

Planning Committee 4th February 2025

Application No	:	24/01373/FUL Full Application			
Location	:	Land South West Of Brooklands Sheepcotes Lane Little Waltham Chelmsford Essex			
Proposal		Demolition of domestic storage building and replacement with			
		single residential dwelling including bin store.			
Applicant	:	J Fitzwater Stratstone Development London Ltd.			
Agent	:	Laura Dudley-Smith			
Date Valid	:	9th October 2024			

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1. Executive summary

- 1.1. This application is for the demolition of a Nissen hut and construction of a new detached four bedroom dwelling. The planning application is presented to Planning Committee at the request of Councillor Steel, to consider whether it is appropriate development in the Green Wedge.
- 1.2. The proposal is located within the Rural Area and also more specifically the Green Wedge, which has an identified intrinsic character and beauty.
- 1.3. The proposal would not satisfy the criteria for redevelopment of previously developed land, as set out in Part B of Policy DM7 and Policy DM8 of the Chelmsford Local Plan (2020). The replacement building would not be in the same use as the existing building being replaced and would therefore not meet the criteria of replacement buildings set out in Part C of Policy DM7 and Policy DM8. The proposal would not infill a small gap and would harm the character and beauty of the Green Wedge and Rural Area. The proposal would therefore not meet the criteria of infill development set out in Policy DM9 of the Chelmsford Local Plan. Consequently, the proposal would not fall within the prescribed forms of development set out in Policies DM7, DM8 or DM9.
- 1.4. The proposal would be of a greater scale, size, mass and spread than existing. The proposal would have a greater visual impact than the existing building and additionally the consequential impact of activities and use of the site would be greater. In combination these factors would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would therefore conflict with Chelmsford Strategic Policy S11.
- 1.5. The proposal would result in harm to the environmental strand of sustainable development, and this harm would outweigh the economic and social benefits. The proposal would not be sustainable development under paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).
- 1.6. In purely design terms the proposal would achieve a high quality of form and detailing. The physical relationship with neighbouring properties would be acceptable. The proposed development can meet the required provisions for living accommodation and amenity (internal space standards and garden provision). The applicant has provided appropriate safeguards to mitigate any impact on the natural environment and conditions could be attached to secure biodiversity net gain. Conditions could be attached to ensure the provision of adequate parking, tree planting, management of construction impacts, surface water impacts, ecology and to safeguard archaeology. These considerations do not however overcome the overall policy conflict in the planning balance.
- 1.7. Objections have been received from local residents and Little Waltham Parish Council. These cover a range of topics including impact upon the character of the area, drainage, ground water impact, ecology, disruption during construction, use of the Public Right of Way (PROW) and highway. All representations and consultee comments have been considered as part of the wider planning considerations of this development.
- 1.8. The application is recommended for refusal.

2. Description of site

- 2.1. The site is roughly rectangular and approximately 0.06 hectares in size. A gradual slope runs from the west to the east of the site at the front, with a greater slope from south to north. The site is occupied by a Nissen hut which is set back from the highway. Low fencing runs from the hut to the western and eastern side boundaries. There is hedging and vegetation to side and rear boundaries, and as part of the front boundary. There is a gated entrance to the front of the eastern side boundary to the adjacent property, Brooklands, to provide access to their garage. Both Brooklands and the application site achieve vehicular access from Sheepcotes Lane, which is a narrow highway and also a Public Right of Way (Footpath 16 Little Waltham).
- 2.2. The site is situated in the Rural Area outside the Defined Settlement of Little Waltham and is also within the Green Wedge as designated in the Chelmsford Local Plan. The site is close to the boundary of the Defined Settlement, which follows the southern side of Sheepcotes Lane and encompasses part of western neighbour's site, No.19 Church Hill. The site is located approximately 30m from public open space to the northwest. At its closest point the site is located 146m from the Little Waltham Conservation Area.
- 2.3. The western neighbour, No.19 Church Hill, is a detached two storey property on lower ground to the applicant site and sits at the entrance to Sheepcotes Lane with No.21 Church Hill. No. 21 Church Hill is an attached bungalow which forms the end of a row for four similar designed low rise bungalows, whose side boundary runs along Sheepcotes Lane and is on higher ground to the applicant site. No's. 37 and 39 Church Hill, a pair of semi-detached houses, rear boundaries run along Sheepcotes Lane, opposite the front of the applicant site. These properties sit on higher ground to the applicant site. The eastern neighbour, Brooklands, is a detached property with their detached garage located close to their gated access within the site.

3. Details of the proposal

- 3.1. The new dwelling would be partly subterranean, cut into the slope of the ground. The upper ground would form the accommodation above the current ground level, in the position of the current Nissen hut. The form of the structure above ground will be semi-cylindrical to mimic the form of the Nissen hut.
- 3.2. The exterior materials proposed are sheet metal roof with timber cladding to the front elevation and glazing with cladding to the rear elevations. There would be windows and a door punctuating the barrel of the roof to provide access and light to the upper ground floor, which would contain three bedrooms, a bathroom and the primary entrance for the dwelling. The lower ground floor would contain an open plan living, dining and kitchen, WC, principal bedroom with en-suite and study/playroom. Lightwells would be provided to the kitchen and study/playroom towards the front of the building.
- 3.3. The development includes the formation of a patio area to the rear of the dwelling, accessed by the principal bedroom and the open plan accommodation. A parking and turning area with two car spaces would be laid out at the front of the building adjacent Sheepcotes Lane. A new building containing the bin and bicycle store would be provided to the front, adjacent to the western side boundary.

