropriately maintained in the interests of the character and appearance of the area in accordance with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

**Condition 8**

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

Reason:

To ensure that the landscaping and planting is appropriately maintained in the interests of the character and appearance of the area in accordance with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

**Condition 9**

All hard and soft landscape works, including those within the blue land shown on drawing PR123-01-C, shall be carried out in accordance with the approved details and in accordance with the details approved pursuant to condition 10. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

Reason:

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

**Condition 10**

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

- (a)reptile mounds;
- (b)bat boxes;
- (c)bird boxes;
- (d)cut throughs for hedgehogs;
- (e)wildflower meadowing planting (based on soil test findings); and
- (f)wildflower bulb planting (based on soil test findings)

shall be submitted to and agreed in writing with the local planning authority prior to their installation as part of the agreed landscaping details (condition 9).

Reason:

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

**Condition 11**

Details of any means of external illumination shall be submitted to and agreed in writing with the local planning authority prior to its installation.

Reason:

In the interests of the amenities of the local residents and visual amenities of the area and biodiversity in accordance with Policy DC45 and DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 12**

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

Reason:

To safeguard the existing trees which are of amenity value

**Condition 13**

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

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

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 14**

Prior to their use samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved by the local planning authority.

Reason:

In order to achieve satisfactory development of the site in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 15**

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

Reason:

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

**Condition 16**

Prior to first occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway as shown on the Proposed Site Layout, drawing no. 880-PL-03 G. The width of the access at its junction with the highway shall not be less than 6 metres and shall

be provided with a vehicular crossing of the highway verge. The access shall be constructed to be able to accommodate a 26000kg refuse collection vehicle.

Reason:

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

**Condition 17**

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

Reason:

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

**Condition 18**

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

Reason:

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

**Condition 19**

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

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

Reason:

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

**Condition 20**

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

Reason:

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

**Condition 21**

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

Reason:

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

**Condition 22**

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 23**

The applicant or any successor in title must maintain yearly logs of maintenance of the Sustainable Urban drainage System (SUDS) which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason:

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

**Condition 24**

The development hereby permitted shall be carried out in complete accordance with the approved Construction Traffic Management Plan by Journey Transport Planning unless otherwise agreed in writing with the local planning authority. This shall be adhered to throughout the construction period.

Reason:

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

**Condition 25**

The dwellings hereby permitted shall not be enlarged or extended without the grant of an additional planning permission by the local planning authority.

Reason

The erection of additional extensions which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015, as may be subsequently amended, would be excessive and thereby contrary to Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 26**

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

Reason:

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

**Condition 27**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or as may be subsequently amended, no wall, gate or other means of enclosure other than those approved pursuant of condition 13 of this permission shall be erected within or along the boundaries of the site without the consent of the local planning authority.

Reason:

To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 28**

(i) Within six months of the commencement of the development a brief covering the provision of an original scheme of public art commissioned from an artist to be incorporated as part of the development shall be submitted to and agreed in writing by the local planning authority.

(ii) The development shall not be occupied until such time that the public art, agreed pursuant to part (i) of this condition has been commissioned to the satisfaction of the local planning authority in accordance with the agreed brief.

(iii) The public art shall be completed and in situ prior to the occupation of the final unit of accommodation and shall thereafter be permanently maintained.

Reason:

To secure the provision of public art within the scheme in accordance with Policy DC43.

**Condition 29**

Unless otherwise agreed in writing with the Local Planning Authority:

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

b) the detailed methodology for achieving these standards of construction shall be implemented as agreed.

Reason:

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

**Notes to Applicant**

- 1 The SuDS scheme subject of condition 6 should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:
  - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.
  - Verification of invert levels at the outfall, and ditch invert and top of bank levels. In the instance that surcharging is anticipated at the outfall, a solution for the risk of backflow should be provided, with evidence that SuDS and drainage measures have been sized to accommodate storm run-off during times when the outfall is surcharged by downstream water levels. The storage provision should be calculated by modelling a 1 in 100 year rainfall event with climate change included.

- Limiting discharge rates from the site to the given rate of 0.86l/s as per the Flood Risk Assessment, for the 1 in 1 year and 1 in 100 year rainfall events.
  - Final modelling and calculations for all areas of the drainage system.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. Please ensure that attenuation sizes indicated on drawings and within calculations are consistent.
  - A written report summarising the final strategy.
- 2 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.
- 3 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.
- 4 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)

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

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

- 6 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,

Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 7 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 8 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 [streetnaming@chelmsford.gov.uk](mailto:streetnaming@chelmsford.gov.uk).
- 9 In relation to condition 28 the public art brief should include details of;
  - The arrangements for the selection of an artist
  - A list of potential artists to be considered in the artist selection process
  - Methods of artist selection
  - Artist's brief including means of engaging with local communities and possible themes for mediums and locations of the public art
  - Details of installation and future maintenance of the public art

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

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**Consultations**

**Public Health & Protection Services**

Comments
<p>11.10.2018 - Please put on D04 condition. Potential for contamination on site from previous uses.</p> <p>This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is not allocated).</p> <p>13.07.2018 - Please put on D04 condition - there is potential for contamination from previous uses of the site.</p> <p>In addition, it is highly likely that some of the buildings to be demolished contain asbestos containing materials (acm's). An asbestos survey must be carried out by an appropriately qualified/registered contractor and any acm's removed to an approved landfill site. This must be undertaken before demolition commences. Copies of all duty of care paperwork will be required.</p>

**Writtle Parish Council**

Comments
<p>21.08.2018 - This planning application was discussed at the Writtle Parish Council's Planning &amp; Development Committee Meeting on Monday, 20 August 2018 and the committee had the following objections:-</p> <p>The committee felt that the proposed application was inappropriate development in the green belt due to the form and scale of the buildings having an adverse impact on openness and was not in keeping with the surrounding setting.</p> <p>The committee felt that the location of the site was unsuitable due to the lack of infrastructure. The proposed development would be located on a road that is single track in most places and has no lighting or footway. There would be an increase in the number of cars on the road along with an increase in delivery vehicles to the area, as well as an increase in traffic generated by the proposed development. The road is also part of the Sustrans National Cycle Route Number 1 and is popular with cyclists and horse riders. The increase in traffic would make this small road even more unsafe due to conflict with these users. The committee did not think that the data used in the applicant's Transport and Accessibility Statement (June 2018) regarding the current volume of traffic and predicted volume was accurate nor in the accessibility to local services and facilities.</p> <p>Newney Green is a small hamlet, consisting of 12 houses and the committee felt that the scale and form of</p>

the proposed dwellings is inappropriate for the area. The proposed development would double the number of properties in the area. There is no public transport to the area, no schools and the internet is already unreliable.

