

5 March 2024 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor J. Sosin (Chair)

and Councillors

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

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

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

Planning Committee

5 March 2024

Agenda

1. Chair's Announcements

2. Apologies for Absence

3. Declarations of Interest

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

4. Minutes

To consider the minutes of the meeting on 5 December 2023.

5. Public Question Time

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

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

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

6. 23/01654/FUL – Strategic Growth Site 7A, Moulsham Hall Lane, Great Leighs, Chelmsford, Essex

7. 23/01916/PIP Permission in Principle – Land Adjacent White Cottage, South Street, Great Waltham, Chelmsford, Essex

MINUTES
of the
PLANNING COMMITTEE
held on 5 December 2023 at 7pm

Present:

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

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

Also Present:

Councillors P. Clark, S. Davis and S. Scott

1. Chair's Announcements

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

2. Apologies for Absence

No apologies for absence were received.

3. Declarations of Interest

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

4. Minutes

The minutes of the meeting on 7 November 2023 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

Public questions and statements were asked on Items 6,7 and 8 and are detailed under the relevant item. [The statements submitted in advance can be viewed via this link.](#)

6. 23/00532/FUL – Land South of Southlands Cottages, Runwell Road, Runwell, Wickford, Essex

The Committee considered an application seeking consent for the installation of a large solar farm, with associated development, on an area of land measuring 66.1 hectares in the Green Belt. The Committee heard that the form of development sought within the Green Belt was not an exception listed in the National Planning Policy Framework. It was therefore inappropriate development in the Green Belt in principle and any harm must be considered in the context of 'very special circumstances'. These must clearly outweigh the inappropriateness or any other harm. The Committee were also referred to additional information that had been circulated via a green sheet. Officers felt that the proposal would have a substantial impact on the spatial and visual openness of the Green Belt, as well as representing physical and visual encroachment in the countryside. Officers acknowledged the very special circumstances put forward by the applicant in terms of meeting a need for renewable energy, biodiversity gains, lack of other sites, amongst others, but on balance the proposal was contrary to both local and national planning policy and was therefore recommended for refusal.

The Committee heard from the applicant who highlighted the obvious importance for more renewable energy, given global circumstances leading to energy concerns. They also highlighted that any harm to the green belt would disappear when decommissioning the site. They also highlighted the significant benefits of renewable energy, the significant investment in Chelmsford and the diversification and economic support for a local farming business. They also highlighted recent decisions by the Planning Inspectorate to allow renewable projects at nearby sites and referred to the Climate Emergency and Climate Change Action Plan agreed by the Council and that a recommendation for refusal sat uncomfortably against this.

The Committee also heard from members of the public, who supported the officers recommendation for refusal. They highlighted the loss of views, the loss of countryside fields to walk in leading to associated safety concerns, concerns on the impact of endangered breeds in the area, the loss of a significant area of the Green Belt and associated farmland. The Committee also heard concerns about the enclosed walkway that would in effect be created and the issues this would cause for lone walkers in the area.

The Committee also heard from a local ward member who referred to the application that had been reduced in size after previous public consultation and to the recent decisions by the Planning Inspectorate to permit similar developments nearby. They felt that a refusal by the Council would be lost on appeal due to the very special circumstances of green energy provision and to the fact that the 40-year lease was temporary, with the land returning to its original green belt state at the end of the lease. They also stated that there would be significant biodiversity gains and that the site lied adjacent to major and busy trunk roads with arrays of electricity pylons. They felt that this development with the use of underground cables would also lessen the impact of the site. The Committee also heard that if the Council were serious about meeting carbon neutral targets, then the application should be approved.

In response officers stated that they could only assess the application before them and not the potential of more suitable sites. The Committee also heard from the Council's landscaping consultants who had assessed the site and come to the view that the visual impact would be substantial and they felt that applicants assessment did not appropriately address the concerns on the visual impact. They also referred to the enclosed walkway which would pose a security issue for the site. Officers also confirmed that they were not aware of any community benefits being offered by the applicant. Officers also acknowledged that there had been appeals against similar refusals upheld by the planning inspectorate but their view was that

the harm to the greenbelt was substantial and outweighed on planning balance the green energy benefits and felt that this was backed up by both national and local policies.

Members of the Committee expressed views on both sides of the argument, including the significant increase in green energy provided but also the impact to the green belt and surrounding area. Views were shared that the Council had a responsibility to meet its own climate targets but also that policy did not detail that it was acceptable to build solar farms on the green belt.

RESOLVED that the application be refused for the reasons detailed in the report.

(7.03pm to 8.04pm)

7. 23/01193/REM - 1 Brassie Wood, Chelmsford Garden Community, Chelmsford, Essex, CM3 3FP

Cllrs Pappa and Tron declared interests at this part of the meeting and did not take part in it.

The Committee considered an application for the approval of reserved matters in relation to Condition 1 of outline planning permission for the development of a two storey day nursery together with associated access, car parking, landscaping and enclosed garden to serve the day nursery and related works. It was noted that the application had been referred at the request of a local ward member who had concerns on parking provision, traffic flows and noise impacts. Officers informed the Committee that the S106 agreement on the outline planning permission for Channels, required the provision of an early years and childcare facility within the development, as was being applied for and the site for the day nursery had been agreed through the Channels Phase 2 reserved matters approval. Officers felt that proposal was of an acceptable scale, form and design, and would integrate successfully with the Phase 2 development and street scene. It was also noted that a noise management plan successfully demonstrated there would be no adverse noise impacts. Officers also said that parking concerns were addressed by existing visitor parking spaces that would be managed by controls through a traffic regulation order and therefore the application was recommended for approval. The applicant had also proposed an additional three visitor parking spaces for drop off/pick up within their site.

The Committee heard from the applicant who referred to their proven track record in running similar facilities, the requirement under the S106 agreement, the proposal for a high quality building complementing the local surroundings along with measures to address noise and parking concerns.

In response to questions from the Committee, it was clarified that a parking survey had not been required on nearby streets as appropriate levels of visitor parking provision had been secured through the Channels Phase 2 reserved matters approval to serve the day nursery, the retail unit, now an architect's office and to provide parking for residents visitors. Further all properties across the Channels development had been provided with good on-plot parking provision, with garages/car ports and parking spaces sized to accommodate modern day vehicles. Contamination was addressed by a condition on the outline planning permission which required submission of a report, provision of necessary measures and photographic evidence and certificates to confirm the measures had been installed.

RESOLVED that the application be approved subject to the conditions detailed in the report.

(8.05pm to 8.28pm)

8. 23/012821/FUL - Hen Cottage, North Hill, Little Baddow, Chelmsford, Essex, CM3 4TQ

The Committee considered an application for the demolition of the existing dwelling and detached outbuilding and the construction of a replacement dwelling. Officers informed the Committee the application had been called in by a local ward member, due to concerns that the proposal would have an adverse impact on the intrinsic beauty and character of the countryside, local character and adjacent heritage assets. The Committee heard the replacement would be taller and more substantial, but well designed and appropriate in scale in comparison to contextual built form. Officers had recommended the application for approval due to it not being harmful to adjacent designated heritage assets, not adversely impacting the intrinsic beauty and not having an adverse impact on neighbouring amenity.

The Committee heard from members of the public who raised concerns with the access road to the development site which was unsuitable, the increased height of the building, negative impacts on the unique harmony of the historic part of the village and the views expressed in the Little Baddow Neighbourhood Plan. Residents also raised concerns about the area potentially soon being listed as an area of natural beauty and stated the site was especially sensitive and historically important.

The Committee also heard from the Chair of the local Parish Council. They agreed with the concerns raised by local residents and stated the application would harm a particularly important part of the village, outside of the defined settlement area. They stated that there were no modern properties nearby and the proposed height and width would negatively impact the area. They also queried whether the Neighbourhood Plan had been correctly followed and highlighted the current application for the area to be classed as one of outstanding natural beauty and felt the application required more scrutiny.

The Committee also heard from a local ward member who echoed the concerns already raised. They also referred to the fact that the existing development could not be seen from the road but the proposed one would and that the village should be protected. They also raised concerns about natural water drainage in the area and that Gravy Lane should remain unobstructed and queried whether the correct people in Essex Highways had been consulted. They also highlighted a concern that there was a constraint on the initial grant of planning permission restricting the design to single storey to be subservient to nearby cottages.

In response officers stated that they could only make an assessment on the current position and could not take into account current or future applications to make the area one of outstanding natural beauty. They also stated that Gravy Lane was not a designated or non designated heritage asset. In response to questions from the Committee, officers also stated that the Neighbourhood Plan had been taken into consideration and given due weight in the planning balance assessment. Officers also confirmed that Condition 13 relating to no unbound material being brought onto the site could be removed if the Committee felt it was not required. Officers also stated that the proposal was 1.8m higher but across a split level and was viewed as well designed and articulated, alongside the fact that there were no restrictions on height or scale in the area.

Two members of the Committee requested a site visit, but this was not supported by the majority of Committee members.

RESOLVED that the application be approved subject to the conditions detailed in the report.

(8.29pm to 9.05pm)

9. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 21st October and 21st November 2023 be noted.

The meeting closed at 9.05pm.

Chair

PLANNING POLICY BACKGROUND INFORMATION

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

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

- APPB** Appendix B forms part of the adopted Local Plan and provides information about standards that apply to all new residential developments in Chelmsford including conversions, apartments, houses, Houses in Multiple Occupation (HMO's) and extensions, unless it can be demonstrated that the particular site circumstances require a different design approach. The standards seek to ensure new developments will meet the needs of their occupiers, minimise the impact of new developments on surrounding occupiers and encourage higher rates of recycling.
- DM8** Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- DM9** Policy DM9 - Infilling in the Green Belt, Green Wedge & Rural Area - Planning Permission will be granted for infilling where the site is a small gap in an otherwise built up frontage and where the development would not detract from the existing character or appearance of the area and would not unacceptably impact on the function and objectives of the designation. In the Green Belt, infilling may only be limited and only where the site is located within a village.
- DM13** Policy DM13 - Designated Heritage Assets - The impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.

- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM24** Policy DM24 - Design & Place Shaping Principles in Major Developments - The Council will require all new major development to be of high quality built form and urban design. Development should, amongst other matters, respect the historic and natural environment, be well-connected, respond positively to local character and context and create attractive, multi-functional, inclusive, overlooked and well maintained public realm. The Council will require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments.
- DM25** Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- SPS9** Strategic Policy S9 Infrastructure Requirements - New development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. New development must be supported by sustainable means of transport, safe from all types of flooding, provide a range of community infrastructure, provide green infrastructure and utilities. Necessary infrastructure must seek to preserve or enhance the historic environment.
- SPS11** Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

VILLAGE DESIGN STATEMENTS

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

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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



Planning Committee
5th March 2024

Application No	:	23/01654/FUL Full Application
Location	:	Strategic Growth Site 7A Moulsham Hall Lane Great Leighs Chelmsford Essex
Proposal	:	Formation of a temporary construction vehicle access from Moulsham Hall Lane to facilitate the future development of Strategic Growth Site 7A.
Applicant	:	C/o Savills Bellway Homes Limited (Essex) & Redrow Homes Limited, Har...
Agent	:	Mr J Daniels
Date Valid	:	17th October 2023

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Appendices:

Appendix 1 Drawings

1. Executive summary

- 1.1. The proposed temporary access would enable initial access to the Strategic Growth Site in advance of construction of a new roundabout off the A131, enabling preparatory works offline to the new roundabout and access road which will serve Growth Site 7a.
- 1.2. The loss of a Category A oak tree can be compensated through other planning applications, as it would be lost in any event.
- 1.3. Highway safety can be suitably maintained subject to compliance with a number of planning conditions.
- 1.4. The application is recommended for approval.

2. Other relevant applications

22/00002/MAS - approved – 28 February 2023
Masterplan Stage 1.

23/01583/OUT & FUL – pending consideration

Hybrid planning application for EIA (Environmental Impact Assessment) development to include:

1. Outline application with all matters reserved for residential development of up to 800 homes (Use Class C3) including affordable and self/custom-build homes; a Neighbourhood Centre comprising commercial, business and service (Use Class E) of which the anchor retail store is not more than 500 sqm (GIA); medical services (Use Class E(e)), a children's nursery (Use Class E(f)) and a residential care home (Use Class C2) of up to 80 beds; a new primary school (Use Class F1); landscaping works, provision of strategic and local open space; biodiversity enhancements, all associated highways infrastructure, pedestrian, cycle, PROW and bridleway routes; drainage infrastructure and all associated ancillary works including services and utilities.
2. Full application for the principal means of vehicular access to the site, on site highways works, surface water attenuation basins and associated ancillary works including services and utilities.

23/01769/FUL - pending consideration

Construction of spine road and formation of new road access junction with associated realignment of Moulsham Hall Lane to serve future development at Strategic Growth Site 7a (Land at Moulsham Hall), including provision for cyclists, pedestrians and equestrians, and all associated highways infrastructure works including drainage features, lighting and landscaping.