4. Other relevant applications

- 4.1. Planning permission was refused on 4th May 2010 for a new single storey two bedroom dwelling on site (10/00375/OUT) on the grounds that a new dwelling did not fall within the purposes of the Policy DC2, would result in encroachment into the countryside harmful to the character and appearance of the Rural Area, and that no unilateral agreement had been signed/completed contrary to Policies CP4 and DC40. An appeal was lodged, it was dismissed on 2nd December 2010. The inspector agreed that the development would cause harm to the character and appearance of the surrounding area and did not justify a departure from Policy DC2 which exercised strict control on development in the countryside. The Green Wedge was not a consideration at this time as it was introduced as a designation in the Chelmsford Local Plan (2020).
- 4.2. Planning permission was granted to change the use of land adjacent to 19 Church Hill to use as garden land (12/00346/FUL). This consent includes the application site.
- 4.3. Planning permission was refused on 17th June 2024 for alteration to existing access (24/00557/FUL) on the grounds that the works would give the site a more developed and urbanised appearance resulting in visual harm and would not contribute or enhance the natural environment or landscaping setting contrary to several Development Plan policies.

5. Summary of consultations

<u>ECC Historic Environment Branch:</u> Recommends conditions to record the history of the building, as the Nissen hut may contain evidence of historical wartime use, and an archaeological trial-trench evaluation due to potential for significant archaeological remains at the site associated with the proximity of a Roman Road and the possibility that prehistoric, Roman or later activity that may have survived associated with the spring on the adjacent the site known as "Springs Head".

Little Waltham Parish Council: Objects to this planning application for the following reasons:

- Disruption to many local residents.
- Environmental and ecological impacts due to the proximity of the proposal to water courses.
- Request for a groundwater risk assessment to be carried out to ensure the local water courses are protected.
- Water courses which run from this area feed the streams in Little Waltham, so any interference at this location will affect the streams in other parts of the parish.

<u>Public Health & Protection Services:</u> Should provide EV charging point at a rate of 1 per dwelling, and any asbestos encountered during demolition or phases must be removed by an appropriately licenced specialist contractor and disposed of at an approved facility.

Recycling & Waste Collection Services: No comment

<u>Essex County Council Highways</u>: The proposed residential development would be accessed from an existing vehicular access to Sheepcotes Lane, which is a private single-track lane. Sheepcotes Lane accommodates Public Right of Way Footpath no. 22, Little Waltham Parish 225. Sheepcotes Lane accommodates vehicular access to Brooklands located to the north of the proposed development.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions requiring the public right of way over Footpath 22 remains free and unobstructed at all times; the provision of a construction management plan; the construction of the proposed

access with vehicular crossover; the provision of 2 car parking space and associate turning and the provision of bicycle parking and storage.

Ramblers Association: No comment

<u>Local residents</u> Six representations received from local residents, objecting to the proposal. Concerns raised:

- Affect existing water features
- Sewage issues
- Wildlife/habitat harm
- Public footpath affected
- Construction disturbance
- No longer incidental use
- Affect access
- Inadequate parking
- Harm to Rural setting
- Previous refusals
- Amenity harm
- Inadequate infrastructure
- No housing need

Two supportive responses received, with the following comments:

- Historic structure
- Worse alternative uses
- Improvement
- Good design
- No change to Rural character
- Housing benefit

An expanded summary of the neighbour comments is provided within Appendix 2.

6. Planning considerations

Main Issues

6.1. The site is located in the Rural Area beyond the Defined Settlement of Little Waltham and also within the Green Wedge. The main issues for consideration are the impact upon the Rural Area and Green Wedge, impact on residential amenity and on the natural and historic environment.

Principle of Development – Green Wedge and Rural Area

Local Plan Strategic Policies: S1 and S11, Local Policy: DM7, DM8, DM9

- 6.2. Chelmsford Local Plan Strategic Policy S1 sets out the spatial principles within the Local Plan and identifies that the Council will require all new development to accord with those stated spatial principles. This includes a requirement to "respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity".
- 6.3. Strategic Policy S11 sets out the role of the countryside. This states that when determining planning applications, the Council will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with the Spatial Strategy, and to support thriving rural communities whilst ensuring that development does not have an adverse impact on the different roles and character of the countryside.

