



ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE

26th March 2019

AGENDA ITEM 6

18/01167/FUL – SITE AT JUBILEE FARM, NEWNEY GREEN, WRITTLE, CHELMSFORD

Secretary of State Call In Request

The Council has been notified by the Secretary of State for Communities and Local Government that a 3rd party request to call in the above application has been received. The Secretary of State has advised that he does not act on a third party requests to call in planning applications until the relevant Planning Committee has resolved to approve the application.

Officers have confirmed to the Secretary of State that the Council is content not to issue a Decision Notice in this case, if the committee are minded to approve the application, until the Secretary of State has decided whether or not to call in the application.

Updated Recommendation

Subject to the Secretary of State deciding that he doesn't wish to call in the application, the application be approved, subject to the following conditions:

Clarification of affordable housing policy

The existing policy position in relation to affordable housing is set out in policy DC31. This requires 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites which: have a capacity of 15 or more dwellings; or comprise an area of 0.5ha or larger; or lie within a small rural Defined Settlement and have a capacity for 5 or more dwellings.

The site does not have a capacity of 15 or more dwellings. The site is under 0.5ha. Newney Green falls within the Parish of Writtle. Writtle is not a small rural Defined Settlement. Policy DC31 is not triggered.

Policy HO2 of the Council's emerging plan relates to affordable housing. This sets out that 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites which: (i) comprise 11 or more residential units; or (ii) comprise a maximum combined floorspace of more than 1,000 square metres (gross internal area). This policy would apply to the proposal as the development exceeds both criteria.

However, there are 11 comments against this emerging policy and these raise significant unresolved objections. As such, emerging policy HO2 is attributed no weight at this time.

The National Planning Policy Framework (2019), at paragraph 63 says that “to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”. Footnote 28 goes onto say that a proportionate amount is equivalent to the existing gross floorspace of the existing buildings.

The existing buildings on site provide 1847sqm of floorspace. The proposed development would provide 1574sqm of floorspace. Even if emerging policy HO2 were to carry weight (which it does not at this time), the vacant buildings on site would offset any affordable housing contribution required as the new development would be less than the existing development in floorspace terms.

Community Facility

6.4.1. In addition to the indoor riding arena having a personal planning condition restricting the use of the arena, documents submitted with a certificate of lawfulness application (06/01704/CLEUD) indicated that the outdoor menage was for the use of Team Hayler and for private tuition led by Mr Hayler. The documents submitted with that application also say that the pupil’s horse would be brought to the site in a horse box and taken away again once the lesson was finished. There is no planning history in relation to the use of the stable buildings within Jubilee Farm.

Protected Lane

The lane running through Newney Green is a protected lane. Policy DC15 of the adopted Development Plan says that planning permission will be refused for development that would have an adverse environmental impact upon Protected Lanes as defined on the Proposals Map. Any proposals which would give rise to a material increase in the amount of traffic using Protected Lanes will not be permitted.

The lane is a non-designated heritage asset for the purposes of the National Planning Policy Framework. Emerging policy HE2 applies. Three comments were received against this policy, however the significance of these comments is limited and does not go to the heart of the policy. Policy HE2 therefore carries limited weight. HE2 says that proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that:

(i) the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and

(ii) harm is minimised through retention of features of significance and/or good design and/or mitigation measures.

There are two main considerations in relation to the impact of the proposal on the protected lane; firstly, the visual impact of the development on the character of the lane; and secondly the impact the development would have on vehicle movements to and from the site.

The lane, for its full length, has a metalled smooth surface and is relatively open in terms of character with grass verges either side of the road and good visibility. The width of the metalled surface varies, for the most part two cars can pass slowing using existing informal passing places or overrunning soft verges. In places these verges are worn as a result of being used to allow for vehicle passing. The proposal would use the existing vehicular access to the site. The part of the lane immediately outside the application site is approximately 3.9m wide. The roadside ditch would be retained, as would the native hedgerow and willow tree. The landscaping scheme provided for additional tree planting across the site frontage, using species that are commonly found in the area. The built form within the development would be set back from the road. As such, the proposal would not harm the character of the protected lane.

In terms of vehicle movements, paragraphs 6.35 and 6.36 of the main report set out the estimated existing vehicle movements and the expected movements generated by the proposed development. Whilst the existing use of the site for specialist equestrian training would generate less than the 90 movements expected using TRICS data for mainstream livery, even half of these movements (ie.45) would be comparable to the 56 predicted vehicle movements created by 12 dwellings. It is also noted that the proposed development would remove the horse box movements generated by the equestrian use of the site, which would be of benefit. Overall, the proposed development would not give rise to a materially greater number or type of vehicle movements on the Protected Lane. The character of the lane would also not be harmed. On this basis the proposal would not harm the significance of the non-designated heritage asset, subject to landscaping being required by a condition.

Underground Bunker

There is an underground nuclear bunker at Jubilee Farm. This originates from the 1970's and demonstrates civil unrest during the Cold War. The bunker is a non-designated heritage asset and is of modest heritage value.

The bunker is outside of the application site delineated by the red line on the application drawings and is located in the area to the rear of the site that would be returned to landscaping. Details of how the landscaping could be provided around the bunker could be dealt with through a condition. A condition is also required to ensure that the underground nuclear bunker is retained. Subject to conditions, the proposal would not cause harm to the non-designated heritage asset.

Additional Condition 30

The underground bunker, shown on the existing site layout drawing reference 880-PL-02 shall be retained.

Reason:

To ensure that the non-designated heritage asset is not harmed in accordance with the objectives of the National Planning Policy Framework.

Amended Condition 10

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

- (a)reptile mounds;
- (b)bat boxes;
- (c)bird boxes;
- (d)cut throughs for hedgehogs;
- (e)wildflower meadow planting (based on soil test findings);
- (f)wildflower bulb planting (based on soil test findings); and
- (g)landscaping around the underground nuclear bunker (to be retained).

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

Reason:

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

AGENDA ITEM 7

18/01969/FUL –

**STABLES VISITOR CENTRE, HYLANDS ESTATE, LONDON ROAD,
CHELMSFORD**

REPORT

Para 6.1 should read:

- 6.1 The main issue is the impact of the proposal on the character and appearance of the setting of the Grade II* listed building and Registered Park and Garden.