One of the existing buildings on the proposed development is an indoor ménage which was approved planning in 2011 with attached conditions. The committee agreed that if this need had now been removed, the ménage should not be counted in the calculations for PDL purposes.

The committee also felt that it was inaccurate to argue that the site was unable to continue as an equestrian centre as there is a lot of equine activity in the area and the lack of need for the buildings has not been established in the application. Equine activity in the area and the fact the current owners no longer wish to use the site for this activity does not render the site redundant.

Writtle Parish Council strongly objects to the planning application.

19.02.2019 - This planning application was discussed at the Writtle Parish Council's Planning and Development Committee Meeting on Monday 18th February 2019 and the committee had the following objections.

The committee felt that the amendments made to the planning application did not change their initial objections that this is inappropriate development in the green belt due to the form and scale of the buildings having an adverse impact on openness and was not in keeping with the surrounding setting. The committee's original objections still stand and they strongly object to the planning application.

### Essex County Council Highways

#### Comments

07.09.2018 - Your Ref: 18/01167/FUL

Our Ref: CO/EGD /SD/RM/CHL/18/1167/32430

Date:- 7th September 2018

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

The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.

The proposal would lead to the intensification of use of the existing vehicular access where the applicant does not appear to control sufficient land to provide the required vehicular visibility splays to the Newney Green carriageway, where the lack of suitable visibility from the proposed access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

The proposal is therefore contrary to policy DM1 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

## Notes

1. The proposed development site with existing vehicular access is located in Newney Green and the carriageway in this location the carriageway is subject a derestricted speed limit of 60 mph applies. This means that vehicles are permitted to drive at 60 mph. The visibility splays required in both directions are 2.4 metres x 215 metres as measured from and along the nearside edge of the carriageway.
2. Three relevant previous planning applications are listed below:
  - i. 06/01705/CLEUD ' Construction of manage. This application was approved.
  - ii. 07/01705/FUL ' Use of manege for the teaching and training of riders and horses for dressage for both private and commercial purposes. This application was withdrawn.
  - iii. 11/01985/FUL - Construction of a 20m x 40m indoor dressage training facility. This application was approved with a condition restricting this to personal permission and not for commercial use.
3. The permitted existing use on the site is for one residential dwelling with indoor dressage training facility for personal use. The proposal would result in the vehicular access serving 11 additional dwellings, a total of 12 dwellings, which would be intensification of use for the existing and vehicular access which would be used for the proposed development. The existence of an access in this location is a matter of fact and therefore some degree of conflict, interference and risk to the passage of through vehicles already occurs. However the intensification of that conflict and interference which this proposal would engender would increase the conflict, interference and risk to the detriment of highway safety for all highway users.
4. Vehicle speeds in the vicinity of the proposal site are likely to be lower than 60mph owing to the rural nature and narrow width alignment of the Newney Green carriageway. However for the Highway Authority to consider a relaxation in the design standard for the available visibility splays, a speed survey would be required. The outcome of the survey would determine whether or not the available visibility splays would be appropriate for the measured vehicle speeds.

There is no guarantee that the outcome of a speed survey would support a reduction in the visibility splay design standards

The speed survey must be taken from the proposed new vehicular access location:

- i. The speed survey must be carried out in accordance with "TA 22/81 Vehicle Speed Measurement on All Purpose Roads". (A suitably qualified service provider with properly calibrated vehicle speed measuring equipment must carry out the survey.)
- ii. A Highway Boundary Plan should be obtained from ECC Highway Records to establish the line of the highway boundary to the front of the development site splay distance in both directions as measured from and along the nearside edge of the carriageway to establish whether or not the appropriate visibility splays can be achieved.

Email address [highwayrecords@essexhighways.org](mailto:highwayrecords@essexhighways.org)

A plan showing the available visibility splays and the speed measurement location point must be appended to the speed survey results.

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#### 15.10.2018 - Recommendation

A seven day speed survey has been submitted which demonstrates to the satisfaction of the Highway Authority that the available visibility splays to the existing vehicular access point to be used for the proposed development, are suitable for the measured vehicle speeds along the Newney Green carriageway. The visibility splay provision requirement has been conditioned below.

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

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

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

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

#### Note - MUD / DEBRIS ON HIGHWAY

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

Therefore the applicant must ensure that no mud or detritus is taken onto the highway.

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

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

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

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

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

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

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

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

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

7. The proposed development shall not be occupied until such time as the vehicle parking areas shown in the Proposed Site Layout, drawing no. 880-PL-03 A have been constructed in accordance with the EPOA Parking Standards ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

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

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

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

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

Informatives:

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

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

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

### Updated Recommendation 3

The recommendation has been refreshed having considered all the additional supporting information that has been submitted after previous recommendation was issued 28th September 2018.

A seven day speed survey has been submitted which demonstrates to the satisfaction of the Highway Authority that the available and achievable visibility splays to the existing vehicular access point to serve the proposed development, are suitable for the measured vehicle speeds along the Newney Green carriageway. The visibility splay provision requirement has been conditioned below.

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

1. The Construction Traffic Management Plan September 2018 shall be adhered to throughout the construction period. The Statement provides for:

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

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

#### Note - MUD / DEBRIS ON HIGHWAY

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

2. Prior to occupation of the development, the existing vehicular access shown in the Proposed Site Layout, drawing no. 880-PL-03 G at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 65 metres to the North West and 2.4 metres by 95 metres to the South East, as measured from and along the nearside edge of the carriageway. This is the visibility that can be achieved and as stated in the Transport and Accessibility Statement June 2018. Such vehicular visibility splays shall be retained free of any obstruction at all times in perpetuity.

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

Note That the achievable visibility splays exceed those required for the 85th percentile vehicle speeds measured over 7 days outside the vehicular access and along the Newney Green carriageway:

- Eastbound is 33.7 mph which requires a visibility splay of "X" or minor distance 2.4 metres by 46.12 metres as measured from the nearside carriageway edge.
- Westbound 34.7 mph which requires a visibility splay of "X" or minor distance 2.4 metres by 48.07 metres as measured from the nearside carriageway edge.