- 6.4. Part B of this policy specifically relates to the Green Wedge, stating that "The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks, which have been instrumental in shaping the City's growth, character, and appearance. These networks prevent urban sprawl and settlement coalescence and provide for wildlife, flood storage capacity, leisure and recreation, and travel by cycling and walking, which allows for good public access which will be further improved through the requirements of development allocated in the Local Plan. Development which materially harms the role, function and intrinsic character and beauty of the Green Wedge will not be approved."
- 6.5. The reasoned justification of Strategic Policy S11 states that a detailed landscape assessment of the areas around the main river valleys has been undertaken which identifies these areas as having distinctive landscape qualities and an important multifunctional role. These areas are designated as the Green Wedge. Where the main river valleys permeate into the existing or proposed built-up areas of Chelmsford, the role and value of these areas is amplified, and development pressure is at its greatest. The unchecked erosion of open land in these sections of the river valleys would be harmful to the character and function of these areas and therefore it should be afforded greater protection. The Green Wedge designation within the river valleys reflects this multi-faceted green network.
- 6.6. The site forms part of Character Area A6 of the Landscape Character Assessment (LCA). This indicates that this landscape has a relatively high susceptibility to change. The skyline of the valley slopes is visually sensitive, with open and formed cross valley views and long views along the river corridor affected by new tall or non-screened new development.
- 6.7. The site forms part of site CN3 within the Green Wedges and Green Corridors: Defining Chelmsford's River Valley Review Report (2017), part of the evidence base for the Local Plan. This report incorporated a full review of the Green Wedge designations including their suitability as a protective planning tool, their boundaries and whether the areas covered by the designation could be justified. The study demonstrated the spatial and functional continuity of the River Valleys, to which the site form's part, as the basis for their recognition as Green Wedges. The valley of the River Chelmer, designated as a Green Wedge, is an important part of Chelmsford's landscape and natural environment and confirms that they should be recognised and protected for their special qualities and value to the City as a coherent network. This is an indication that the river valley is a locally distinctive and a relatively rare natural environment asset/natural landscape feature. The boundary of the Green Wedge is formed by the southern side of the public right of way.
- 6.8. Chelmsford Local Plan Policy DM7 considers new buildings and structures in the Green Wedge, and states that planning permission will be granted for new buildings and structures where the development does not conflict with the purposes of the Green Wedge and is for one of a number of prescribed developments. The proposal would not extend an existing building, provide a rural worker's dwelling or affordable housing, so of direct relevance to the proposal would be criterion ix. redevelopment of previously developed land in accordance with Part B of the Policy; and/or xi. replacement of buildings in accordance with Part C of the Policy.
- 6.9. Policy DM8 concerns new buildings in the Rural Area which is also applicable. This policy is not as restrictive as the Green Wedge Policy DM7. This policy seeks to grant consent for new buildings where development will not adversely impact on the identified intrinsic character and beauty of the countryside and is for a number of prescribed developments. The proposal would not provide affordable homes, so of relevance to the proposal would be viii. a dwelling which is of design of

- exceptional quality or innovative nature; ix. Infilling in accordance with Policy DM9; or xii. redevelopment of previously developed land in accordance with Part B of the Policy; or xiii. replacement buildings in accordance with Part C of the Policy.
- 6.10. Policy DM9 states that planning permission will be granted for infilling in the Green Wedge or 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 unacceptability impact on the function and objectives of the designation.
- 6.11. The NPPF is a material consideration. Paragraphs 7 and 8 of the NPPF set out that the purpose of the planning system is to contribute to the achievement of sustainable development, and that achieving sustainable development means that the planning system has three overarching objectives; economic, social and environmental. Paragraph 187 a) and b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The NPPF defines previously developed land as Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).

Previously Developed Land

- 6.12. Part B of Policy DM7 concerns previously developed land, and states that planning permission will only be granted where the role and function of the Green Wedge, in maintaining open land between built-up areas, protecting biodiversity and promoting recreation would not be materially harmed, and where the development would have no greater impact on the character and appearance of the area than the existing use and/or development. The Council will assess the development based on the following:
 - i. the size, scale, massing and spread of the new development compared to the existing; and
 - ii. the visual impact of the development compared to the existing; and
 - iii. the impact of the activities/use of the new development compared to the existing requires buildings
- 6.13. Part B of Policy DM8 concerns previously developed land in the Rural Area, and states that planning permission will be granted where the proposed development would not result in harm to the identified intrinsic character, appearance and beauty of the area. This policy covers the same three criteria under Part B of Policy DM7 and a fourth criterion specifying that the location of the site is appropriate to the type of development proposed.
- 6.14. The site gained planning permission to be used as a residential garden in 2012 (12/000346/FUL) associated with No.19 Church Hill. A statutory declaration has been provided by the previous occupants of No.19 to confirm that they used the Nissen hut as domestic storage and the associated land as garden between October 2008 and August 2022. The land is now in separate ownership from that property.
- 6.15. Under the above circumstances the site could be considered to meet the definition for *previously developed land* set out in the NPPF.
- 6.16. The existing building is a semi-cylindrical Nissen hut with corrugated sheet metal roof and walls, horizontal timber clad ends with double doors to the front elevation and a three light window in

the rear elevation. The footprint measures 5.2m in width and 11.4m in length, with a floor area of 60sqm. The land falls from south east to north west. The hut roof is 2.6m above ground level to the front and 3.6m above ground level to the rear (owing to the slope). There is some compacted ground in front of the hut. Low fencing is provided to the front to either side of the hut extending to the side boundaries.