23/05132/TPO – Approved 25 August 2023

W2 - Oak x 6 - Crown Lift of up to 2.4m - Reason: To allow clear sightlines to temporary speed signage.

Commentary

- 2.1 The hybrid planning application (23/01583/OUT & FUL) covers Site 7a, which represents the largest element of the Strategic Growth Site 7. A separate full application has been submitted for the spine road and its access off Moulsham Hall Lane (23/01769/FUL), in anticipation that its eventual approval will streamline construction of the access and main road network into the site. The planning application for the temporary access (23/01654/FUL) will serve as access for construction activities to allow some initial infrastructure works to progress, and the site access roundabout to be delivered. The access will be a simple priority junction onto Moulsham Hall Lane, as opposed to the new (larger)

roundabout access being created through the other full applications. The temporary access does overlay the final route, albeit located slightly further north. This temporary access, and the final access and roundabout, could not be used simultaneously as a vehicular access into the site (and this is not the intention in any case).

- 2.2 In advance of this application works to preserved trees north of the access were approved (23/05132/TPO), which included a crown lift for six oak trees.

3. Description of site

- 3.1. The planning application site envelops a proposed temporary access related to the wider Development for Strategic Site 7a.
- 3.2. The application site is located on Moulsham Hall Lane, off the A131 roundabout. The eastern field includes heavy tree coverage, the northern section of the application site includes trees forming part of a preserved grouping. Great and Little Leighs Bridleway 13 exits onto Moulsham Hall Lane to the south side of the widened access.

4. Details of the proposal

- 4.1. The temporary construction access is proposed to be formed at the location of an existing field access, between two large oak trees along Moulsham Hall Lane approximately 110m north of its junction with the A131. The access will be 8m in width and extend its gravel route approximately 21m into the field. A gate and gatehouse at the back edge of the access will restrict access into the wider field.
- 4.2. The temporary access will be in use for a period of approximately 12 months whilst the main access roundabout from Moulsham Hall Lane is constructed. Following completion of the roundabout, construction vehicles will revert to using the roundabout and development spine road.
- 4.3. Following an amendment to the layout, in response to comments from the highway authority, one preserved tree (category A - oak) will be removed.

5. Summary of consultations

- Essex County Council Highways – no objection subject to conditions
- Public Health & Protection Services – no objection
- Great & Little Leighs Parish Council – no comment
- Ramblers Association – no comment as Bridleway 13 Great and Little Leighs is to be maintained
- Local residents – no comments

6. Planning considerations

Main Issues

- 6.1. The main issues for consideration are the principle of development, visual impact, highway safety and impact on natural environment.

Principle of development

- 6.2. The site is located within the boundary for Strategic Growth Site Allocation 7, more specifically 7a, which occupies land surrounding Moulsham Hall, off Moulsham Hall Lane. It is within the new Defined Settlement Boundary for Great Leighs, as noted on the Adopted Policies Map which forms part of the Chelmsford Local Plan.
- 6.3. The access is required to facilitate early on site works (tree removal, surveys, site setup) associated with the roundabout and access to serve the Site 7a allocation. This permission should therefore in theory facilitate an earlier start on site for what will be more comprehensive works.
- 6.4. The principle of the development is acceptable within the Settlement Boundary and within the Growth Site allocation.

Visual impact

- 6.5. The field edge will be altered in order to facilitate access into 7a. The fields beyond are allocated for housing. The temporary access will be an urbanising feature along a rural lane; but this area will be subject to significant physical change through development of the allocated Growth Site. Although the details of the current scheme are temporary, they will be superseded by works which are more significant in terms of form and scale.

Highway safety

- 6.6. The temporary access will facilitate two-way vehicle movements. Mitigation measures, including signage and the use of banksman, are to be provided to ensure the continued safe passage of the public on the definitive right of way (bridleway 13). The bridleway will be physically unaffected by the widened access, but users will be protected by new signage and a banksman will be present during the movement of construction vehicles to ensure priority is provided to any user crossing the access to reach the Public Right of Way 13.
- 6.7. From a highway and transportation perspective the impact of the proposal is acceptable to the highway authority subject to conditions.

Natural environment

- 6.8. Permission has been granted for tree works (prune/crown lift) to create the required visibility splays to facilitate the temporary access works (under ref 23/05132/TPO). Following comments from the highway authority requesting for the access to be widened, to enable two HGVs to enter and egress simultaneously, this will necessitate the removal of one oak tree (labelled T177 in arboricultural report attached to 23/01769/FUL). The oak is a Category A (high quality) tree and its loss is therefore regrettable. However, it is clear from plans associated with the spine road applications that this tree is intended to be removed in order to facilitate the new roundabout and access road into 7a in any event.
- 6.9. The planning application site for this temporary access is relatively small in comparison with the wider 7a allocation, therefore the ability (and desire) to install a replacement tree is limited. The felling of the tree is also to be considered as part of the other planning applications as it will form part of a cumulative loss of trees, which will require mitigating at a later date. In short, replacements can be secured through other applications.

6.10. The ecological impact assessment submitted under ref 23/01769/FUL notes the oak tree to be of low bat roost suitability.

7. Community Infrastructure Levy (CIL)

7.1. This application is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site

Condition 3

The trees preserved under TPO/2007/116, that are located within the application site, shall be protected by a barrier erected in accordance with BS 5837: 2012 - Trees in relation to design, demolition and construction - Recommendations Figure 2. The fence shall be erected before the commencement of any clearing, demolition and building operations. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

To safeguard the existing protected trees in accordance with Policy DM17 of the Chelmsford Local Plan.

Condition 4

Prior to the commencement of the development, an inspection report of Moulsham Hall Lane shall be submitted to and approved in writing by the local planning authority.

Reason:

To preserve the integrity and fabric of the highway, in the interests of highway safety. This detail is required prior to commencement in order to ensure highway safety.

Condition 5

Prior to the first use of the temporary construction access, as shown in principle on submitted drawing 2107731- SK01 Rev. 1 (dated – 31/01/2024), the vehicular access shall be constructed at right angles to Moulsham Hall Lane with appropriate radii and shall be provided with clear to ground visibility splays with minimum dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the

nearside edge of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner in a forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

Condition 6

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

Reason:

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

Condition 7

Any proposed boundary features along the site boundary, such as temporary hoarding, shall be placed a minimum of 1 metre back from the highway boundary and definitive width of public bridleway no. 13 (Great and Little Leighs).

Reason:

To ensure that the boundary features do not encroach upon the highway or interfere with the passage of users of the public right of way, in order to preserve the integrity of the highway and in the interests of highway safety.

Condition 8

The temporary construction access should not be used simultaneously with any other access permitted within the application site. At the point it is no longer required for access it shall be suitably and permanently closed.

Reason:

To preclude the existence of unnecessary points of traffic conflict in the highway following any future development, in the interests of highway safety.

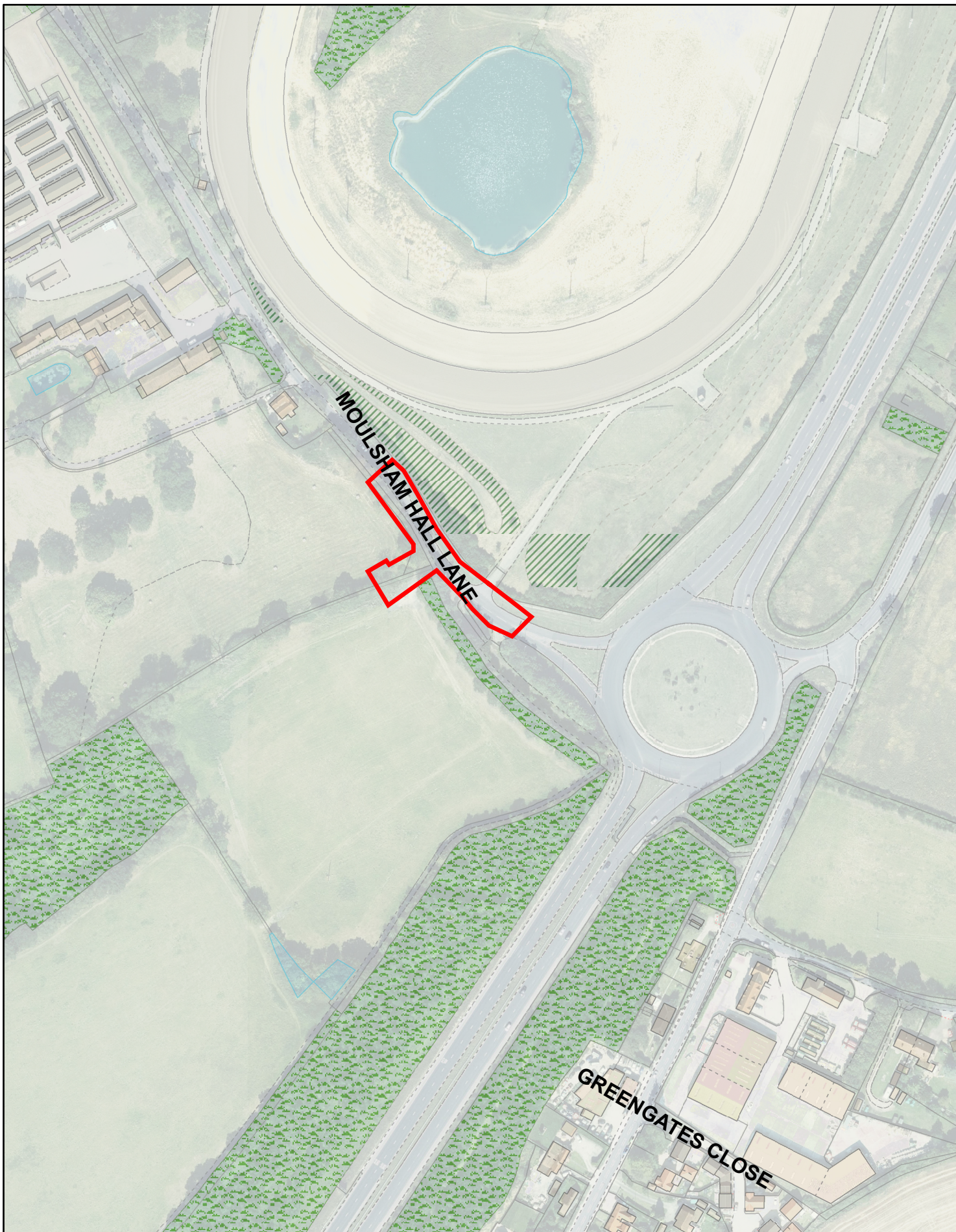
Notes to Applicant

- 1 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
- 2 The developer will need to apply for and obtain a Temporary Traffic Regulation Order for a temporary reduction of the speed limit from 60 mph to 30 mph on Moulsham Hall Lane at and in the vicinity of the temporary construction access.
- 3 Full details of temporary traffic management / signage / banksmen control / mitigation / delivery timing restrictions required in connection with the construction traffic routing will need to be agreed in full with the Development Management Team at Essex Highway, as part of the highway works agreement and ongoing construction management.

- 4 Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.
- 5 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- 6 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- 7 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no. 13 (Great and Little Leighs) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure

- 8 The Highway Authority may wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by construction vehicles.
- 9 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding.
- 10 With regard to condition 4 (Moulsham Hall Lane inspection report), it is recommended that the scope and methodology of the report is agreed in advance with the Highway Authority and should include appropriate photographic evidence. Other matters of relevance for inclusion would be that the route should be inspected regularly during construction with any damage arising from construction traffic being dealt with expediently; on completion of the development any damage to the highway resulting from construction traffic movements generated by the application site should be identified in a remediation plan and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Highway Authority.