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

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

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

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

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

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

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

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

7. The proposed development shall not be occupied until such time as the vehicle parking areas shown in the Proposed Site Layout, drawing no. 880-PL-03 G have been constructed in accordance with the EPOA Parking Standards ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

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

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

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

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

Informatives:

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

## Recycling & Waste Collection Services

Comments
<p>17.07.2018 - a] I have some concerns in relation to accessing the site from a narrow lane.</p> <p>b] Within the Transport and Accessibility Statement there is reference to vehicle track changes and to see appendix 6, I could not find an appendix 6 within the document which I would require sight of before making any comment in regards suitability of collection arrangements.</p> <p>c] The road surface within the proposed development is shown as permeable block paving, I would suggest that a 26000kg collection vehicle over time would cause possible damage to such a surface therefore I would suggest that within the conditions [if application successful] mention is made of this so that Chelmsford City Council would not be liable for any future damage/erosion to said block paving.</p>

## Technical & Parking Services

Comments
No response received

## Essex County Fire & Rescue Service

Comments
<p>01.08.2018 - The application has been considered and I draw your attention to the following comments:</p> <p>Access</p> <p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.</p> <p>The arrangements should be in accordance with the details contained in the Approved Document to Building Regulation B5.</p> <p>More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p> <p>Building Regulations</p> <p>It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.</p> <p>Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".</p> <p>Approved Inspectors will consult with the Authority in accordance with Section 13 of the Building (Approved</p>

Inspectors etc.) Regulations 2010 (as amended).

#### Water Supplies

The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

#### Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

If you have any further queries, then please contact the above Officer quoting our reference number

### Environment Agency

#### Comments

06.08.2018 - We are returning this consultation without comment because we have checked the application and it is not clear why we have been consulted. Please find attached a consultation checklist which explains when to consult us.

If, after reconsideration, you still need us to comment on this planning application, please specify why.

If you confirm why we have been appropriately consulted, our 21 day statutory consultation period will start. If not, we will take no further action.

We have adopted this approach because we are currently receiving large numbers of inappropriate consultations. These significantly reduce the time and staff resources we have to provide you with timely statutory consultation responses.

### ECC Minerals & Waste Planning

#### Comments

No response received

## Economic Development & Implementation

Comments
21.08.2018 - No comments are raised in connection with this application.

## Essex County Council (SUDS)

Comments
No response received

## Anglian Water Services Ltd

Comments
<p>08.08.2018 - ASSETS</p> <p>Section 1 - Assets Affected</p> <p>Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>WASTEWATER SERVICES</p> <p>Section 2 - Wastewater Treatment</p> <p>The foul drainage from this development is in the catchment of Chelmsford Water Recycling Centre that will have available capacity for these flows</p> <p>Section 3 - Used Water Network</p> <p>Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.</p> <p>Section 4 - Surface Water Disposal</p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.</p> <p>From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a</p>

watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Used Water Sewerage Network (Section 3)

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

#### Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

#### Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
- Development hectare size

Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website

-<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)

- Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

## Local Residents

### Comments

31 representations were made which raised the following matters:

#### Sustainability

Practically speaking the people buying these proposed properties are not going to be cycling to Writtle for their shopping. The cycle route is for serious cyclists and can be very busy with cyclists at times.

Each household is likely to have at least one or two vehicles which will be used for the majority of all residents' journeys given the site is not served by a bus route and there are no shops or other services within walking distance. These journeys will include school runs, shopping trips, going to work etc.

Co-op, Writtle 3.2 km 38 mins

Village store, Roxwell 2.9 km 35 mins

Doctors surgery, Writtle 3.0 km 36 mins

Roxwell school 3.2 km 38 mins

Writtle school 3.4 km 41 mins

The area is not served by a local bus route.

There is no lighting on the roads and passing places are limited.

No job opportunities (except the pub).

No community facilities in the Hamlet.

### **Harm to the character of the Hamlet**

Doubling the amount of housing in the Hamlet.

The proposed residential development would not represent a significant environmental improvement to the area.

Low density housing in the Hamlet.

High density housing development would undermine character.

There are many inaccuracies in the landscape and visual appraisal. The landscape is described as "unremarkable"; it is beautiful and certainly "very attractive".

There are currently no two storey developments within Newney Green and the scale of this will be significantly detrimental to the area.

Every house in Newney Green is detached with substantial gardens; the proposed terraced houses would therefore be extremely out of character.

The road from Writtle (Cow Watering Lane junction) to Newney Green is a Grade 2 listed lane (Writtle Village Design Statement 2004). This protected lane status was attributed by Essex County Council in 1998, deeming it to be an important articulating historical feature of our landscape. We do not want this single track "lane" with blind corners, variable widths to change in any way.

The arena building unsurprisingly looks like a barn, that is not an unusual or offensive sight in the country.

The layout of the site will create a continuum of buildings unbecoming to its rural setting.

For half of the year screening will not exist as hedging and trees will be native species.

### **Infrastructure**

Hamlet struggles with water supply, internet, electricity.

Proposal would place a strain on resources.

No sewage systems.

Poor water pressure.

The existing site has inadequate surface water drainage provision.

No mains gas.

### **Need**

No reason to build on greenbelt sites as they had been offered more than enough land to build on to fulfil the housing shortage. The council have developed building plans for the next 18 years to build 14,000

houses. These include 3 major growth areas to deliver 9,000 houses and so the proposed development for Jubilee Farm is unnecessary and will in no way mitigate the housing shortage.

### **Green Belt**

The re-development of the Jubilee Farm site would significantly change the characteristics of the green belt area.

Jubilee Farm is not a registered brownfield site as it is not designated at a council level.

Ask that consideration is given to the development of other sites away from Green Belt areas.

Site is an agricultural/Equestrian nature and a development of any properties will increase the volumetric and height impact contrary to Green Belt Sustainable Guidelines

No respect for openness.

Planning Policy is against development in the Green Belt, in which I understand this site to be located.

We find it hard to understand why the present indoor ménage can be included in the volumetric calculations for the new development as planning for this was specifically for the Hayler's use only.

Great emphasis is placed on the volume reduction but (with first floors) this is only 7% (taking the application figure) by floor area - it seems inappropriate to presume like for like when comparing an rural use (stock or crop storage and air) to residential (people and cars).

Inappropriate in principle.

Substantially overdeveloped.

The residential built form and use impacts the openness and character of the Green Belt as it will lookm like a housing estate rather the present appearance as a set of rural 'farm' buidlings that are a natural sight in the country and the building line intrudes south west beyond the rear of Ponderosa and Fitzpatrick's.

As this property has now been sold for development, this personalised building should now be demolished and returned to its original state. Hence, this should not be included in the mass comparison.