- 6.17. The footprint of the proposed building above natural ground measures 5.5m in width and 12.7m in length with a floor area of 70sqm. The site would be excavated to create the lower ground floor which including the areas of the light wells would measure 120sqm. A 30sqm patio area would extend beyond the rear of the principal bedroom and the living area. A 42sqm flat roof would be provided above the floor space excavated into the slope beyond the footprint of the upper ground floor. An access path to the property would be provided on this flat roof, with a low fence proposed adjacent to this access. The dwelling roof would be 3.1m above ground level at the front and 5.8m above ground level at the rear. A 3.8m wide, 0.9m deep and 1.5m high bin and cycle store would be provided to the front of the site.
- 6.18. The proposal would provide a dwelling above natural ground level with a floor area 10sqm greater than existing, a 0.3m increase in width and a 1.3m increase in length. Overall, the building floorspace would double the size of the existing (60sqm greater). The proposal would have an increased height of 0.5m at the front and 2.2m at the rear. The new building would have a greater depth, width and height. Hard surfacing would be created with the entrance path to the dwelling and the creation of the 30sqm patio area. An additional building for the storage of waste and bicycles would be provided, covering a footprint of 3.4sqm. Excluding the area allocated for parking the proposal would spread from 60sqm overall to 153sqm. In comparison with the existing development the proposal would increase the size, scale, massing and spread of development.
- 6.19. Church Hill consists of residential development formed of detached, semi and terraced housing fronting the roadways. Church Hill has a standard width with pavements either side. The housing is setback allowing parking to be provided to the front or small grassed areas. These all combine to create a suburban character. The development fronts Sheepcotes Lane, which runs off Church Hill. In contrast this is a narrow carriageway with no pavements, with hedging and greenery to the edges of the carriageway. This quickly changes the character from suburban to rural, so that the application site has a different character to the sites fronting Church Hill, and a key site defining the start of the Green Wedge and Rural Area.
- 6.20. The existing building is a simple utilitarian hut having corrugated metal walls/roof and horizontal weather board ends. From public viewpoints along Sheepcotes Lane, it is an ancillary structure within the wider rural landscape framed by existing vegetation. Its use for domestic storage is limited and low impact. There is a set of double doors at the front and a three light windows at the rear. There is a 1m tall panel fence on the western side of the hut in line with its front elevation, there may have been occasional parking on the grass sward in front of the building when used as garden area in association with No.19 Church Hill. No.19 has since been sold and is now in separate ownership to the site.
- 6.21. The design and form of the proposed dwelling seeks to mimic the appearance of the hut with a semi-cylindrical form having a sheet metal roof standing seems, vertical timber clad end elevations with metal verges. The western wall will introduce a recessed door and a window, the eastern elevation has three windows. A hardened parking and turning area will be provided between the building and Sheepcotes Lane. Waste and cycle storage will be provided to the front on the western side of the dwelling. To the rear, the dwelling would have two storeys and a newly created hard surfaced patio. The patio and the ground floor would be sunken with three steps

leading up to the natural ground level. The redevelopment of the land will have a more domestic character and appearance than the current site. There will be intensified use of the land, with associated vehicle and pedestrian movements. Light will be evident from new domestic windows. The incidental use of the site with No.19 Church Hill would have allowed domestic paraphernalia to be present on site, however, due to the size of the garden, it is unlikely that the level of domestic paraphernalia on site would equate to the level to be provided by a separate dwelling. These visual changes to the site would alter its character and appearance.

- 6.22. The site is viewable from Sheepcotes Lane at the front of the site. From the rear, views of the site are afforded from the public open space and allotments. The site is partially obscured from Church Hill due to the amount of vegetation, the narrowness of the lane and the changes in ground levels. The visual changes arising from the development would be clear from both Sheepcotes Lane and the allotments to the rear. The proposal would therefore have a greater visual impact compared to existing.
- 6.23. The site has previously been used for garden land, with the hut used for domestic storage. The proposed use is as a separate dwelling. With four bedrooms the proposal would effectively provide a large family home. The proposed use would attract regular pedestrian and vehicular movements to and from the property, beyond those experienced by an incidental use. The proposed use will be more intensive than the existing. This increase in activity would have an urbanising impact, suburbanising this rural site which would be harmful to the intrinsic character and beauty of the within the boundary of the Green Wedge and the Rural Area.
- 6.24. The proposal would be of a greater scale, size, mass and spread than existing. The proposal would have a greater visual impact than existing and the impact of activities and use on site would be greater. In combination these would erode the rural appearance of the site, and adversely affect the intrinsic character and beauty of the start of the Green Wedge and the Rural Area. The proposal is contrary to Part B of Policy DM7 and Part B of Policy DM8.

Replacement building

- 6.25. Part C of Policy DM7 and Policy DM8 states that planning permission will be granted for the replacement of a building in the Green Wedge and Rural Area respectively provided that:
 - i. the existing building being replaced is of permanent and substantial construction; and
 - ii. the new building is in the same use as the existing; and
 - iii. the new building would not be out of keeping with its context and surroundings, and does not result in any other harm

Part C of DM7 for the Green Wedge has an additional criterion; iv. the new building is not materially larger than the one it replaces.

6.26. No structural survey has been provided to confirm that the building being replaced is of permanent and substantial construction. The existing building has most recently been used incidentally with the use of the dwellinghouse, No.19 Church Hill. The land is now in separate ownership to this property. The proposal would create an independent dwellinghouse, which is a material change of use from a building for incidental purposes. Consequently, the replacement building would not be in the same use as the existing building being replaced. The proposal would be contrary to Part C of Policies DM7 and DM8.