0 25 50 100 Metres

1:2,500



Planning Committee
23/01654/FUL

Planning & Development Management
Directorate for Sustainable Communities

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

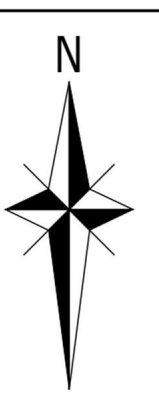
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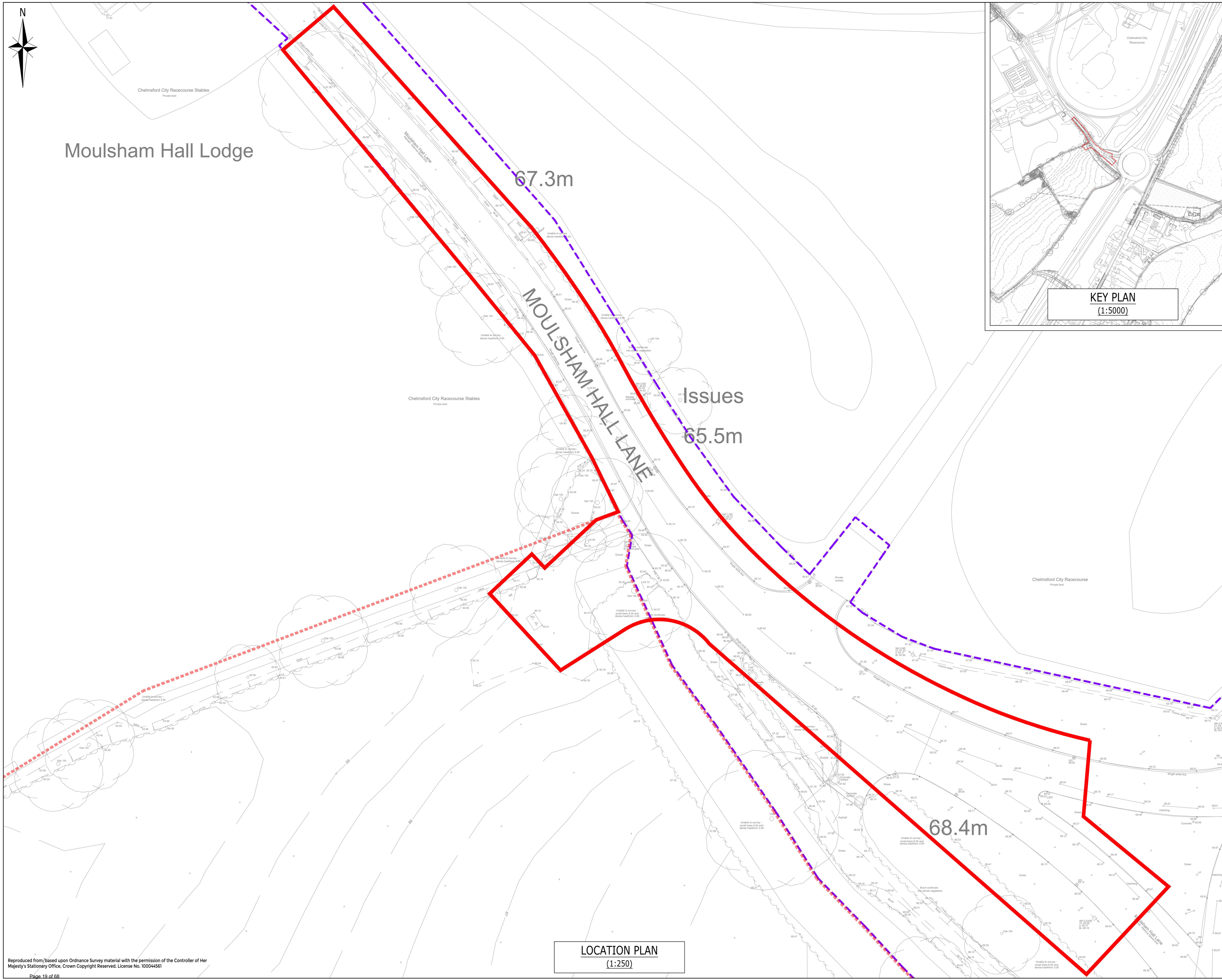
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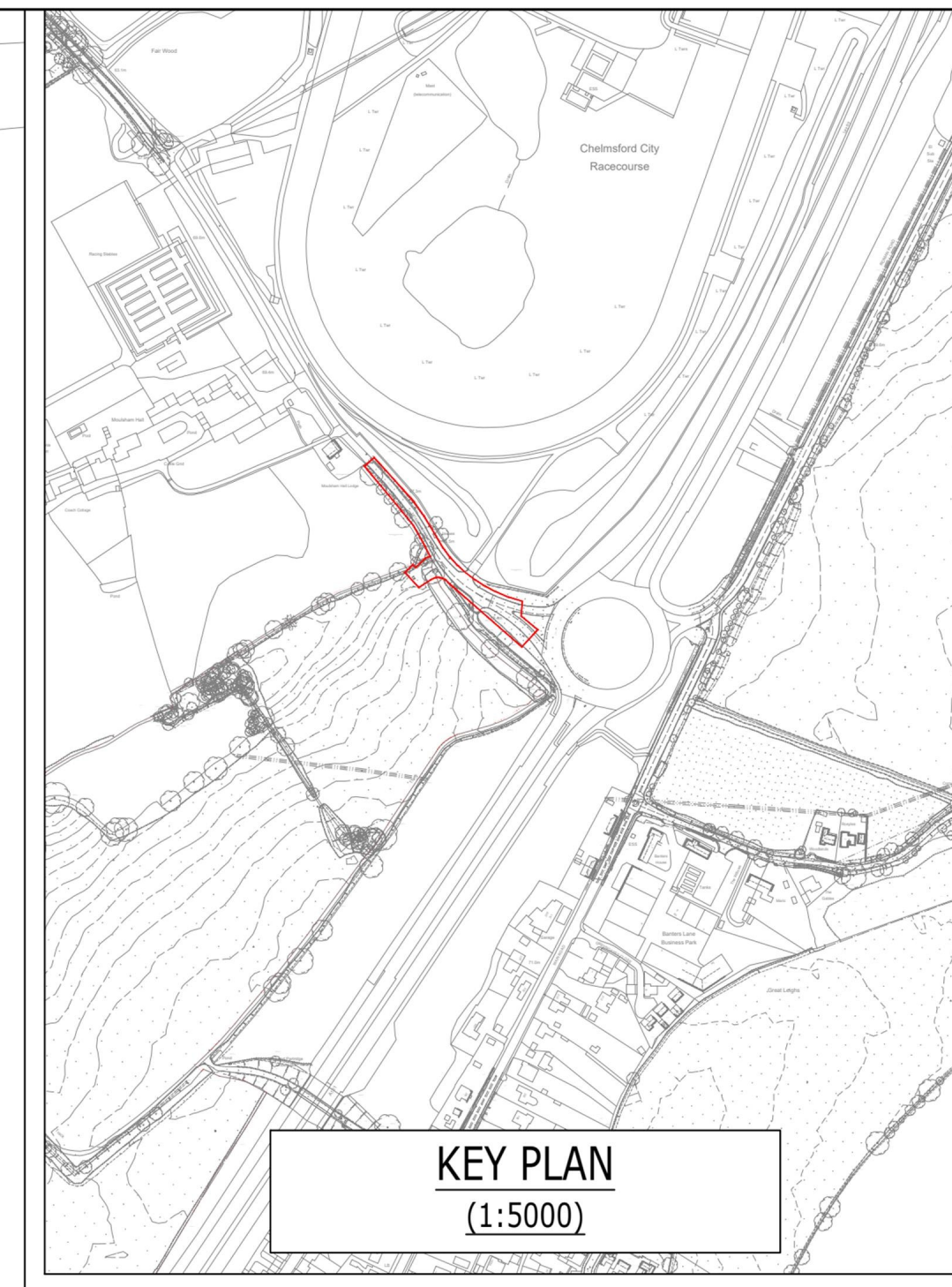
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Moulsham Hall Lodge



LOCATION PLAN
(1:250)



KEY PLAN
(1:5000)

- NOTES:
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE RELEVANT SPECIFICATION AND ALL OTHER RELATED DRAWINGS ISSUED BY THE ENGINEER.
 2. DO NOT SCALE FROM THIS DRAWING. WORK FROM FIGURED DIMENSIONS ONLY.
 3. ALL DIMENSIONS SHOWN ON THIS DRAWING ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
 4. ALL DIMENSIONS, LEVELS AND SURVEY GRID CO-ORDINATES ARE TO BE CHECKED ON SITE AND THE ENGINEER NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF THE WORKS.
 5. NO DEVIATION FROM THE DETAILS SHOWN ON THIS DRAWING IS PERMITTED WITHOUT PRIOR PERMISSION FROM THE ENGINEER.
 6. ALL MATERIALS AND WORKMANSHIP SHALL COMPLY FULLY WITH THE MANUAL OF CONTRACT DOCUMENTS FOR HIGHWAY WORKS, VOLUME ONE, (MCHW1) SPECIFICATION FOR HIGHWAY WORKS AND TO KENT COUNTY COUNCIL'S DESIGN GUIDE 'MAKING IT HAPPEN - HIGHWAYS'.
 7. THE CONTRACTOR SHALL UNDERTAKE SUCH MATERIALS TESTING AS INDICATED IN THE SPECIFICATIONS AND SHALL INCLUDE THE COST OF TESTING IN THE TENDER.
 8. WHERE NECESSARY, ALL EXCAVATED MATERIAL SHALL BE DISPOSED OF AT AN APPROVED TIP OFF-SITE.
 9. CORES OF EXISTING ROAD CONSTRUCTION TO BE TAKEN PRIOR TO PLANNING TO CONFIRM THICKNESS OF EXISTING SURFACE COURSE.

- CDM NOTES
- THE ATTENTION OF THE CLIENT AND THE PRINCIPAL CONTRACTOR IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONJUNCTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT:
1. WORKS IN THE VICINITY OF LIVE SERVICES WILL BE NECESSARY AND THE ADVICE OF ALL STATUTORY SERVICE COMPANIES MUST BE SOUGHT BEFORE ANY WORKS COMMENCE.
 2. WORKS WITHIN AND ABUTTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE.
 3. HAZARDOUS MATERIALS INCLUDING CEMENT AND BITUMINOUS MATERIALS ARE SPECIFIED AND THE MANUFACTURER'S ADVICE ON SAFE HANDLING PROCEDURES MUST BE OBTAINED AND MADE CLEAR TO ALL OPERATIVES.
 4. THE CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE VICINITY OF THE WORKS AND ENSURE THESE ARE PROTECTED THROUGHOUT THE DURATION OF THE WORKS. ALL UTILITY PLANT SHOULD BE CLEARLY MARKED ON THE GROUND PRIOR TO COMMENCEMENT OF THE WORKS.
 5. THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.

- KEY:
- - - - - HIGHWAY BOUNDARY TRANSCRIBED FROM ECC RECORDS
 - LAND OWNERSHIP BOUNDARY
 - APPLICATION BOUNDARY



PRELIMINARY

A	APPLICATION BOUNDARY UPDATED	JEC	MJR	JEC	14.02.24
Rev	Description	Drm	Chk	App	Date

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SSIP
SAFETY SCHEDULED INDUSTRY PRACTITIONER

Client: **BELLWAY HOMES LTD (ESSEX), REDROW HOMES LTD - HARROW ESTATES DIVISION AND MOULSHAM HALL ESTATES**

Project Title: **MOULSHAM HALL, GREAT LEIGHS**

Drawing Title: **TEMPORARY CONSTRUCTION ACCESS - LOCATION PLAN**

A1 Scale	Date	Designed by
AS SHOWN	11.10.23	JEC
Drawn by	Checked by	Approved by
JEC	MJR	JEC

Drawing Number: **2107731-100** Rev **A**



**Planning Committee
5th March 2024**

Application No	:	23/01916/PIP Permission in Principle
Location	:	Land Adjacent White Cottage South Street Great Waltham Chelmsford Essex
Proposal	:	Permission in principle for the erection of one 1.5-2 storey dwelling house, with associated parking spaces, garage and garden areas.
Applicant	:	Ms Stephanie Dodwell
Agent	:	Miss Lilli Bartella
Date Valid	:	7th December 2023

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8. Recommendation.....	10

Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. The application is referred to the Planning Committee at the request of a local Ward Member (Councillor Steel) so that the principle of development on this plot and its impact on the Rural Area, the Conservation Area and the setting of South House and White Cottage, which are listed buildings, can be considered by the Planning Committee.
- 1.2. This application seeks to establish the principle of development on the site. There are no other matters to be considered with this proposal referred to as an application for permission in principle. The description of the proposal however states that permission is sought for a two-or three-bedroom, 1.5-2 storey dwelling with a garage and other associated domestic paraphernalia.
- 1.3. The application site is located outside of the Defined Settlement of Great Waltham but falls within the Great Waltham Conservation Area. It is also considered to form a part of the setting of South House and White Cottage, which are grade II listed buildings.
- 1.4. The application is considered to be contrary to national and local planning policies on the grounds that the development is located within the Rural Area outside of the Defined Settlement boundary, results in adverse impact on the character and beauty of the Rural Area, results in adverse impact on the historic setting of South House and the Great Waltham Conservation Area, fails to demonstrate adequate protection of ecology, and fails to mitigate recreational disturbance within a zone of influence of European designated site (more commonly known as RAMS mitigation which is further explained at 'Habitat Regulations' section of this report).
- 1.5. Refusal is recommended.

2. Description of site

- 2.1. The application site is a plot of land located to the southwest of White Cottage, South Street. The site is located outside of the Defined Settlement of Great Waltham but lies within the Great Waltham Conservation Area.
- 2.2. The site is situated between two grade II listed buildings: White Cottage to the east and South House to the west. The undeveloped and vegetated site between the two listed buildings forms a part of their historic setting.
- 2.3. The land is currently an area of grass, enclosed by native hedgerows. There are also a number of mature trees on the site, which are a range of native and non-native species; these are protected by their Conservation Area location. The natural characteristics of the site contribute towards character and appearance of the Conservation Area.
- 2.4. The transition from village (more urbanised) character to rural character is evident within this section of street, with more close-knit housing grain giving way to looser grain of properties interspersed with strong presence of greenery. This character directly relates to the positioning of this site relative to the Defined Settlement. The south side of South Street has an overtly more verdant character compared to north side which has a strong influence on local character.
- 2.5. Access to the site is via a 5-bar timber gate, situated to the northeastern boundary adjoining South Street.