The sprawling and density of rural dwellings would be increased dramatically. There is no preservation of the setting of a historic town (in this case a hamlet) - in fact, this proposal would do the opposite. There is no derelict land to be regenerated. Any neglect on the site is purely due to the new owner leaving it unattended while they formulate a plan to apply to build.

### **Highways**

Adding 24+ cars (and related traffic such as on-line delivery vehicles) would make the roads even more unsafe than they already are. Roads are narrow and often single-track in all directions for at least 2km.

Recognised cycle route (Route No. 1).

Roads are used for horse exercise or moved in lorries which is difficult with narrow lanes.

Newney Green is served by three country lanes. Weight restrictions are in place on two of the approaches.

It may state in Strutt and Parkers literature there were no reported accidents between 2013 to 2018 but as we regularly walk the lanes it is clearly not the case. The bridge between Writtle and Newney Green last winter suffered substantial damage where vehicles speed and are unable to pass. It is not unusual to pick up wing mirrors or pieces of bumper etc too. The lanes are narrow with five blind bends travelling from Newney Green towards Writtle. A blind and very dangerous junction at the top of Gravelly Lane also.

The proposed increase in residential dwellings would result in a significant increase in traffic along the country lanes in Newney Green and in Howe Street.

During the development and building of the site there will be an increase in heavy traffic to the area and the road infrastructure is not suitable to support this. This will pose significant risks to current members of the public who use this area for recreation purposes including horse riders, cyclists and walkers.

It should be noted that whilst Jubilee Farm has been used to host clinics these were not run on a very frequent basis typically monthly, thus not incurring lots of vehicles accessing the property on a frequent basis. Drivers of horse lorries accessing the property will have driven slower due to their knowledge of driving around horses and having horses on board.

In the construction phase there will be an increase in heavy traffic posing significant risks to current members of the public who use this area for recreational purposes; predominately horse riders, cyclists and walkers.

Haylers road usage was unjustly compared with another livery yard with a similar number of stables, Haylers was not a livery yard, but a single equestrian outfit generating a very unobtrusive amount of traffic flow. Furthermore the Tric statistics were based on surveys on only Tuesdays to Fridays in another part of the country how can this be appropriate for Newney Green (The Transport and Accessibility statement).

Minimum parking has been allowed for each property on the development with only 2 extra visitor spaces available. Surely these recommendations are inappropriate and insufficient for remote rural locations with the nearest public transport being 1.5 miles away.

All of the houses will have septic tanks and oil tanks requiring huge tankers to use the roads to gain access.

### **Ecology**

Worried about the extensive wildlife that shares Newney Green and the surrounding fields with the human inhabitants.

Badgers, Deer, Bats, Cuckoos and Owl use the area.

On behalf of the Essex Wildlife Trust - Chelmsford Local Group we request that wildlife features be incorporated within this application should it be approved.

### **Amenity**

The new development would infringe with our privacy, as some of the windows would look into our bedrooms.

Many of the proposed buildings are extremely close to the back of our stables, some almost backing straight onto them. We feel there should be a decent gap not only to reduce the noise and smell from the

stables but also so we can access the back of the stables to repair them if needed.

A number of the proposed houses look directly into either our house or pool, plot 3,4,5 and 6 all have windows directly facing into our house or garden, many of them into our bedrooms.

Noise from Fitzpatrick farm makes it a very unsuitable neighbour for a housing estate.

The increased noise and disturbance would mean the majority of our horses would become extremely difficult to handle let alone ride. Horses can be spooked easily and when starting and producing the young horses, relaxation and concentration is key, which I could not expect of them when next door to a building site. If one of our horses or myself got injured due to an accident caused by this building site or by neighbours it could be career ending. As well as this, noise nuisance can have negative impacts on the horses' wellbeing, immune system and performance.

Request for a large fence to be erected between the border of stables and the houses/gardens, a minimum of 10ft with spikes at the top. This is to deter trespassers/thieves as we will inevitably be at a higher risk with the development next door. It also offers a small amount of protection for our stables which will be at a huge risk with neighbours backing directly on to it.

Request for any windows on the properties looking over neighbour's property to be obscured and only opening a small amount. This would help protect privacy as the windows looking onto our property will look directly into our bedrooms and our pool.

Request for some measures to be included in the deeds of the proposed houses that they cannot have fireworks or bonfires to protect horses and wooden stables from the risk of fire.

### **Loss of existing use**

As it stands at the present time Jubilee Farm is a sustainable equine business with the facilities it has, the Olympic size indoor school, (that the planning department went over and above to pass) in March 2012 and other associated buildings.

Why is there a presumption of redundancy and why has the simple remedy of lifting the personal occupancy condition from the arena been overlooked.

A commercial livery yard or professional yard is viable in the location.

Jubilee Farm has top class equestrian facilities, and by demolishing this, you are reducing the amount of outdoor sport taking place as well as destroying what is probably one of the top Equestrian centres in Essex.

We are aware there was interest from equestrian buyers to keep this as an ongoing concern, which we believe would be more in keeping with the local community.

### **Contamination**

The area contains vast amounts of contamination; the stables on which they plan to build on will be contaminated with years of horse manure and urine.