- 6.27. The design of the dwelling is not of exceptional quality or innovative in nature sufficient to meet criteria viii. of Policy DM8.
- 6.28. The proposal would not meet the criteria of the prescribed forms of development set out in Policies DM7 and DM8. It would erode the rural appearance of the site, and adversely affect the intrinsic character and beauty of the Green Wedge and the Rural Area, also conflicting with Strategic Policy S11.

Infilling

- 6.29. Policy DM9 specifies that planning permission will be granted for infilling in the Green Wedge or 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.
- 6.30. The proposal sits between the side gardens of No.19 Church Hill and Brooklands, Sheepcotes Lane. These side gardens are of a considerable size, and hence the frontage of Sheepcotes does not appear built-up. The site is not a small gap in an otherwise built-up frontage.
- 6.31. As outlined above the development would urbanise the site and detract from the existing rural character and appearance of Sheepcotes Lane. Due to the delicate position of the site, this would unacceptably impact on the function and objectives of its designation as Green Wedge and Rural Area. The proposal would not satisfy the tests for infilling within Policy DM9.

Layout and Design

Local Policies: DM23, DM25, DM26

- 6.32. Policy DM23 requires new development to respect "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." Part B of this policy requires all new buildings to be of a high-quality design and compatible with the character and appearance of the area.
- 6.33. The form of the proposed dwelling replicates the semi-cylindrical form of the Nissen hut. The new building is in the same position. The proposed building has a single storey appearance from the front and two storey to the rear. This scale is reflective of nearby dwellings. The architecture is a contemporary interpretation of the historic structure, using modern materials. The design of the proposal respects the character and appearance of the area in which it is located and would be compatible with the neighbouring properties. The design complies with Policy DM23 of the Chelmsford Local Plan.
- 6.34. Policy DM25 requires all new dwellings to incorporate sustainable design features, including that dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day and that Electric Vehicle charging point infrastructure of 1 charging point per unit shall be provided. These requirements can be secured by condition.
- 6.35. Policy DM26 requires all new dwellings to comply with criteria in respect of achieving suitable privacy and living environment for residential occupiers, achieving sufficient private amenity space, meeting appropriate internal space and providing appropriate and well-designed recycling

- and waste storage. Standards are set out Appendix B to the Local Plan and the above criteria must be in accordance with those standards.
- 6.36. Most of the outlook from the proposed dwelling would be to the rear. The upper ground floor provides bedroom accommodation having windows with an outlook to the side. The subterranean part of the dwelling includes light wells to the kitchen and a study/playroom, with the living room and master bedroom benefiting from outlooks to the rear. The kitchen forms part of an open plan area with the living and dining area, and therefore some form of outlook would be possible from the large rear openings. The playroom/study would not be provided with an outlook (only a lightwell). However, this is the smallest room in the property, and the lack of an outlook to this space would not negate the overall standard of accommodation when considering the proposed dwelling as a whole.
- 6.37. The property would achieve suitable privacy and would be provided with adequate garden area. The internal space meets the Nationally Described Space Standards for a 4 bedroom 7-person property. Adequate space is provided for recycling and waste storage to the front of the site.
- 6.38. The proposal complies with Policy DM26 of the Chelmsford Local Plan.

Sustainable development

NPPF 2024: Paragraphs 7 and 8

- 6.39. Paragraphs 7 and 8 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
- 6.40. The proposal would provide a small contribution to the economy with the construction of the proposal; however, this would be short term contribution. The proposal is close to the edge of the Defined Settlement of Little Waltham and has pedestrian and cycle access to amenities within this settlement. Bus stops are found within Little Waltham which would provide connections with the city centre. Active and sustainable transport are viable options, ensuring the development isn't solely reliant on the motor car. The proposal, however, would harm the function of the Green Wedge, and result in visual harm to the intrinsic beauty and character of the Green Wedge and the Rural Area, resulting in environmental harm. The proposal would result in harm to the environmental strand of sustainable development, and this harm would outweigh the slight economic and social benefits. The proposal would not represent sustainable development under paragraphs 7 and 8 of the NPPF.

Flooding and Drainage

Local Policies: DM18

- 6.41. The site is in Flood Zone 1, the lowest area of flood risk. There is a stream on site, at the lowest point of the site, to the rear. This stream runs in a southwest direction and exits the site at the southwest corner. There is a spring in the adjacent garden (No.19 Church Hill) garden known as "Springs Head". The submission confirms that there is a high risk of surface water flooding in the area near the stream. The proposed works are outside of the area of flooding, and the land falls downwards to the north. The dwelling, and its occupants, would not be affected by this surface water risk.
- 6.42. There is potential for surface water from the development to flow into the stream on site. Land also falls to the west towards "Springs Head". Residents have raised concerns regarding the

- impact of the development upon these watercourses, and the potential for harm to underground water sources by the excavation works required as part of the proposal.
- 6.43. The submitted drainage assessment considers that the scheme is a like for like replacement, as the new footprint and roof area remains consistent with the existing structure maintaining the current level of surface water run-off. Soakaways are proposed to improve overall surface water management.
- 6.44. The proposal would increase the footprint of development on site, and the amount of sealed surface/built form on site. The existing levels on site are provided on the existing site plan. The position of the surface water soakaway has not been provided, and it is unclear whether there would sufficient capacity to cover the increase in sealed surface and built form on site. Following construction of the proposal ground levels are likely to change, which could have implementations for surface water drainage. Further details to provide greater clarity could be provided via conditions, if the application was approved.
- 6.45. The submitted drainage assessment considers that there is potential to connect to the existing main foul drainage system and anticipate if required a single pump drainage system would likely to be sufficient. The assessment states that this solution would be subject to technical design and approval, ensuring proper wastewater management while accommodating any potential elevation differences between the property and the main sewer line. Neighbours consider that a pump would not be sufficient in this location due to its proximity to watercourses. Foul drainage would be resolved at Building Regulations stage.