3. Details of the proposal

- 3.1. This application for permission in principle seeks to establish the principle of development on the site. There are no other matters to be considered with this proposal.
- 3.2. No indicative plans have been submitted with the application to show any buildings on the plot or any potential layout of development within the site.
- 3.3. The description of the proposal seeks permission for a two-or-three-bedroom, 1.5-2 storey dwelling with a garage and other associated domestic paraphernalia.
- 3.4. There is an existing vehicular access, which is currently gated, from South Street. It is likely intended to reuse this existing access but no plans confirming this are provided.
- 3.5. The permission in principle route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail and wider considerations of the development. The permission in principle route has 2 stages: the first stage establishes whether a site is suitable to obtain 'permission in principle', and the second stage considers more 'technical details' and is where full development details reserved under the initial stage would be assessed.
- 3.6. Certain types of development are excluded from obtaining a grant of permission in principle. The Planning Practice Guidance (PPG) advises that development on land not defined as previously developed can apply for permission in principle via the application route (PPG Paragraph: 004 Reference ID: 58-004-20190315).
- 3.7. The PPG advises that applications for Permission in Principle (PIP) must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise. The scope of decision-making at permission in principle stage is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. The provisions of Habitat and Species Regulations 2017 also apply at permission in principle stage (PPG Paragraph: 005 Reference ID: 58-005-20190315).

4. Other relevant applications

- 4.1. 01/01583/OUT – Refused on 1st February 2002. Outline application for new dwelling.

It was concluded that the proposed development would have a detrimental impact on the rural landscape and character of the area. It would have resulted in harm to the Conservation Area in that it would detract from the openness of the site and result in the loss of mature trees and hedges, all which make up the character of this part of the Conservation Area.

- 4.2. 10/01409/OUT - Refused on 31st March 2011. New dwelling (all matters reserved).

It was determined that the proposal conflicted with local plan policies as it was located outside the Defined Settlement boundary, within the Rural Area. Furthermore, it was considered that

the proposed building, together with the associated garden area and domestic paraphernalia would have been visually intrusive and harmful to the open character of the site and the character and appearance of the countryside.

It was considered that the proposed new building, parking area, the need for visibility splays for the vehicular access (which would require removal of a significant level of vegetation) and domestic paraphernalia would all have had an adverse impact on the setting of South House and the views over the agricultural land to the south. As such it was considered that the proposed development would have resulted in an adverse impact on the character of the Conservation Area.

4.3. 11/00066/REFUSE Appeal Dismissed on 9th March 2012. New dwelling (all matters reserved).

The Inspector upheld the Council's decision (as above) and stated that no adequate justification for the appeal development which would meet the Development Plan policies had been put forward. The site was correctly identified, and it lies within the Rural Area. The development in Rural Areas is restricted by the Development Plan policies. Planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

With regards to the impact on the Conservation Area and the setting of the listed building, the Inspector concluded that the proposed development would not have preserved or enhanced the character and appearance of the Great Waltham Conservation Area and would have adversely impacted on the setting of the Grade II listed building South House.

5. Summary of consultations

- Great Waltham Parish Council – no objections.
- Essex County Council Highways - impact of the proposal is acceptable to the Highway Authority, subject to conditions involving removal of the existing hedge and possible trees.
- Public Health & Protection Services - this residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles.
- Local residents – no representations received.

6. Planning considerations

Main Issues

- 6.1. Whether the principle of development is acceptable on this plot.
- 6.2. Whether the proposal would impact on the character and beauty of the Rural Area beyond the Defined Settlement boundary.
- 6.3. Whether the character of the Conservation Area and the setting of the listed buildings would be sufficiently preserved by the proposal.

The principle of the development

- 6.4. Strategic Planning Policy S1 sets out the Spatial Principles upon which the Local Plan is based. The Policy states that the Council will require all new development to accord with the Spatial Principles, which include: optimizing the use of suitable previously developed land for development; locate development at well-connected and sustainable locations; respecting the character and appearance of landscapes and the built environment; focusing development at the higher order settlements outside of the Green Belt and respecting the existing development pattern and hierarchy of other settlements.
- 6.5. Strategic Policy S11 of the Chelmsford Local Plan states that the intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty. Planning permission for development within the Rural Area will be permitted if it would fall within the categories of development expressly identified in the relevant policies of the Chelmsford Local Plan.
- 6.6. Policy DM8 relates to new buildings in the Rural Area. This states that planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and where the development falls into one of the listed criteria. The listed criteria include:
- i) A local community facility where there is a demonstrated need; or
 - ii) Agriculture and forestry or the sustainable growth and expansion of an existing, authorised and viable business where it can be demonstrated that there is a justified need; or
 - iii) Local transport infrastructure and other essential infrastructure; or
 - iv) Appropriate facilities of outdoor sport, outdoor recreation and cemeteries; or
 - v) A rural worker's dwelling; or
 - vi) Housing which secures the optimal viable use of a heritage asset or enabling development to secure the future of a heritage asset; or
 - vii) Housing which includes the re-use of redundant or disused buildings which leads to an enhancement to the immediate setting; or
 - viii) A dwelling which is of a design of exceptional quality or innovative nature; or
 - ix) Infilling in otherwise built-up frontages; or
 - x) Limited affordable housing for local needs; or
 - xi) Extensions or alterations to buildings; or
 - xii) Redevelopment of previously developed land; or
 - xiii) Replacement buildings; or
 - xiv) Residential outbuildings.
- 6.7. Policy DM9 states that planning permission will be granted for infilling in the Rural Area provided that:
- i) the site is a small gap in an otherwise built-up frontage; and
 - ii) the development does not detract from the existing character or appearance of the area, and would not unacceptably impact on the function and objectives of the designation.
- 6.8. 'Infilling' is defined as filling the small gaps within existing groups of dwellings or buildings. For the purposes of this policy, a gap is normally regarded as 'small' if it can accommodate no more than one property or building. In some circumstances, the context and character of the

development pattern of the immediate area will allow for more than one property, or building, within these gaps. Each site will be assessed on a case-by-case basis.

- 6.9. Great Waltham Village Design Statement (VDS) is an adopted supplementary document which contains guidelines for future development in the village. These guidelines include provision for new residential development for a small number of new dwellings; sympathetic infill developments; modest edge of village development; two-bedroom starter homes.; social housing; there is no support for further “executive” properties. All new development should be no different in scale to that of the surrounding buildings.
- 6.10. The application site is situated outside of the Great Waltham Defined Settlement boundary. Whilst it is relatively close to Great Waltham village, it does not form part of this village and exhibits clear signs of being a part of the Rural Area with mature vegetation fronting the road and enclosing the rest of the site. These attributes form an integral part of the street and area character.
- 6.11. The application site is not considered to form an infill plot in accordance with Policy DM9, because it is not bordered by development on both sides. The application site represents a wide section of road frontage and is very shallow in depth which in the event of being developed would unavoidably force development close to the street and not be in keeping with the local pattern (grain) of development as exists. The grain of housing in this section of street, owing to its edge of village location, transitions quickly from tighter grain to looser grain and open or vegetated frontage is a notable characteristic of land situated to the west of this site. Residential properties in the vicinity to the northern side of South Street occupy much narrower plots with private gardens being primarily set at the back.
- 6.12. On the west side of the site is a listed building which is set within a large plot, set back from South Street and with notably more limited presence of buildings to street. It is screened from the road by a brick wall and mature vegetation. It is a large house with large gardens in a secluded setting that borders the Defined Settlement boundary, but it is not included within it. The application site is a part of the setting of this house.
- 6.13. Given the application site has a wider frontage than other residential plots and is not bordered by a ribbon of houses on the western side, the plot is not a small gap in an otherwise built up frontage and does not therefore meet the requirements of Policy DM9. The conclusion is that the application site does not form an infill plot.
- 6.14. The application site does not contain any dwellings or other type of development. The proposals would therefore not fall within the definition of previously developed land (PDL) or a replacement of a dwelling in the Rural Area. Criteria listed in Policy DM8 under xii) and xiii) are not met.
- 6.15. This proposal does not contain details of any dwellings within the application site and seeks only to establish the principle of development. Criteria viii) of Policy DM8 cannot therefore be considered with this application.

Impact on the character of the countryside

- 6.16. The application site is currently an undeveloped parcel of land enclosed by mature trees and hedge and is clearly at the pivot between village and rural character. Any new dwelling within the site would be very visible and prominent from several public vantage points and would affect the open setting of this part of South Street. The visual amenity of the area would also be degraded by

changing the verdant nature of the site to an urban plot with all associated paraphernalia including the access, driveways, parking, garden patios and furniture, lighting. Existing mature trees in addition to large areas of road facing vegetation would need to be removed to accommodate the development and provide adequate visibility splays for the use of the site for residential purposes, which would further harm the rural character of the site and locality.

- 6.17. The proposed development would not respect the existing village layout and would result in erosion to the rural character of the southern side of South Street with the addition of a further residential property, ultimately increasing urban character at the cost of rural character and natural beauty. The building itself, as a matter of principle, together with any related works or paraphernalia would be visually intrusive and harmful to the character and beauty of the countryside beyond the village envelope which is contrary to Strategic Policy S11 and Policy DM8.

Impact of the proposal on the character of the Conservation Area

- 6.18. Chapter 16 of the NPPF deals with conserving and enhancing the historic environment. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset including from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Further, it is stated that local planning authorities should refuse consent for development that impacts the significance of heritage assets, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 6.19. Policy DM13 states that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development.
- 6.20. Where there is substantial harm or total loss of significance of the designated heritage asset, consent will be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; or all of the following apply:
- i. the nature of the heritage asset prevents all reasonable uses of the site; and
 - ii. use of the asset is not viable in itself in the medium term, or not demonstrably possible in terms of grant funding; and
 - iii. the harm or loss is outweighed by bringing the site back into use.
- 6.21. Where there is less than substantial harm to the heritage asset this will be weighed against the public benefits of the development proposal, including securing the optimum viable use of the heritage asset. The Council will take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities, local character and distinctiveness.
- 6.22. The application site is located to the western side of Great Waltham village and the majority of the plot falls within the Great Waltham Conservation Area, other than a small section adjacent to the driveway of South House. The adjacent buildings are grade II listed, White Cottage to the east, and South House to the west.
- 6.23. The Conservation Area is centred on St Laurence's Church and a strong part of the area's character is derived from the relationship between the built-up areas with the surrounding parkland of the Langleys Estate, agricultural and otherwise verdant land, which forms the setting to the village.

- 6.24. Historically the application site appears to have been an orchard associated with South House. Whilst there are currently no individually exceptional trees on the site, the existing native boundary treatments and mature trees add to the character of the site and are an appropriate association with the historic setting of South House. The land currently provides an open setting adjacent the drive to South House, which is considered to be an important feature, as it adds to the status of the approach and provides separation between South House and the more tight knit development around the green to the east. Essex County Council Highways Authority have commented on the application requesting a condition requiring a 2.4 metre visibility splay across the entire frontage of the site. In order to comply with that highways requirements a significant level of vegetation would need to be removed, which would be harmful to the existing character of the area and the setting of the listed building, and which could not be reasonably or adequately replaced given the proposed function of the site.
- 6.25. The site is currently very visible from four different approaches, from South Street east to west, from Duffries Close and from Cherry Garden Road. From the four approaches, particularly Duffries Close, the site currently gives an open setting and views over the agricultural land to the south. As described, the village giving way to natural surroundings is an intrinsic attribute of the Conservation Area character.
- 6.26. The proposal is to build a detached dwelling of 1½ or 2 stories on the site. No analysis of the site's contribution to the Conservation Area or the setting of the listed building has been provided in accordance with the NPPF requirements. Only the tree survey is provided, which identifies that some trees can be cleared based on arboricultural merit.
- 6.27. It is noted that a similar proposal was considered under an outline application in 2010 (10/01409/OUT refers) with all matters reserved. That application sought a 3-bedroom 1½ storey cottage style building within the site. This application was refused and dismissed at appeal based on the impact on the rural character of the area, the impact on the Conservation Area and the setting of the listed building at South House.
- 6.28. 2011 appeal decision stated [APP/W1525/A/11/2161806]:
- “the site adds to the character and appearance of the conservation area as an open feature which helps to separate the main conservation area from the ribbon of development which continues beyond it, providing a link to the rural area within which the village is set. It also provides space in the setting of South House which is visually beneficial to both the listed building and the conservation area.”*
- 6.29. Since the site context is not notably different to the 2011 appeal decision and with a lack of any new information or supporting grounds, the heritage issues stated within the previous refusals have clearly not been overcome with the current submission. This is confirmed by assessment of this proposal.
- 6.30. Given that any new building, parking area, the need for visibility splays (which would require removal of a significant level of vegetation) and domestic paraphernalia would all have an adverse impact on the setting of South House and the character of the Conservation Area, and taking into the account the planning history of the site, the development would result in identifiable harm on the character and the setting of the designated heritage assets. Any harm to heritage assets must be given considerable weight in planning assessment.