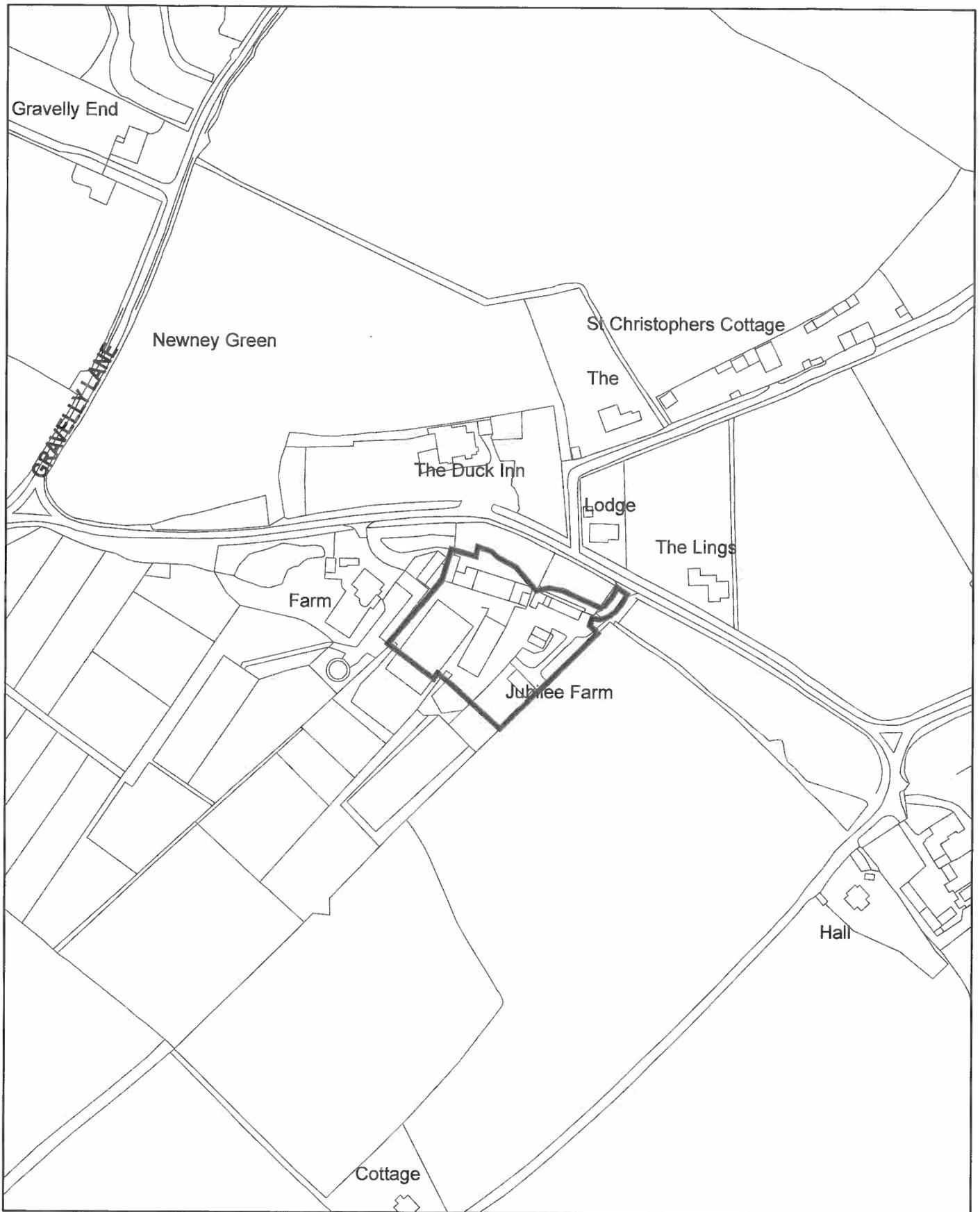
Fertiliser has been used every year, petrol from the tractors and quad bikes as well as poison used to destroy rodents.

There are a number of asbestos buildings, which if broken as a result of the development, can lead to asbestosis poisoning.

**Other Matters**

We are apprehensive regarding the amenities field out the back of the proposed estate. We are concerned as to who will maintain it, have access to it and the use of it. As this field is almost exactly the size of the proposed development, there is a very real threat, it could be sold onto another builder for a second development.

If permission is granted this may in the future provide a catalyst for further development which would be completely out of context for such a rural area.



0 10 20 40 Metres

1:2,500



**Planning Committee**  
**18/01167/FUL**

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

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

Telephone: 01245 606826

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Proposed scheme



Existing site



## Planning Committee

12<sup>th</sup> March 2019

<b>Application No</b>	:	18/01969/FUL Full Application
<b>Location</b>	:	The Stables Visitor Centre Hylands Estate London Road Chelmsford Essex
<b>Proposal</b>	:	<b>Installation of sail awnings to west side of Stables Visitor Centre.</b>
<b>Applicant</b>	:	Chelmsford City Council Public Places (Leisure Services)
<b>Agent</b>	:	Chelmsford City Council
<b>Date Valid</b>	:	3rd December 2018

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### Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. This application is referred to the Planning Committee because the application site is located on land owned by Chelmsford City Council and an objection to the development has been received.
- 1.2. The proposal is for the installation of one sail awning structure to the west of the Stables Visitor Centre within the existing outside seating area.
- 1.3. Hylands House is a Grade II\* listed building and the parkland is Grade II\* on the Register of Parks and Gardens. The proposed sail awning would be located next to the existing Stables Visitor Centre and would be sited close to Hylands House.
- 1.4. The visitor centre is within the former stables which are a curtilage listed structure due to their association with Hylands House. The stables were converted and extended to create the visitor centre in 2006.
- 1.5. The awning would have an acceptable relationship with the listed building and park and would preserve the character and setting of the site.
- 1.6. The proposal would provide cover from the elements for customers using the outside seating area, commonly those with dogs as dogs are not permitted within the Stables Visitor Centre complex.
- 1.7. The proposal is recommended for approval.

## **2. Description of site**

- 2.1. The application site is Hylands Park, located to the south west of Chelmsford.
- 2.2. Hylands House is a Grade II\* listed building and its associated parkland extends to approximately 234 hectares. The landscape surrounding the house is also Grade II\* on the Register of Parks and Gardens.

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

- 3.1. The proposal is for the installation of one sail awning canopy within the existing seating area immediately to the west of the Stables Visitor Centre.
- 3.2. The proposed canopy structure would comprise of four metal posts and two triangular pieces of material. The posts would vary in height with a maximum height of 3.2m.

## **4. Other relevant applications**

- 4.1. The site has an extensive history none of which is relevant to this application.

## **5. Summary of consultations**

- 5.1. The planning comments can be summarised as follows:

Writtle Parish Council - No objection

The Gardens Trust - Objection. The application is accompanied with little justification as to how this solution has been chosen. This type of structure fails to enhance the setting of the listed house and garden. Only temporary planning permission should be granted for this type of structure on this site.

Historic England - No comments

Public Health and Protection Services - No comments

Local residents - No response received

## 6. Planning considerations

### ***Main Issues***

- 6.1. The main issue is the impact of the proposal on the character and appearance of the setting or the Grade II listed building and Registered Park and Garden.
- 6.2. The existing outside seating area is adjacent to the modern extension to the stable block building. This particular part of the site is enclosed by modern planting and screened from the pleasure gardens associated with the house to the north.
- 6.3. The outside seating area includes a small kiosk and is delineated with a low picket fence. The existing landscaping screens this part of the site from long distance views.
- 6.4. The structure would be constructed on metal posts which would be treated in a dark grey, with a matching dark grey canopy. The canopies would be lightweight and simple in form and modest in size. There would be no adverse impact on the setting of the listed building or registered park and garden.

## 7. Community Infrastructure Levy (CIL)

- 7.1. The proposal is not CIL liable.

## **RECOMMENDATION**

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

### **Condition 1**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 not be carried out other than in complete accordance with the approved plans listed on the decision notice.