Access and Parking

Local Plan Policy: DM27

- 6.46. Policy DM27 states that the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards Design and Good Practice (2009).
- 6.47. The proposal would provide two vehicle parking spaces and cycle storage in accordance with the adopted Parking Standards. Subject to their provision in an appropriate manner the proposal complies with Policy DM27.
- 6.48. The Highway Authority recommends conditions for submission of a construction management plan and for the public right of way to remain open during construction. The public right of way provides the vehicular to the site, and consists of a narrow roadway, and due to the constraints of this access it is considered reasonable to require the approval of a construction management plan. The public right of way is covered by legislation beyond planning and hence an informative could bring this matter to the attention of the applicant.

Residential Amenity

Local Plan Policy: DM29

- 6.49. Policy DM29 seeks to safeguard the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements.
- 6.50. The dwelling is orientated with most of its outlook to the rear (north), which does not overlook neighbouring properties. Windows in the side elevations are positioned at head height, above the

existing natural ground level. Views from these windows would be obscured by boundary treatments, and the distances between the proposed windows and the neighbouring properties would be adequate not to be harmful.

- 6.51. Residents have raised concerns regarding potential overlooking from a rear balcony. The dwelling would be accessed at ground level above the principal bedroom and the study/playroom, to the west of the access. The roof of this area would be partially raised above natural ground level to a maximum height of 1m and is close to the western boundary. The western neighbour's garden slopes downwards to the west leading to the spring, and hence a raised area serving the new dwelling could obtain direct views above the boundary treatment and into the neighbour's garden, resulting in a loss of privacy. A condition could be used to prevent this area being used as a sitting area, and on this basis the proposal would not materially impact the living environment of neighbouring residential occupiers.
- 6.52. Disruption during construction is transient and is not a sufficient reason to refuse planning permission. An informative could be attached to any planning permission with advisory hours of construction to minimise disruption.
- 6.53. The proposal complies with Policy DM29 of the Chelmsford Local Plan.

Ecology

Local Plan Policies: DM16

- 6.54. Policy DM16 states that 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.
- 6.55. The application is accompanied by a preliminary ecological survey (PEA). The PEA identifies that the site is not within close proximity to statutory designated sites. The site has the potential to support nesting birds within the trees and hedgerows and therefore any works should be undertaken outside of nesting season. There is some suitable habitat for reptiles, however there is poor connectivity and basking opportunities, making it unlikely to support the species. The Precautionary Working Method outlined in the PEA should be implemented to limit the potential for harm. Though it is unlikely that the site would support further species, a Precautionary Working Method as per the report should also be implemented for badgers, Great Crested Newts and hedgehogs. A low impact lighting strategy is also recommended. The provision of a low impact lighting strategy and compliance with the PEA can be secured via conditions.
- 6.56. The Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the Habitat Regulations) require all new residential developments that have the potential to cause disturbance to European designated sites to provide appropriate mitigation. To deal with this, an Essex County wide strategic approach to considering and mitigating potential harm has been produced the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). An Appropriate Assessment has been carried out which concludes that a contribution towards off-site mitigation (RAMS contribution) is necessary to mitigate the potential disturbance to European designated sites arising from this development growth. A RAMS contribution has been made by the applicant to address the need for mitigation for the dwelling which would be created by the proposal.

6.57. The baseline habitat includes modified grassland, other grassland, bramble scrub and urban trees. Only some individual trees are to be retained. On site creation includes green roof, vegetated garden and urban trees. Baseline hedgerow includes native hedgerow, non-native and ornamental hedgerow. The native hedge is to be retained. The watercourse units are not visible on the metric and would need to be included in the final BNG plan. The BNG assessment states the watercourse habitat includes a ditch (stream) which is to be retained and enhanced from poor to moderate. The other neutral grassland, new trees, native hedgerow and ditches are to be fenced off from the vegetated garden, confirmation is required on who would be responsible for maintaining this habitat as part of the final BNG plan. It is suggested that off-site units would be required to address the unit deficit. This is 0.30 but this is without the spatial risk multiplier. A Habitat Management and Monitoring Plan and Final BNG Plan can be secured via conditions. If this includes off site credits a legal agreement would be required.

Other Matters

- 6.58. The County Historic Environment Services advises that the Nissen hut could retain historic artefacts from WWII and that given the sites proximity to a Roman Road and "Springs Head" there may be Roman and Prehistoric archaeology at the site. To comply with Policy DM15 (Archaeology), if the application was recommended for approval a condition would have been attached requiring the agreement to and undertaking of a Written Scheme of Investigation for investigating and making record of archaeology at the site.
- 6.59. The development can accommodate on site the provision of three new trees per dwellings as required by the Council to address its declared climate crisis. A landscape scheme condition could be attached to secure this provision.