- 6.31. It is noted that the application form contains the site information, and it is stated that the site is being used for antisocial activities. With the new house the antisocial activities would cease. The Council however does not consider this justification for the development would outweigh the harm to the heritage assets.
- 6.32. Given that no clear public benefit would arise from the development, the proposal conflicts with the objectives of the NPPF and Policy DM13.

Other matters

- 6.33. Supporting information available within this application for permission in principle is not sufficient to establish and consider other planning matters including the relationship with the neighbouring residential properties, whether the development would comply with the nationally prescribed development standards, and whether the new property would be provided with adequate access and parking provision, for example. These matters would, in the event that permission in principle were to be granted, need to be considered alongside other detailed matters as part of the technical details consent stage.

Ecology consideration

- 6.34. Chapter 15 of the NPPF requires that planning decisions should minimise impact on and provide net gains for biodiversity. Paragraph 186 of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 6.35. Chelmsford Local Plan Policy DM16 states that all development proposals should:
- i. Conserve and enhance the network of habitats, species and sites (both statutory and non-statutory, including priority habitats and species) of international, national and local importance commensurate with their status and give appropriate weight to their importance; and
 - ii. Avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts; and
 - iii. Deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats, and enhancing them for the benefit of species.
- 6.36. The site is an undeveloped parcel of land which contains a number of mature trees. This environment might be conducive to various protected species and their habitats.
- 6.37. The application does not contain sufficient information from a qualified ecologist to demonstrate that there are no protected species, or habitats which would support them, within the site. Therefore, it has not been demonstrated that the proposals would not result in harm to protected species or their habitat.
- 6.38. In the absence of adequate survey information regarding protected species and their habitat, the application fails to demonstrate that there would not be harm arising from the proposed development in respect of ecology and is contrary to the requirements of Local Plan Policy DM16 and the objectives of Chapter 15 of the NPPF.

Habitat Regulations

- 6.39. Section 15 of the NPPF requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided adequate mitigation, or, as a last resort, compensated for, then planning permission should be refused.
- 6.40. Chelmsford Local Plan Policy DM16 requires that Developments that are likely to have an adverse impact (either individually or in combination with other developments) on European Designated Sites must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoiding or mitigating against impacts where identified.
- 6.41. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Prior to RAMS completion, the authority will seek contributions, where appropriate, from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitats Regulations and Habitats Directive.
- 6.42. The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to a European designated site, in this case specifically the Blackwater Zone of Influence. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development.
- 6.43. The application fails to provide information to allow the likely significant effects to be ruled out or mitigated. The proposal development is therefore in conflict with the NPPF and Local Plan Policy DM16.

7. Community Infrastructure Levy (CIL)

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

8. Recommendation

The Application be REFUSED for the following reasons:-

Reason 1

Policy DM8 relates to new buildings in the Rural Area. This states that planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and where the development falls into one of the listed criteria.

Policy DM9 states that planning permission will be granted for infilling in the Rural Area provided that the site is a small gap in an otherwise built-up frontage; and the development does not detract from the existing character or appearance of the area and would not unacceptably impact on the function and objectives of the designation.

Given the application site has wide frontage and is not bordered by a ribbon of houses on the western side, the plot does not meet the requirements of Policy DM9 and is not considered to form an infill plot.

The application site does not contain any dwellings or other type of development. The proposals would therefore not fall within the definition of previously developed land (PDL) or a replacement of dwellings in the Rural Area. Criteria listed in Policy DM8 under xii) and xiii) are not met.

The proposal conflict with the aims of Policies DM8 and DM9 of the Local Plan.

Reason 2

Strategic Policy S11 of the Chelmsford Local Plan states that the intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

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

The application site is currently an undeveloped parcel of land enclosed by mature trees and the hedge and defines the end of village boundary. Any new dwelling within the application site would be very visible from several public vantages and would affect the open setting of this part of South Street. The visual amenity of the area would be degraded by changing the verdant nature of the site to an urban plot with all associated paraphernalia including the access, driveways, parking, garden patios and furniture, lighting. Existing mature trees in addition to large areas of road facing vegetation would need to be removed to accommodate the development and provide adequate visibility splays for the use of the site for residential purposes, which would further harm the rural character of the site and locality.

The proposed development would not respect the existing village layout and would result in erosion to the rural character of the southern side of South Street with the addition of a further residential property, ultimately increasing urban character at the cost of rural character and natural beauty. The building itself, as a matter of principle, together with any related works or paraphernalia would be visually intrusive and harmful to the character and beauty of the countryside beyond the village envelope which is contrary to Strategic Policy S11 and Policy DM8.

Reason 3

Chapter 16 of the National Planning Policy Framework (NPPF) deals with conserving and enhancing the historic environment. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset including from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Further, it is stated that local planning authorities should refuse consent for development that impacts the significance of heritage assets, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy DM13 states that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development.

The site contributes to the character and appearance of the Conservation Area as an open and undeveloped feature. The contribution this site makes to the Conservation Area and setting of South House are intrinsic to their character.

Redevelopment of this site with new building, parking area, appropriate visibility splays (which would require removal of a significant level of vegetation) and domestic paraphernalia would all have an adverse impact on the setting of South House and the Conservation Area.

No sufficient justification has been provided with this submission to outweigh the identified harm to the heritage assets. No substantial public benefit would arise from the development. As such any adverse impact on the character of the designated heritage assets has not been justified as it is required by the NPPF and Policy DM13.

Reason 4

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

Chelmsford Local Plan Policy DM16 states that all development proposals should:

- iv. Conserve and enhance the network of habitats, species and sites (both statutory and non-statutory, including priority habitats and species) of international, national and local importance commensurate with their status and give appropriate weight to their importance; and
- v. Avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts; and
- vi. Deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats, and enhancing them for the benefit of species.

The site is an undeveloped parcel of land which contains a number of mature trees. This environment might be conducive to various protected species and their habitats.

In the absence of adequate survey information regarding protected species and their habitat within the site, the application fails to demonstrate that there would not be harm arising from the proposed development in respect of ecology and is contrary to the requirements of Local Plan Policy DM16 and the objectives of Chapter 15 of the NPPF.

Reason 5

Section 15 of the National Planning Policy Framework (NPPF) requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided adequate mitigation, or, as a last resort, compensation for, then planning permission should be refused.

Policy DM16 of the Chelmsford Local Plan states that where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to a European designated site, in this case specifically the Blackwater Zone of Influence. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development.

The application fails to provide information to allow the likely significant effects to be ruled out or mitigated. The proposal development is therefore in conflict with the NPPF and Local Plan Policy DM16.

Notes to Applicant

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

- 2 Please note that the refusal reason in relation to the lack of mitigation for increased recreational pressure to a European designated site could be overcome through a financial contribution or legal agreement to secure a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Further information is available at: <https://www.chelmsford.gov.uk/planning-and-building-control/essex-coast-rams/>

Positive and Proactive Statement

The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

Great Waltham Parish Council

Comments
The Parish Council has no objections.

Essex County Council Highways

Comments
<p>It is noted that the proposal is located in a conservation area.</p> <p>For the vehicular access please refer to the Arboricultural Advice on Development Feasibility document, Project Ref: 958 18th September 2023:</p> <ul style="list-style-type: none"> o The vehicular access would be located centrally to site frontage and adjacent to the South Street carriageway and would require complete removal of the trees T7 and T8. See Tree Survey Plan Land at South Street, drawing Ref: 958-sk01 ' 29th August 2023. o Appropriate visibility splays could be provided. However, this would require facing back and possible removal and replanting behind the visibility splay alignment of the existing hedges H14 and H15. <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Prior to first occupation of the development, the vehicular access, location in principle at tree locations T7 and T8 shown in the Tree Survey Plan Land at South Street, drawing Ref: 958-sk01 ' 29th August 2023, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the South Street carriageway. This would require facing back and possible removal and replanting behind the visibility splay alignment of the existing hedges H14 and H15. Such vehicular visibility splays shall be provided and retained free of any obstruction at all times. <p>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.</p> <ol style="list-style-type: none"> 2. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for; <ol style="list-style-type: none"> 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. v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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.

3. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing South Street carriageway. The width of the access at its junction with the highway shall not be less than 3.6 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 proposed development, off-street vehicle parking provided in accordance with the Parking Standards. In this instance no less than 2no. parking spaces each 2.9 metres by 5.5 metres shall be provided, sited clear of the highway boundary and any visibility splays. The vehicle parking area and associated turning area shall be retained at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

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

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

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

Please include the informative for 2 and 3 above:

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

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

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Public Health & Protection Services

Comments
08.12.2023 - This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated).

Local Residents

Comments
No representations received.

Appendix 2 – Drawings



0 5 10 20 Metres

1:800



**Planning Committee
23/01916/PIP**

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

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

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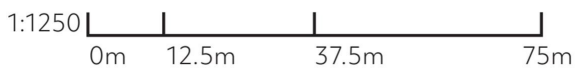
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Telephone: 01245 606826

SITE LOCATION PLAN



NORTH



Arboricultural Advice on Development Feasibility

For proposed development of Land at South Street, Great Waltham

Title: EX481870

Date: 18th September 2023
Project Ref: 958

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- APPENDIX 2 Tree Schedule
- APPENDIX 3 Tree Survey Plan (ref: 958-sk01)
- APPENDIX 4 Tree Constraints Plan (ref: 958-sk02)

1 INTRODUCTION

1.1 Background

- 1.1.1 Arborterra Ltd is instructed carry out a preliminary survey and provide advice on Arboricultural issues relating to proposed development of Land at South Street.
- 1.1.2 The survey and advice have been carried out / prepared by Mr Oisin Kelly, Arboricultural Consultant, MArborA, MAE. Mr Kelly's professional profile is contained at APPENDIX 1.

1.2 The Site

- 1.2.1 The site comprises land defined by title deed EX481870. The site contains a number of trees of mixed species, including several trees of mixed species situated on-site adjacent the northern boundary with South Street.
- 1.2.2 The site is situated within Great Waltham Conservation Area and outside of the village development boundary. South House (to the south-west) and White Cottage (to the East) are Grade II Listed buildings. A sycamore tree located off-site within the curtilage of White Cottage, is the subject of a Tree Preservation Order. The TPO'd tree is referred to in the TPO and in this report as Sycamore T1.
- 1.2.3 Subject to certain exemptions, consent is required under the Tree Preservation Order (TPO) in order to cut down, top, lop, uproot, wilfully damage, or wilfully destroy a tree to the TPO applies.
- 1.2.4 Similar protection is provided for all other trees in a Conservation Area, again subject to certain exceptions. However, rather than needing to obtain consent, the obligation is to provide the Council with six week's prior written notice of intended works. During this six week period the Council may serve a TPO, in which case an application for consent under the TPO is required as described at 1.2.3 above.

1.3 The Proposal

- 1.3.1 The proposal is for a single detached small dwelling that would be carefully designed with vernacular architecture respecting the nearby Grade II Listed Buildings.

2 THE TREE SURVEY

2.1 Method

- 2.1.1 The tree survey was carried out on 29/08/2023.
- 2.1.2 Trees were plotted to an Ordnance Survey Plan. Tree positions were determined by consumer grade GPS, measurements on-site and cross-referencing with geo-referenced aerial photographs. Tree positions as shown should be considered approximate only.
- 2.1.3 All observations were made from ground level. Unless otherwise indicated tree stem diameters were measured. Where visibility allowed, tree heights were measured with a laser rangefinder. Tree crown spreads were paced out to the four cardinal points.
- 2.1.4 The trees were categorized for their quality / value in accordance with “Trees in relation to design, demolition and construction – Recommendations” (BS5837:2012)¹. The categorisation is intended to assist in determining which trees should be removed or retained in the event of development. The categories are summarised as follows:
- Category A: trees of high quality
 - Category B: trees of moderate quality
 - Category C: trees of low quality
 - Category U: trees not worthy of retention because of their condition
- 2.1.5 Root Protection Areas (RPAs) have been calculated in accordance with BS5837:2012. (See 3.2.2 below for an explanation of RPAs). The default shape of the RPA is a circle centred on the tree stem. In this instance, there are no factors that indicate it is appropriate to modify the shape of the RPAs.

2.2 Results

- 2.2.1 The numbers of trees surveyed by category are detailed in the table below.

Table 1. Count of trees surveyed, by Quality Category

Quality category	Trees	Groups	Hedges*
A	0	0	3
B	2	0	
C	5	2	
U	3	0	
TOTALS	10	2	3

* Quality categories apply to trees only

- 2.2.2 The Tree Schedule at APPENDIX 2 contains tabulated data on the trees including details of their type, size, condition, RPA size and ‘quality category’.