Reason:

In order to achieve satisfactory development of the site

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

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**Writtle Parish Council**

Comments
18.12.2018 - This planning application was discussed at the Writtle Parish Council's Planning and Development Committee Meeting on Monday 17th December 2018 and the committee had no objections.

**The Gardens Trust**

Comments
28.12.2018 - I am commenting for the Essex Gardens Trust, representing The Gardens Trust. Would you please put these comments on the consultee part of the website.
Hylands House is a grade II* country house set in a 500a parkland setting for which Repton prepared a Red Book, and which is a grade II* registered landscape.
This application is inadequately prepared: it does not explain the location of the proposal in relation to the House and landscape, nor does it attempt to justify the application or set out why it is necessary or why this solution has been adopted. Structures like this within the setting of heritage assets do not enhance them but are usually tolerated on a temporary basis because they can benefit them economically. I recommend that this approach be adopted here, that temporary approval be granted for a limited period of time until a more fitting solution can be identified, one that is more suitable for the premier visitor attraction in the Chelmsford district.

**Historic England**

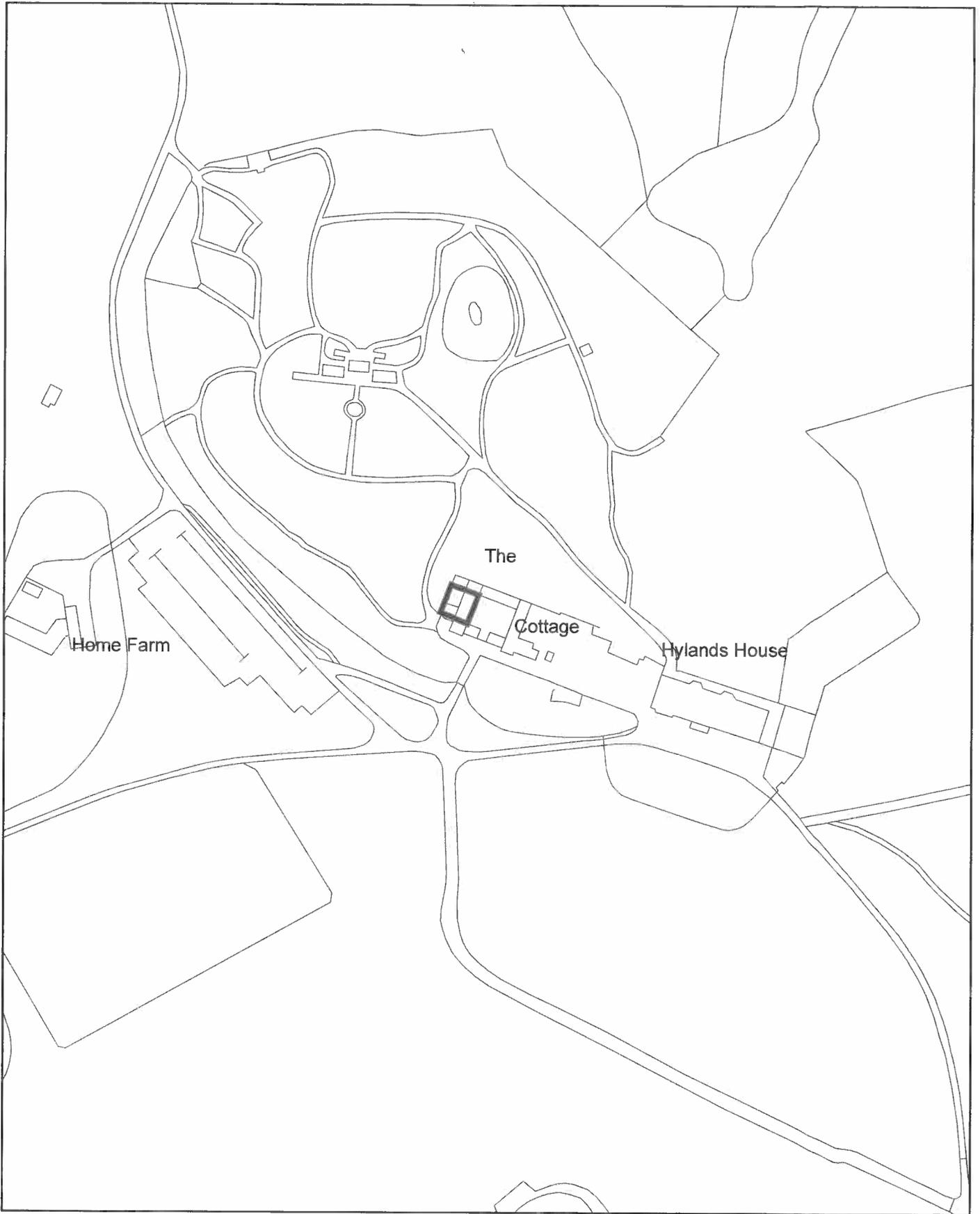
Comments
31.01.19 - we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Public Health & Protection Services**

Comments
12.12.2018 - No PH&PS comments with regard to this application.