7. Community Infrastructure Levy (CIL)

7.1. This development is CIL liable. CIL payments are required to help pay for general infrastructure arising from development.

8. Conclusion

- 8.1. The proposal is located within the Rural Area and more specifically the Green Wedge, which has an identified intrinsic character and beauty. The proposal would not meet the criteria for redevelopment of previously developed land set out in Part B of Policy DM7 or Policy DM8. The replacement building would not be in the same use as the existing building being replaced and would therefore not meet the criteria of replacement buildings set out in Part C of Policy DM7 and Policy DM8. The proposal would not infill a small gap and would harm the character and beauty of the Green Wedge and Rural Area. The proposal would therefore not meet the criteria of infill development set out in Policy DM9. Consequently, the proposal would not fall within the prescribed forms of development set out in Policies DM7, DM8 and DM9 of the Chelmsford Local Plan.
- 8.2. The proposal would be of a greater scale, size, mass and spread than existing. The proposal would have a greater visual impact than existing and the impact of activities and use on site would be greater. In combination these would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would therefore conflict with Strategic Policy S11 of the Chelmsford Local Plan.

- 8.3. The proposal would result in harm to the environmental strand of sustainable development, and this harm would outweigh the slight economic and social benefits. The proposal would not represent sustainable development under paragraphs 7 and 8 of the NPPF.
- 8.4. The individual design of the new property would respect the character and appearance of the area in which it is located and would be compatible with the neighbouring properties. The proposed development can meet the required provisions for living accommodation and garden space. The applicant has provided appropriate safeguards to mitigate any impact on the natural environment and conditions could be attached to secure biodiversity net gain. Conditions could be attached to ensure the provision of adequate parking, tree planting, manage construction impacts, surface water impacts, ecology and safeguard archaeology.
- 8.5. The benefits of the scheme would not outweigh the harm to the Green Wedge and the Rural Area. The application is recommended for refusal.

RECOMMENDATION

The Application be REFUSED for the following reasons:-

Reason 1

Strategic Policy S11 and DM Policies DM7, DM8 and DM9 of the Chelmsford Local Plan (2020) are applicable to the proposal and its location within the Green Wedge and Rural Area. The National Planning Policy Framework (2024) is a material consideration.

Strategic Policy S11 addresses the role of the countryside. Part B, relating to the Green Wedge, states that development which materially harms the role, function and intrinsic character and beauty of the Green Wedge will not be approved.

Policy DM7 considers new buildings and structures in the Green Wedge, and states that planning permission will be granted for new buildings and structures where the development does not conflict with the purposes of the Green Wedge and is for one of a number of prescribed developments. The proposal would not extend an existing building, provide a rural worker's dwelling or affordable housing, so of relevance to the proposal would be ix. redevelopment of previously developed land in accordance with Part B of this Policy; or xi. replacement of buildings in accordance with Part C of this Policy.

Policy DM8 considers new buildings in the Rural Area, and states that planning permission will be granted 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 and replacement buildings subject to meeting prescribed criteria.

Policy DM9 states that planning Permission will be granted for infilling in the Green Wedge or Rural Area 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.

The proposal would be of a greater scale, size, mass and spread than existing, having a greater visual impact than existing and the impact of activities and use on site would also be greater. In combination these factors would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and the Rural Area. The proposal would not satisfy the criteria for redevelopment of previously

developed land in Part B of Policy DM7 and Policy DM8. The replacement building would not be in the same use as the existing building being replaced and would not fall within the remit of replacement buildings set out in Part C of Policy DM7 and DM8. Consequently, the proposal would not fall within the prescribed forms of development set out in Policy DM7 and DM8 of the Chelmsford Local Plan.

The proposal would not infill a small gap and would harm the character and beauty of the Green Wedge and Rural Area. The proposal would therefore not meet the criteria of infill development set out in Policy DM9 of the Chelmsford Local Plan.

The proposal would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would therefore conflict with Strategic Policy S11 of the Chelmsford Local Plan.

The proposal would not represent sustainable development under paragraphs 7 and 8 of the National Planning Policy Framework (2024) as the harm found under the environmental strand would outweigh any social and economic benefits.

Notes to Applicant

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.

Positive and Proactive Statement

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. 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.

Plans to be listed on any Decision Notice:

250 Floor Plans and Elevations/P6 253 Surface Water Risk Plan/P1 **Drainage Assessment** Image 1 Front Elevation **Image 2 Front Elevation** 24077/TK01/A 252/P1 151/P3 FRNT 22.503 601 P01 Issue 6 Landscape Character Assessment Sustainable Development Checklist Metric Calculation Tool Planning Statement Arboricultural Survey/August 2024 Arbtech AIA 01 Arboricultural Impact Assessment Biodiversity Net Gain Assessment Preliminary Ecological Appraisal and Roost Assessment Statutory Declaration Photos of property

Appendix 2 – Consultations

ECC Historic Environment Branch

Comments

24.10.2024 - The building proposed for demolition is a Nissen Hut. Nissen Huts were primarily constructed for military use in the Second World War. While it has clearly been relocated since its construction, it still may contain fixtures, fittings, graffiti or other evidence that relates to its historical wartime use and should be the subject of a building record prior to its demolition.