¹ BS5837 is a standard reference document used by local planning authorities and the Planning Inspectorate when considering trees in the development context.

2.2.3 The Tree Survey Plan at APPENDIX 3 shows the location of the trees in relation to the existing site layout. The trees are coloured to indicate their 'quality categories' as described above.

2.3 Photographs from the tree survey

Photo 1. View looking east past the site from South Street. Approximate extent of site indicated by red brace (curly bracket). Hedges as labelled.



Photo 2. View looking west-south-west past the site from South Street. Approximate extent of site indicated by red brace (curly bracket). Site continues approximately 5m off bottom left of photos.



Photo 3. Sycamore T1, which is the subject of a TPO.



Photo 4. Sycamore T1. The lowest branch extending over site provides a clearance of 4.5m at the boundary, rising over the site.



Photo 5. Leyland cypress T2 and holly T3. Leyland cypress T2 appears to have been topped, but no clear view was available. Holly T3 is an understorey tree shaded by T1 and T2. There are no clear views of T3 from South Street.



Photo 6. Leyland cypress T4. Once topped at 4m. Five or so upright stems from 4m. One of five leaders dying back from top. Epicormic shoots from 0 to 4m could be removed. Warrants reduction in height and 1.5m spread.



Photo 7. Top of cypress T4 showing die-back.



Photo 8. English elm T8 is dead. Its removal is exempt from Conservation Area controls.



Photo 9. Norway maple T6. Subdominant leader on W side dying back from tips. Cause unclear. Dominant leader on SE side.



Photo 10. Norway maple T6 as viewed from South Street, showing dead twigs in west side of crown. Based on my preliminary survey, it seems more likely than not that the tree will recover.



Photo 11. Lawson cypress T8 has a small live crown due to smothering ivy. Appears likely to die within the next few years.



Photo 12. Closer view of Lawson cypress T8 upper crown.



Photo 13. Colorado blue spruce T8. There is scattered die-back of laterals and premature loss of 2 year and older foliage. Ivy is establishing in crown.



Photo 14. Die back in upper crown of spruce T8. The top 1m or so of the leading shoot is dead. Tree appears to be in terminal spiral of decline, and appears unlikely to recover.



Photo 15. Lawson cypress T10. Some browning and loss of 2 year and older foliage, but no die-back.



Photo 16. Closer view of cypress T10's crown. It is uncertain whether tree will recover, but benefit of the doubt should be given.



Photo 17. Leyland cypress TG11. It is recommended that low branches over the site are removed to provide 4m clearance. The upper crown could be cut back on the site side by 1m.



Photo 18. Leyland cypress TG11. The top of one tree has failed and is 'hung-up' over the site. This should be removed.



Photo 19. Mixed hedge H13 on southern boundary.



3 PRELIMINARY ADVICE

3.1 Tree Condition

3.1.1 English elm T5 is dead and is recommended for removal. Removal of T5 is exempt from Conservation Area controls. However, for trees in a Conservation Area that dies, section 213 of the Town and Country Planning Act 1990, places an obligation on the landowner to:

plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

3.1.2 Lawson cypress T7 is in poor condition and is unlikely to recover. It is anticipated the tree will die within the next 5 years or so. Removal of T7 is NOT exempt from Conservation Area controls. However, if a notice of intent to fell T7 was served on the Council, I can see no reasonable basis on which the Council would make a TPO on this tree.

3.1.3 Colorado blue spruce T8 is in poor condition and is unlikely to recover. It is anticipated the tree will die within the next 5 years or so. Removal of T8 is NOT exempt from Conservation Area controls. However, if a notice of intent to fell T8 was served on the Council, I can see no reasonable basis on which the Council would make a TPO on this tree.

3.2 Constraints on Development

3.2.1 It is assumed for this further advice that T5, T7 and T8 will be removed due to their condition. The Tree Constraints Plan at APPENDIX 4 shows the remaining trees, i.e. excluding T5, T7 and T8, along with the following information:

- trees proposed for removal or retention;
- Root Protection Areas (RPAs); and,
- target notes in relation to the development proposals and arboricultural constraints.

3.2.2 Root Protection Areas (RPAs) are the nominal minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. The British Standard BS5837:2012 states that the 'default position' is that there should be no buildings within the RPAs of retained trees. There may be some scope to encroach a little, but the applicant would need to show that no harm would come to the trees, either as: (a) a result of the development; and (b) as a result of the reasonable use of the property. So for instance in the case of the latter, regardless of root protection, if the tree were so close to the proposed dwelling that it would be perceived as dangerous or overbearing, or cause unacceptable shade etc, it might be considered that the long term retention of the tree was unrealistic, and the proposal would be considered accordingly. For hard landscaping, e.g. drives or patios, BS5837:2012 recommends that new hard landscape should not occupy more than 20% of the RPA. Care should be taken applying this threshold because in practice, the actual construction footprint of hard surfaces may exceed the finished footprint, for example to slopes and need for kerbing etc.

- 3.2.3 I have assumed that trees outside of the site will be retained, e.g. T1 and TG11.
- 3.2.4 Lawson and Leyland cypress are exotic species of low ecological value, although they do provide bird nesting opportunities. Consequently they are often value less than broadleaf and native species. However, in this context, there are other cypress trees alongside this stretch of South Street and they do contribute to the street scene and character of the Conservation Area in the immediate vicinity of the site. I would expect the local planning authority to resist removal of these trees.
- 3.2.5 There is perhaps more scope to seek removal of Leyland cypress T2 and T12, which are less prominent in the street scene. This may provide greater flexibility in layout design.

Access

- 3.2.6 The removal of T7 and T8 does provide sufficient room for a vehicular access into the site. However, a detailed highway visibility assessment is required to assess whether sections of hedge H14 would be required to clear obstructions within the required visibility splays.
- 3.2.7 There is some ambiguity regarding the application or otherwise of Conservation Area controls to hedgerows, The issue is whether or not the plants within the hedge are trees. There is no clear legal or botanical definition of what constitutes a tree or shrub – both are woody perennials. In the case of privet H15, privet is generally accepted as a shrub, not a tree (although privets can grow to tree-sized statures, even in the UK). However, H14 is comprised of tree species such as elm, hawthorn and plum etc., albeit that H14 is clearly trimmed and maintained as a hedge. The matter is therefore subject to the discretion of the local planning authority, normally the Tree Officer. However, any plants within the hedgerow that have stem diameters (at 1.5m) below 75mm are exempt from Conservation Area controls.
- 3.2.8 Notwithstanding the possible application of Conservation Area controls to H14, consideration also need to be given to the application or otherwise of The Hedgerow Regulations. [Section 3 of The Regulations states:](#)

3(1) Subject to paragraph (3), these Regulations apply to any hedgerow growing in, or adjacent to, any common land, protected land, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys, if—

(a) it has a continuous length of, or exceeding, 20 metres; or

(b) it has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow.

(2) Subject to paragraph (3), a hedgerow is also one to which these Regulations apply if it is a stretch of hedgerow forming part of a hedgerow such as is described in paragraph (1).

(3) These Regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house.

...

[Please refer to entire section for full context].

3.2.9 In my view, it seems unlikely that hedge H14 would be considered to satisfy the exemption at sub-paragraph 3 above, i.e. the hedge is NOT *“within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house”*. I assume that the site is NOT designated common land or protected land. Whether or not therefore The Hedgerow Regulations apply seems to be dependant on whether the site is *“land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys”*.

3.2.10 The Regulations states that

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock ..., the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”

3.2.11 I defer to John Dagg on whether the land meets these criteria and therefore whether The Hedgerow Regulations apply to H14.

3.2.12 In respect of hedge H13, the matter seems clearer and in my opinion The Hedgerow Regulations do apply.

3.2.13 Regardless, it should be noted that The Hedgerow Regulations do not apply to trimming of the hedge in accordance with normal management practise. That is, within reason, the hedge can likely be reduced in height and width.

3.2.14 However, whilst at this stage I have not conducted a full hedgerow assessment, it seems unlikely to me that either H13 or H14 would qualify as ‘Important’ under the Regulations. On this basis, if a Hedgerow Removal Notice was served on the Council, they would be unable to serve a Hedgerow Retention Notice. Of course, this is separate and distinct from the development control process, under which the retention or removal or pruning of the hedge is a material consideration, i.e. pruning or removing the hedge could form the basis, in whole or in part, of a reason for refusal.

4 SUMMARY

- 4.1.1 Removal of T5, T7 and T8 is justified by their condition.
- 4.1.2 The local planning authority will probably seek retention of the other trees adjacent the boundary with South Street: T1, T3, T4, T6, TG9 and T10.
- 4.1.3 There is a case to be made for removal of Leyland cypresses T2 and T12.
- 4.1.4 Removal of T7 and T8 provides space for a new vehicle access into the site. However, visibility splays need to be considered in relation to the impact on hedge H14.

-- END --

APPENDIX 1

Professional Profile for Oisin Kelly

PROFESSIONAL PROFILE FOR OISIN KELLY

Oisín is an Arboricultural Consultant with over 30 years' experience across planning, subsidence, tree-risk management, aviation and utility sectors. He acts as an Expert Witness in relation to planning appeals, tree-related subsidence, tree-related property damage and personal injury, and alleged contraventions of tree preservation orders and felling licenses. Oisín has appeared in Magistrates Court, County Court and High Court (including the Technology and Construction Court). He has provided written representations on planning appeals and has appeared at Hearings. He also provides arboricultural services to planners, developers, local authorities, architects and their agents.

ACADEMIC QUALIFICATIONS

BSc Forestry (hons)

Diploma in Management Studies

MEMBERSHIPS

Member of the Arboricultural Association

Member of the Academy of Experts

Associate Member of the Institute of Chartered Foresters

EXAMPLE Projects

BPT Limited v Patterson & Patterson [2016] Central London County Court (TCC)

Brown v Harlow Council [2011] Central London County Court

Lovett, Newman and Barton v Epping Forest District Council [2011] Harlow Magistrates Court

Berent v Family Mosaic Housing [2011] EWHC 1353 (TCC)

Lamb & Lamb v Hampshire County Council [2010] Central London County Court

Loftus-Brigham v Ealing LBC [2003] EWCA Civ 1490,

Eiles v Southwark LBC [2006] EWHC 1411 (TCC)

University of Essex: Tree risk management and arboricultural consultancy at their Colchester, Loughton and Southend Campuses, which contain around 3000 individual trees, and many more in groups and woodlands, of which around 100 are veteran trees. Design of Tree Management Database.

Lawford House is a development of 10 residential units within a parkland setting containing veteran trees. The initial Arboricultural Survey identified the relevant constraints allowing appropriate impact avoidance and mitigation to be 'designed-in'. The consultation phase included representations on a new and existing TPO, which were subsequently revoked and a new TPO re-made in accordance with Oisín's recommendations.

Bolingbroke Park is a major development of 231 residential units and involved detailed consultation with planners at pre-application, application and during construction. Other inputs included Arboricultural Impact Assessments, Arboricultural Method Statements, Veteran Tree Management Plans and appointment as the Arboricultural Clerk of Works.

Bell School Development Site is a residential development of 270 dwellings, comprising houses and apartments, including affordable housing and 100-bed student living accommodation for the Bell Language School. The site is in the Southern Fringe Growth Area of Cambridge. I supported the scheme from design through to planning consent, including consultation meetings with the local planning authority.

Support of various Councils in the redevelopment and infill development of sites on the Housing Revenue Account for affordable housing, including surveys, reports, preliminary advice and public consultations.

CAREER HISTORY

Arborterra Ltd

2019 to present	Co-owner, Arboricultural Consultant	Expert Witness and Arboricultural Consultant providing clients with advice relating to trees and development, tree preservation, tree risk management and tree-related subsidence damage.
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Self-employed Sole Trader

2015 – 2019	Arboricultural Consultant	Expert Witness and Arboricultural Consultant providing clients with advice relating to trees and development, tree preservation, tree risk management and tree-related subsidence damage.
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Landscape Planning Group Limited

2013 - 2015	Principal Consultant	Arboricultural Consultant. To line manage and lead the Planning Team of Arboriculturists, Ecologists and Landscape Architects to meet sales and revenue targets. To manage projects within agreed deadlines, making maximum use of potential revenue opportunities, whilst maintaining client satisfaction.
2008 - 2013	Principal Consultant	Arboricultural Consultant. As above for delivery of Tree Risk Management Services.
2006 - 2008	Regional Manager	Regional Manager of Colchester Officer providing Arboriculture, Ecology and Landscape Services across planning, local government and risk management sectors. Arboricultural Consultant
2004-2006	Director of Technical Services	To provide a focus for commercial innovation in technical skills, system evolution, equipment, software, hardware and R&D. Arboricultural Consultant
2002 – 2004	Head of Insurance of Services	Main client contact and technical authority for provision of tree-related subsidence services to loss adjusters, engineers and insurers across the UK. Line Management of Arboricultural Consulting Staff and administrative support. Arboricultural Consultant
1997 – 2002	Consulting Arboriculturalist	Fee earner specialising in tree-related subsidence.