**Local Residents**

Comments
No response received



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1:2,500



**Planning Committee**  
**18/01969/FUL**

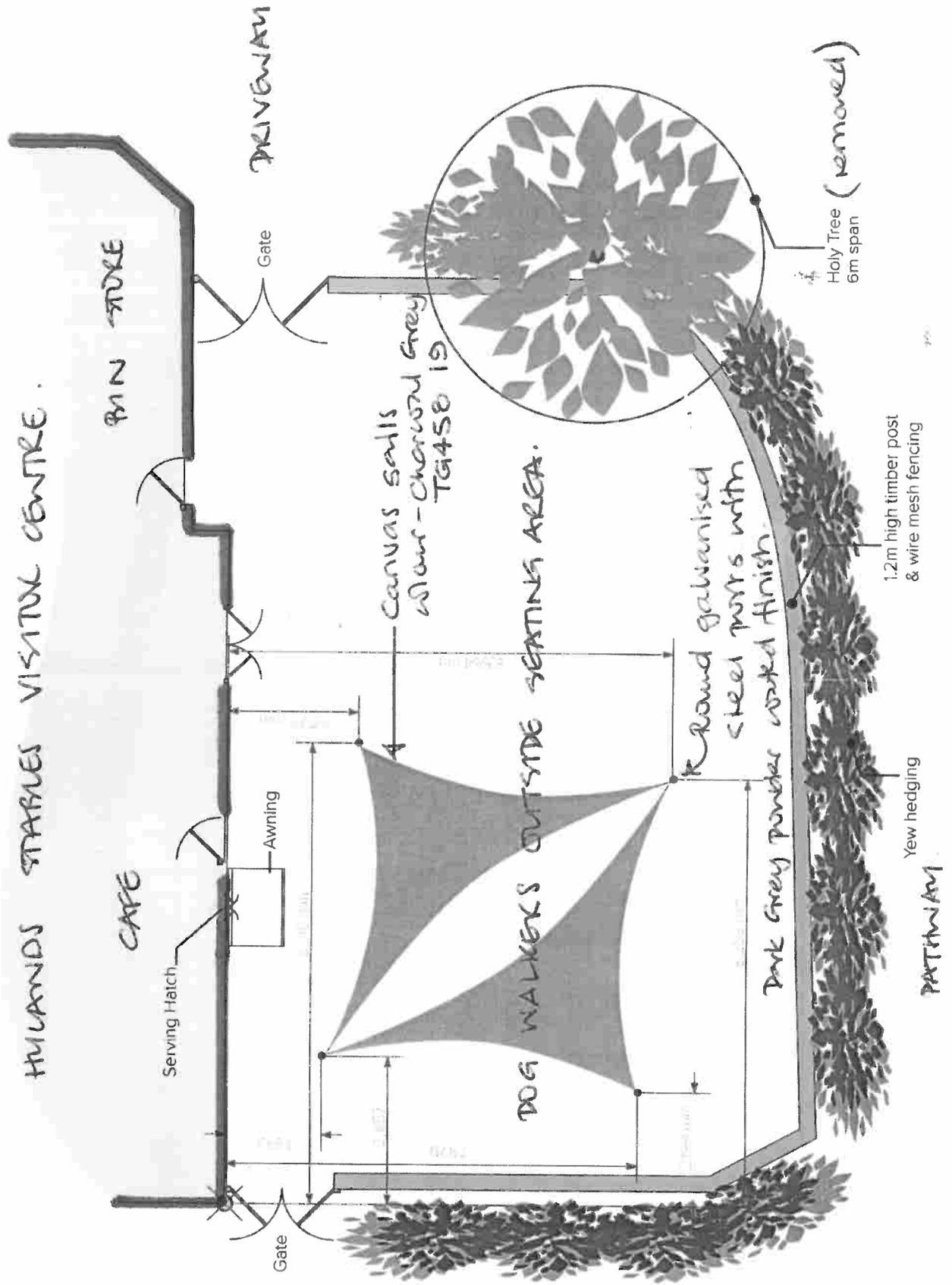
**Planning & Development Management**  
**Directorate for Sustainable Communities**

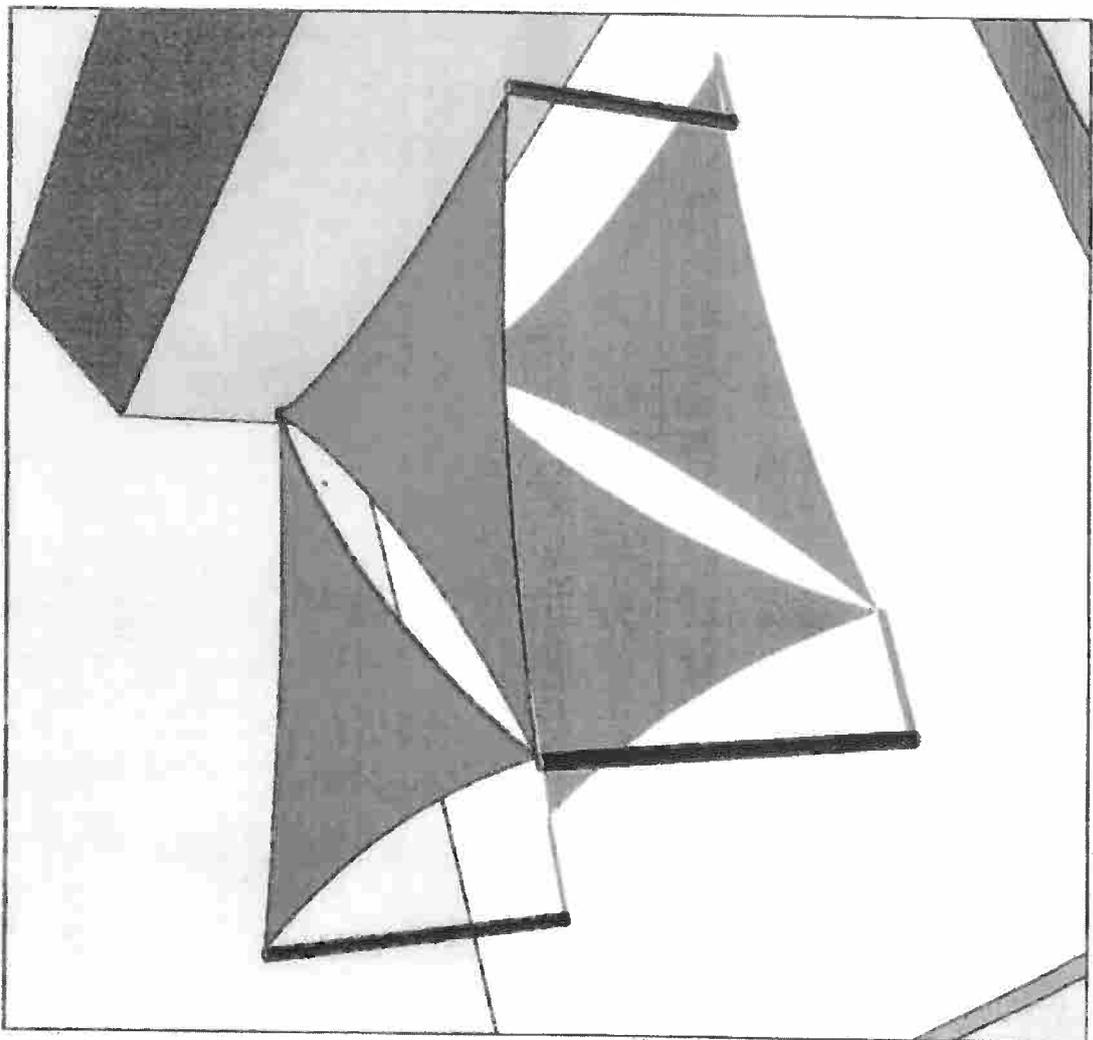
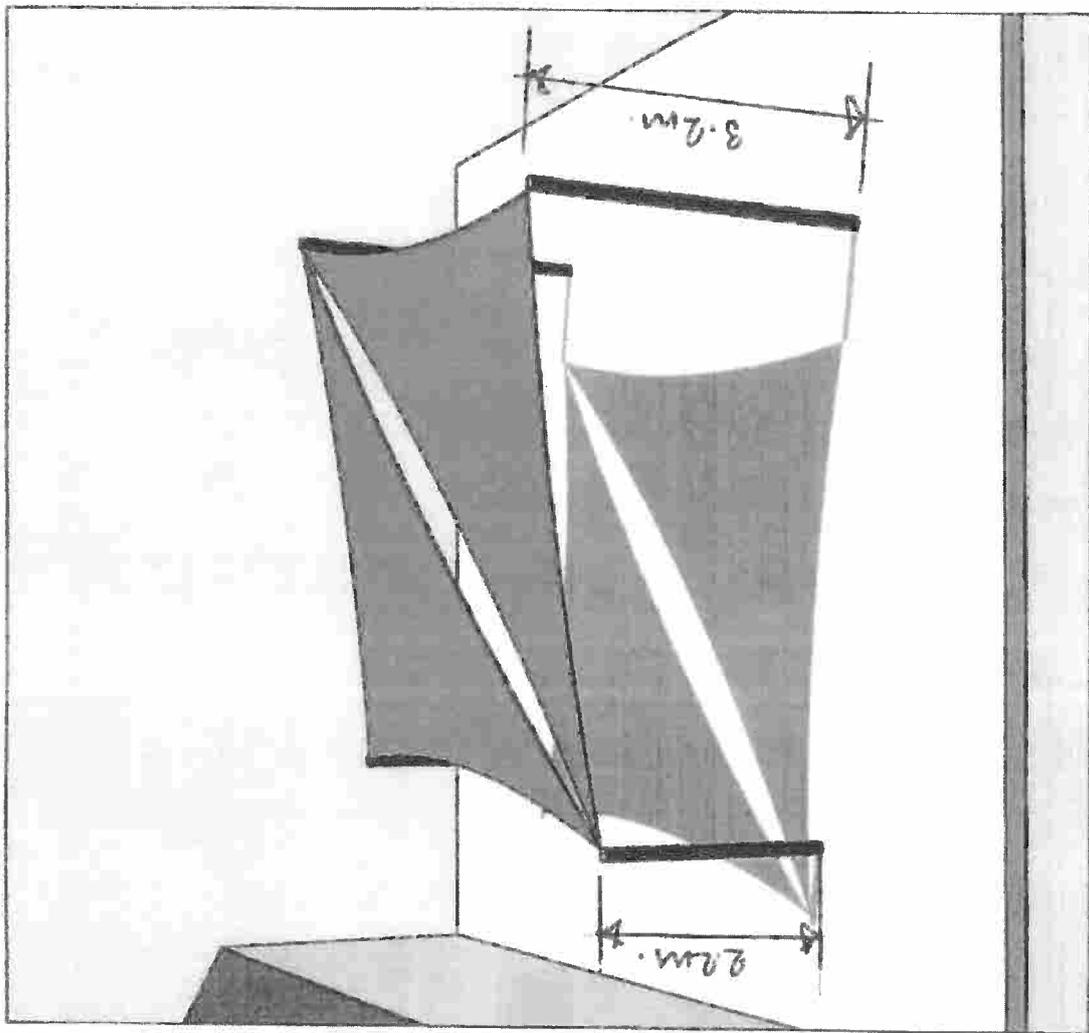
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826