London Borough of Hounslow

1994 - 1997	Senior Arboricultural Officer	Team leader with responsibility for budgetary control and staff. Maintaining Council owned trees. Providing arboricultural advice to the Planning Department in respect of development control, enforcement and tree preservation
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London Borough of Redbridge

1991 - 1994	Assistant Arboricultural Officer	Maintaining Council owned trees. Providing arboricultural advice to the Planning Department in respect of development control and tree preservation
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APPENDIX 2

Tree Schedule

Key to Tree Schedule

Type	T - Tree (individual) TG - Tree group S - Shrub SG - Shrub Group H - Hedge W - Woodland
Num	Unique reference number
Species	Species common name
Stem Diam	Stem diameter at 1.5m format: diameter (mm) x no. of stems
Ht	Tree height (m)
Sprd N	Crown spread north (m)
Sprd S	Crown spread south (m)
Sprd E	Crown spread east (m)
Sprd W	Crown spread west (m)
Age Class	YO - Young SM - Semi-mature EM - Early mature MA - Mature SE - Senescent
Cond Class	Condition Class: G - Good F - Fair P - Poor D - Dead or dying

Comments	Survey Comments
Recommendations	Survey Recommendations
Life span	Anticipated remaining 'useful' lifespan in years 0 - Dead <10- less than 10 years 10+- 10 to 20 years 20+- 20 to 40 years 40+- more than 40 years
Qual Cat	BS 5837:2012 Quality Categories Made of of a letter prefix A- High quality or value B- Moderate quality or value C- Low quality or value U- Poor quality or value ...and a number suffix 1- mainly arboricultural values 2- mainly landscape value 3- mainly ecological, cultural or social value
	'-' indicates value not applicable, for example: - lines or areas of trees and shrubs have a single crown spread measurement under spreadN. - Quality Categories do not apply to hedges and shrubs

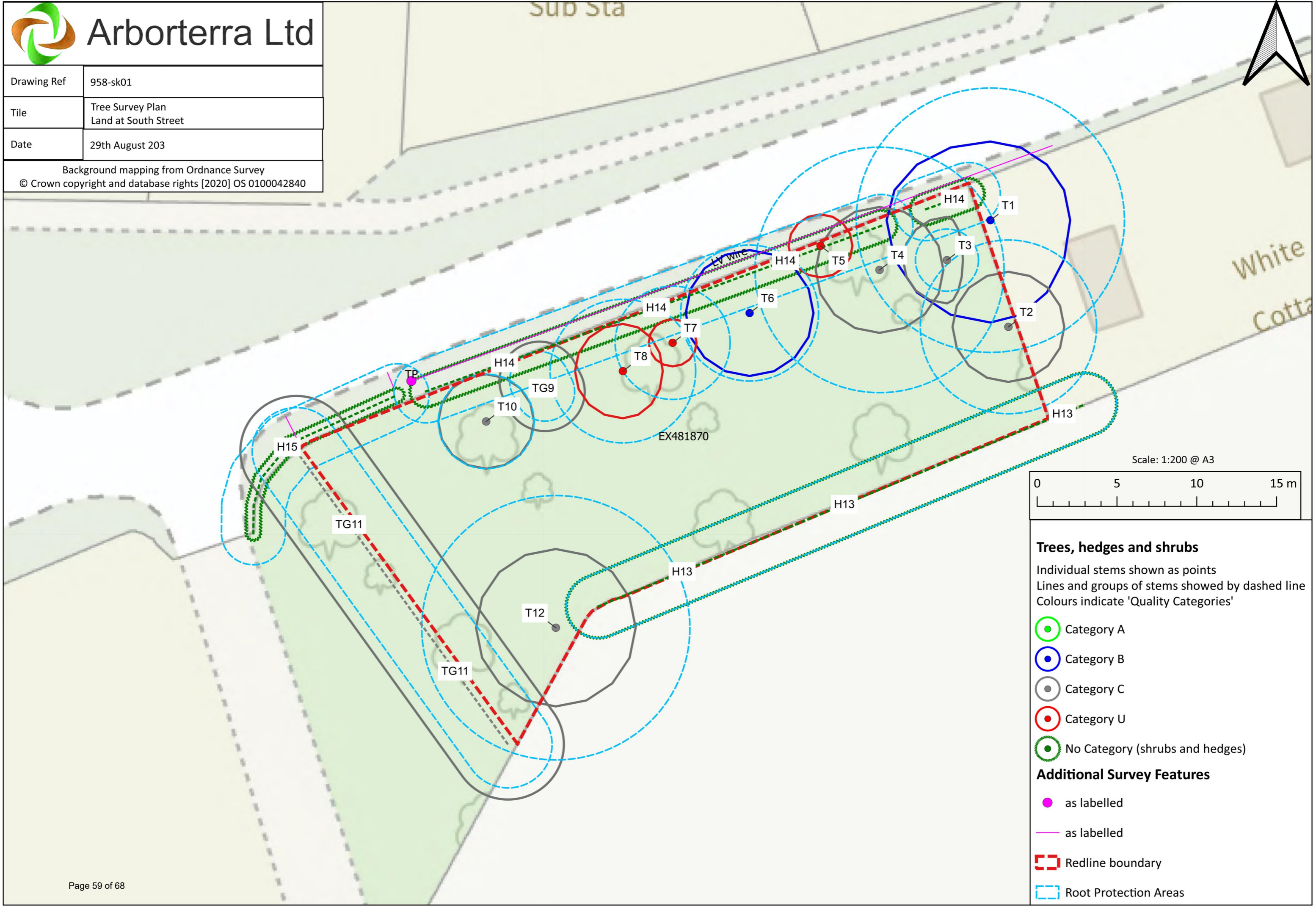
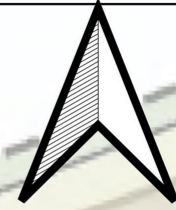
Type	Num	Species	Stem Diam.	Ht	Sprd N	Sprd S	Sprd E	Sprd W	Age Class	Cond Class	Comments	Recommendations	Life span	Qual Cat
T	1	Sycamore	700 x1	15.6	5	6.5	5	6.5	EM	G	Recently TPOd. Epicormic at 4.5m West side, extending west, ascending slightly.		40+	B1
T	2	Leyland cypress	460 x1	11	3.5	3.5	3.5	3.5	EM	G	Appears to have been topped, but no clear view was available.		40+	C2
T	3	Holly	95 x3	6	2.75	2.75	1	2.75	SM	F	Growing beneath canopy of sycamore. There are no clear views of T3 from South Street.		40+	C1
T	4	Leyland cypress	650 x1	15	4	4	4	4	EM	F	Once topped at 4m. 5 or so stems from 4m. 1 of 5 leaders dying back from top. Epicormic shoots from 0 to 4m could be removed. Warrants reduction in height and 1.5m spread.		10+	C1
T	5	English elm		6	2	2	2	2	SM	D	A dead tree. Its removal is exempt from Conservation Area controls.	Fell due to condition	0	U
T	6	Norway maple Schwedlerii	360 x1	10	4	4	4	4	SM	F	Dbh@1m, below swelling for bifurcation at 1.5m. LV line through NW side of crown. Ivy previously severed and dead parts through crown. Live ivy around base obstructed full inspection. Subdominant leader on W side dying back from tips. Cause unclear. Dominant leader on SE side. Based on my preliminary survey, it seems more likely than not that the tree will recover.		20+	B2
T	7	Lawson cypress	300 x1	8.5	1.5	1.5	1.5	1.5	EM	P	Small live crown. Ivy has become dominant. Likely to die in next few years.	Fell due to condition	<10	U
T	8	Colorado Blue Spruce	380 x1	12.5	3	3	2.5	3	EM	P	There is scattered die-back of laterals and premature loss of 2 year and older foliage. Ivy is establishing in crown. Die back in upper crown. The top 1m or so of the leading shoot is dead. Tree appears to be in terminal spiral of decline, and appears unlikely to recover.		<10	U
TG	9	Spindle	120 x1 70 x2	4.5	2.5	-	-	-	MA	G			20+	C3

Type	Num	Species	Stem Diam.	Ht	Sprd N	Sprd S	Sprd E	Sprd W	Age Class	Cond Class	Comments	Recommendations	Life span	Qual Cat
T	10	Blue Lawson cypress	250 x1	12	3	3	3	3	EM	F	Some browning and loss of 2+year foliage, but no die-back.		20+	C2
TG	11	Leyland cypress	230 x1	12	3.5	-	-	-	SM	G	Crown lift to 4m over site. Reduce overhang of upper crown by 1m. Remove snapped top of second tree from front. Which is hung up above site		20+	C2
T	12	Leyland cypress	700 x1	16	5	5	5	5	EM	F	Bifurcates, poss topped, at approx 6m.		10+	C1
H	13	Holly, field briar, privet, hawthorn, elm (dead),, blackthorn	0 x1	2.5	2	-	-	-	-	-	Ht 2.5 to 5. It is unclear if hedge is on or off-site. It is adjacent agricultural land. Hedgerow Regulations likely to apply.		-	-
H	14	Elm, Hawthorn, Plum et al	0 x1	3	1	-	-	-	-	-	Need to consider if hedge is subject to the Hedgerow Regulations. It was unclear at survey whether the hedge is on or off site. It is mostly located on road side of old wire fence. At east end, woody stems in band 70cm wide. 1.3m off road edge . Hedge face right up to road edge. Possible obstruction to visibility splays.		-	-
H	15	Privet	0 x1	1.2	0.45	-	-	-	-	-	Clipped.		-	-

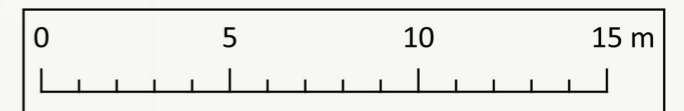
APPENDIX 3

Tree Survey Plan (ref: 958-sk01)

Drawing Ref	958-sk01
Tile	Tree Survey Plan Land at South Street
Date	29th August 203
Background mapping from Ordnance Survey © Crown copyright and database rights [2020] OS 0100042840	








Scale: 1:200 @ A3



Trees, hedges and shrubs

Individual stems shown as points
Lines and groups of stems showed by dashed line
Colours indicate 'Quality Categories'

-  Category A
-  Category B
-  Category C
-  Category U
-  No Category (shrubs and hedges)

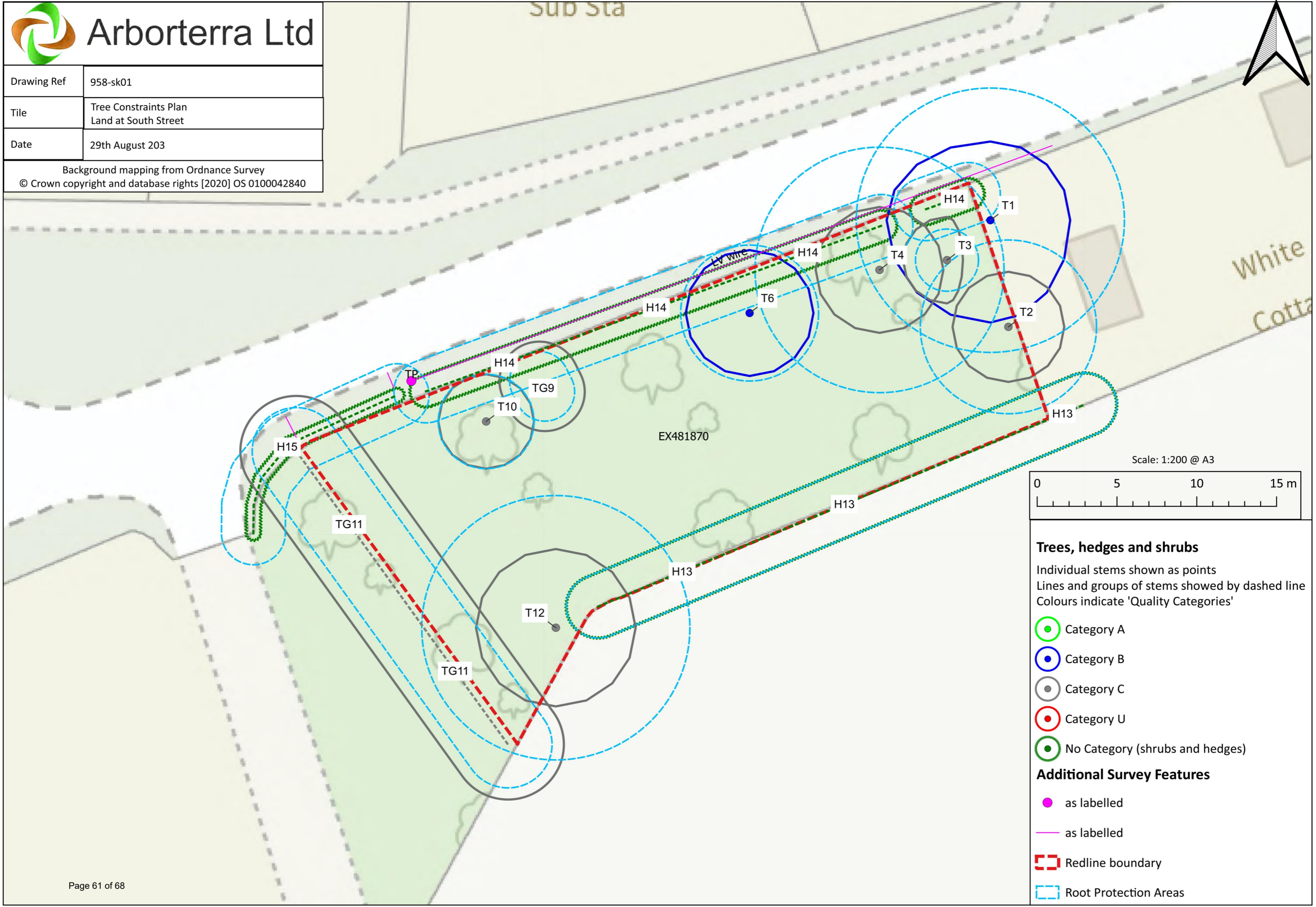
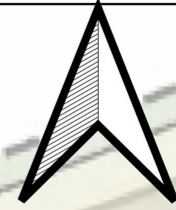
Additional Survey Features