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# HILANDS STABLES VISITOR CENTRE





Appeal Decisions received between 21/12/2018 and 28/02/2019

## PLANNING APPEALS

Total Appeal Decisions Received	2	
Dismissed	1	50%
Allowed	0	0%
Split	1	50%

### Written Reps

#### St Leonards Wickford Road South Woodham Ferrers Chelmsford Essex CM3 5QZ

<b>Reference</b>	18/01220/FUL
<b>Proposal</b>	Two storey detached building at rear, consisting of a garage and a workshop and a playroom.
<b>Appeal Decision</b>	Appeal Dismissed - 15/02/2019
<b>Key Themes</b>	Intrinsic character and beauty of the countryside, effect on character and appearance of surrounding development.
<b>Agreed with CCC on</b>	would have a poor relationship with the development in surrounding area, harmful to the intrinsic character and beauty of the countryside.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

### Householder

#### Woodland House Loves Green Highwood Chelmsford CM1 3QH

<b>Reference</b>	18/01305/FUL
<b>Proposal</b>	Proposed installation of a new window to the Dining room, the enlargement of the windows in the living room and first floor bathroom window . Retention of close boarded boundary fence.
<b>Appeal Decision</b>	Appeal Split Decision - 07/01/2019
<b>Key Themes</b>	Boundary fence causing harm to character of the area.
<b>Agreed with CCC on</b>	Alterations to the house are minor and not harmful- allowed this element of the proposal (using inspectorate split decision powers). Fence would be harmful to the character and appearance of the area- dismissed the fence.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

## ENFORCEMENT APPEALS

Total Appeal Decisions Received	2	
Dismissed	2	100%
Allowed	0	0%
Split	0	0%

### Written Reps

#### Cowells Court Nathans Lane Highwood Chelmsford Essex CM1 3RF

<b>Reference</b>	17/00278/ENFB
<b>Proposal</b>	New access created onto the highway, gates adjacent to the highway constructed exceeding 1m in height
<b>Appeal Decision</b>	Appeal Dismissed - 01/02/2019
<b>Grounds of Appeal</b>	Green Belt
<b>Agreed with CCC on</b>	Harmful to the Green Belt and rural character
<b>Disagreed with CCC on</b>	n/a.
<b>Costs Decision</b>	None

#### Site At Gosses Farm Maltings Road Battlesbridge Wickford Essex

<b>Reference</b>	16/00180/ENFB
<b>Proposal</b>	Without planning permission, the construction of a building (shown outlined in blue at the approximate location on the attached plan).
<b>Appeal Decision</b>	Appeal Dismissed - 13/02/2019
<b>Grounds of Appeal</b>	Green Belt; Character of the area; Whether the requirements of the notice exceed what is necessary to achieve its purpose.
<b>Agreed with CCC on</b>	Inappropriate development; Openness of Green Belt is not preserved. Removal of the building is necessary to remedy the breach of planning control.
<b>Disagreed with CCC on</b>	Development does not adversely affect the character and appearance of the area.
<b>Costs Decision</b>	None