-  as labelled
-  as labelled
-  Redline boundary
-  Root Protection Areas

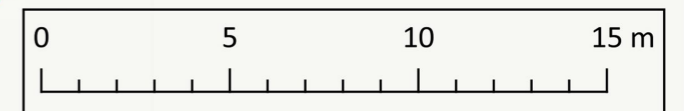
APPENDIX 4

Tree Constraints Plan (ref: 958-sk02)

Drawing Ref	958-sk01
Tile	Tree Constraints Plan Land at South Street
Date	29th August 203
Background mapping from Ordnance Survey © Crown copyright and database rights [2020] OS 0100042840	








Scale: 1:200 @ A3



Trees, hedges and shrubs

Individual stems shown as points
Lines and groups of stems showed by dashed line
Colours indicate 'Quality Categories'

-  Category A
-  Category B
-  Category C
-  Category U
-  No Category (shrubs and hedges)

Additional Survey Features

-  as labelled
-  as labelled
-  Redline boundary
-  Root Protection Areas



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Appeals Report

Appeal Decisions received between 21/11/2023 and 14/02/2024

PLANNING APPEALS

Total Appeal Decisions Received	13	
Dismissed	8	62%
Allowed	5	38%
Split	0	0%

Informal Hearing

Land Adjacent Sunnyside Cottage Cumming Road Downham Billericay Essex

Reference	22/00965/OUT
Proposal	Outline planning application for the construction of a new dwelling with a detached garage and formation of access. Access being sought, all other matters (appearance, landscaping, layout, scale) reserved.
Appeal Decision	Appeal Allowed - 02/02/2024
Key Themes	Infilling in the Green Belt; Whether the location of site is sustainable.
Agreed with CCC on	
Disagreed with CCC on	Proposal would be limited infilling in the Green Belt; The location of the site is sustainable.
Costs Decision	Appellant's application for costs: Costs refused

Land Adjacent Sunnyside Cottage Cumming Road Downham Billericay Essex

Reference	22/00964/FUL
Proposal	The use of land for the stationing of a caravan for residential purposes. Formation of a new access and hardstanding and proposed day room ancillary to residential use.
Appeal Decision	Appeal Allowed - 02/02/2024
Key Themes	Whether the proposal would be inappropriate development for the purposes of Green Belt policy; the effect of the proposal on the openness of the Green Belt; whether the site would be an appropriate location for residential development; if the harm to the Green Belt is outweighed by other considerations (in this case, the need for G T provision).
Agreed with CCC on	The proposal is innappropriate development in the GB; The proposal would fail to preserve openness.
Disagreed with CCC on	Location of the site is sustainable; Very special circumstances exist to clearly outweigh the harm to the Green Belt.
Costs Decision	Appellant's application for costs: Costs refused

Written Reps

Land West Of Battlesbridge Bypass Rettendon Wickford

Reference	22/00179/FUL
Proposal	Construction of a battery energy storage system and ancillary development.
Appeal Decision	Appeal Allowed - 23/01/2024
Key Themes	Green Belt (inappropriate development, openness); character and appearance; very special circumstances.
Agreed with CCC on	The development constitutes inappropriate development, is harmful to openness, and harmful to the character and appearance of the area.
Disagreed with CCC on	Existence of very special circumstances. The Inspector concluded that the need for the battery energy storage system outweighed the collective harm caused, amounting to very special circumstances. With conditions, the development was deemed acceptable.
Costs Decision	None

Silverwood South Hanningfield Road Rettendon Common Chelmsford Essex CM3 8HE

Reference	22/00851/FUL
Proposal	Retrospective application for the construction of an outbuilding for the housing of plant and machinery for the equestrian facility.
Appeal Decision	Appeal Dismissed - 08/12/2023
Key Themes	GB openness
Agreed with CCC on	Harm to openness
Disagreed with CCC on	
Costs Decision	None

Silverwood South Hanningfield Road Rettendon Common Chelmsford Essex CM3 8HE

Reference	22/00666/FUL
Proposal	Application for the redevelopment of a single dwelling house and demolition of equestrian/storage buildings
Appeal Decision	Appeal Dismissed - 08/12/2023
Key Themes	GB openness; Ecology; Design
Agreed with CCC on	Harm to openness; Insufficient ecology information
Disagreed with CCC on	Design
Costs Decision	None

Awes Farm Ingatestone Road Highwood Chelmsford Essex CM1 3QS

Reference	22/01555/FUL
Proposal	Construction of a stable block for livery yard, outdoor menage and associated access and parking area.
Appeal Decision	Appeal Dismissed - 22/11/2023
Key Themes	- Harm to openness of the Green Belt- Revised plans not accepted, the appeal determined based on plans submitted with the original application- The appeal determined on its own merits
Agreed with CCC on	- The development reduces the openness of the Green Belt - No very special circumstances
Disagreed with CCC on	- None
Costs Decision	None

Site At Livery Yard Lodge Farm Heath Road Ramsden Heath Billericay Essex

Reference	22/01465/FUL
Proposal	Demolition of existing buildings. Construction of 8 dwellings with associated works including parking and landscaping.
Appeal Decision	Appeal Dismissed - 31/01/2024
Key Themes	- inappropriate development in the Green Belt- PDL site but no buildings present (removed a year ago); the site is open land - poor design and layout - not a sustainable development (location, no ecological enhancements)- visual harm to the countryside - fallback position which is formed by extant planning permission does not outweigh the identified harm
Agreed with CCC on	- inappropriate development in the Green Belt- poor design and layout - not a sustainable development (location, no ecological enhancements)- visual harm to the countryside
Disagreed with CCC on	- CCC assessed the development at the time of the application based on the existing development on site which included the livery buildings- appeal was assessed after the buildings were removed from the site
Costs Decision	None

Notes: - CCC assessed the proposal based on the existing circumstances of the site at the time of the application. At the time of the application the existing livery buildings were still present. - appeal was assessed later and after the buildings were removed

Highwood Stud Wydes Road Highwood Chelmsford Essex CM1 3SN

Reference	22/01959/FUL
Proposal	Retrospective application for brick wall and gate. Proposed erection of horse walker
Appeal Decision	Appeal Allowed - 12/12/2023
Key Themes	Main issues:- Whether the wall and gate would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;- The effect of the development on the openness of the Green Belt;- The effect of the development on the character and appearance of the area; and- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.
Agreed with CCC on	- Wall and gate would constitute inappropriate development- Would harm the openness of the Green Belt in spatial and visual terms- Permitted development fall back given no weight as the site is subject to a planning condition that prevents any structures or enclosures
Disagreed with CCC on	- Wall and gate would be of high quality design that respects the character and appearance of the area according with Policy DM23 of the Local Plan and paragraph 134 of the NPPF- The security afforded by the wall and gate a benefit to the business- The wall and gate would deter horses from jumping and preventing them escaping onto the public highway is highly beneficial to the safety of the horses- Harm is outweighed by security and safety benefits
Costs Decision	None

Land Rear Of 37A East View Writtle Chelmsford Essex CM1 3NN

Reference	22/02227/FUL
Proposal	Proposed new bungalow with formation of new access
Appeal Decision	Appeal Dismissed - 08/01/2024

Key Themes	- impact on the character of the area- impact on amenities of neighbours- poor private amenity for the new dwelling
Agreed with CCC on	- impact on the character of the area not acceptable due to the position of the new house. the roof will be visible from the road. not facing the road like most properties in the area. cramped back land development- the private amenity space will be overlooked and fragmented. this will create poor quality private amenity space for the new occupiers
Disagreed with CCC on	- noise and disturbance to the neighbours will be minimal, so not harmful
Costs Decision	None

Imphy Hall Back Lane Stock Ingatestone CM4 9RZ

Reference	22/02315/FUL
Proposal	Demolition of existing agricultural barn and the construction of two new dwellings with garages.
Appeal Decision	Appeal Dismissed - 06/02/2024
Key Themes	Whether inappropriate development in the Green Belt and whether the harm is outweighed by 'very special circumstances'; Whether the development would be in a sustainable location.
Agreed with CCC on	New dwellings wouldn't meet any exceptions for development in the Green Belt - increased impact on openness; Unsustainable location for this type of development; Very special circumstances (permitted development fallback) does not clearly outweigh Green Belt harm.
Disagreed with CCC on	Conflict with Local Plan in terms of location of development outweighed by permitted development rights.
Costs Decision	None

Householder

Lenada Ship Road West Hanningfield Chelmsford Essex CM2 8UZ

Reference	22/01613/FUL
Proposal	Demolition of rear conservatory; construction of rear extension, first floor roof extension, dormers to front and single dormer to rear, new entrance to side with canopy and ground floor side window; addition of two first floor windows to the side elevati
Appeal Decision	Appeal Dismissed - 24/11/2023
Key Themes	The main issues are: i) whether or not the proposed extensions, when taken with previous extensions, would amount to inappropriate development in the Green Belt; and ii) the effect of the development on the character and appearance of the area.
Agreed with CCC on	Agreed with the Council that the proposed development would harm the character and appearance of the local area.
Disagreed with CCC on	Disagreed with the Council that the proposed development would amount to disproportionate development within the Green Belt. Inspector was of the view that the development would not be disproportionate additions to the dwelling.
Costs Decision	None

Hicks Farm Lodge Holliday Hill West Hanningfield Chelmsford Essex CM2 8UG

Reference	22/02105/FUL
Proposal	Proposed single-storey side extension, and open porch to front elevation.
Appeal Decision	Appeal Dismissed - 14/12/2023

Key Themes	Green belt harm, bulk, disproportionate addition dm11
Agreed with CCC on	Green belt harm proposal would result in disproportionate additions
Disagreed with CCC on	
Costs Decision	None

Yorkstone Birches Walk Galleywood Chelmsford Essex CM2 8TZ

Reference	23/00625/FUL
Proposal	Construction of gated boundary wall and security railings to front/side elevation of the property.
Appeal Decision	Appeal Allowed - 07/12/2023
Key Themes	The main issue in this case is the effect of the proposed development on the character and appearance of the local area
Agreed with CCC on	None.
Disagreed with CCC on	Disagreed with the council that the proposed development would result in unacceptable harm to the character and appearance of the area. Inspector was of the view that a landscaping condition would be sufficient to mitigate the visual impact of the wall and gate.
Costs Decision	None

ENFORCEMENT APPEALS

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

Written Reps

Hillview Meadow Lane Runwell Wickford Essex SS11 7DX

Reference	20/00365/ENFB
Proposal	Without planning permission, the construction of a building.
Appeal Decision	Appeal Dismissed - 12/02/2024
Grounds of Appeal	Validity of the Notice and proportionality of its requirements; compliance with permitted development rights; inappropriate development in the Green Belt; harm to openness; very special circumstances.
Agreed with CCC on	The matters as alleged have occurred as a matter of fact; the requirements of the notice are proportionate; the development does not constitute permitted development; the development constitutes inappropriate development in the Green Belt; the development harms openness; there exist no very special circumstances.
Disagreed with CCC on	N/a
Costs Decision	None

Field At Grid Reference 571030 215770 Hyde Hall Lane Great Waltham Chelmsford Essex

Reference	21/00108/ENFB
Proposal	Without planning permission, the construction of a hard surface, wall and fertiliser tank.
Appeal Decision	Appeal Dismissed - 24/11/2023
Grounds of Appeal	Gound (g) -More time should be allowed to comply with the Notice
Agreed with CCC on	An extension to the compliance period is not justified
Disagreed with CCC on	
Costs Decision	None