Essex Historic Environment Record (EHER) shows that the proposed development site is in an area with the potential for significant archaeological remains to be present. The main road through Little Waltham (some 290m to the west) is on the line of the main Roman road between Chelmsford and Long Melford in Suffolk (EHER 6057). Recent work in the proximity of this historic routeway has uncovered a large amount of Roman settlement evidence, including industrial activity, burials and agricultural features. To the north of the proposed development is an area of cropmarks interpreted as showing three ring-ditches, suggesting prehistoric activity in the vicinity (EHER 6131).

The proposed development is located directly adjacent to a spring, named as "Springs Head" on early Ordnance Survey mapping. Springs are traditionally areas of historic settlement activity, and there is the

possibility that prehistoric, Roman or later activity may survive associated with this water source, and be negatively impacted by the groundworks associated with the proposed development.

Recommends the following conditions:

RECOMMENDATION: Historic building recording

- (i) No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant for approval by the Local Planning Authority.
- (ii) No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
- (iii) The applicant will submit a report detailing the results of the recording programme to the Local Planning Authority for approval and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority.

RECOMMENDATION: Archaeological trial-trench evaluation

- (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
- (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.
- (iii) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

A professional and accredited team of historic building specialists and archaeologists should undertake the work. This work will consist of a historic building recording survey undertaken prior to the demolition of the Nissen Hut. Subsequently, an archaeological trial-trench should be excavated within the footprint of the proposed new building, to assess the potential for archaeological remains to survive on site. Depending on the results of this trial-trench further stages of archaeological excavation and/or monitoring may then be required.

The City Council should inform the applicant of the recommendations and its financial implications. A brief outlining the level of investigation will be issued from this office on request and should be acquired before the production of any Written Schemes of Investigation. If the same contractor was appointed to both roles this office would have no objection to the production and submission of a single Written Scheme of Investigation detailing both programmes of work.

Little Waltham Parish Council

Comments

11.11.2024 – Objects to this planning application. The Parish Council understand that the location of this site will disrupt many local residents. The Parish Council also have genuine concerns about the environmental and ecological impacts which could result on building on land which is so close to water courses. The Parish Council request for a groundwater risk assessment to be carried out to ensure the local water courses are protected.

The water courses which run from this area feed the streams in Little Waltham, so any interference at this location will affect the streams in other parts of the parish.

The Parish Council consider the bio-diversity and environmental impacts when considering planning applications, and feel that we need to object on these grounds.

Public Health & Protection Services

Comments

15.10.2024 - Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is not allocated).

Any asbestos encountered during demolition or construction phases must be removed by an appropriately licenced specialist contractor and disposed of at an approved facility

Recycling & Waste Collection Services

Comments

No response received

Essex County Council Highways

Comments

14.11.2024 - The proposed residential development would be accessed from an existing vehicular access to Sheepcotes Lane, which is a private single track lane. Sheepcotes Lane accommodates Public Right of Way Footpath no. 22, Little Waltham Parish 225. Sheepcotes Lane accommodates vehicular access to Brooklands located to the north of the proposed development.

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

1. The public's rights and ease of passage over public footpath no.22 (Little Waltham Parish 225) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

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

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

3. Prior to first occupation of the development, the vehicular access shall be constructed as shown in the Proposed Site Plan, drawing no. 251 Revision P4 at right angles to Sheepcotes Lane and shall be provided with an appropriate vehicular crossover construction to Sheepcotes Lane.

Reason: To ensure that vehicles can enter and leave Sheepcotes Lane in a controlled manner in the interest of highway safety in accordance with policy DM1 and to maintain the integrity of Footpath no.22 in accordance with Policy DM11.

4. Prior to first occupation of the proposed development the 2no. vehicle parking spaces and associated turning shall be hard surfaced, as shown in the Proposed Site Plan, drawing no. 251 Revision P4. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking and turning area 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.

5. The cycle parking shown in the Proposed Bin & Cycle Store drawing no. 252 Revision P1 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 and NPPF 2023.

Informative: 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.

Ramblers Association

Comments

21.10.2024 - NO COMMENT.

Local Residents

Comments

<u>Local residents</u> Six representations received from local residents, objecting to the proposal. Concerns raised:

- Water features on site and adjacent site feed River Chelmer, harmful impact, pollution, excavation would dry up stream and destroy underground watercourses, stream on site frequently overwhelmed
- Sewage not achieved safely, sewage pump not viable option, septic tank cannot be placed within 10m of water source
- Wildlife/habitat harm, disturbance
- Public footpath disruption, disrupt access to Sheepcotes Farm
- Construction disruption, noise, blocking access, parking
- Use no longer used incidentally with No.19 Church Hill, land maintained by neighbour
- Access block neighbouring driveway access, no 'right of way' via Sheepcotes Lane
- Parking insufficient parking, parking on nearby streets dangerous, parking area lead to subsidence
- Rural setting not in keeping, not contribute/enhance natural environment, unsympathetic alteration
- Previous refusals doesn't address previous reasons
- Amenity loss of privacy
- Infrastructure doctors and schools full
- Need no local need for housing and serves no purpose to community

Two supportive responses received, with the following comments:

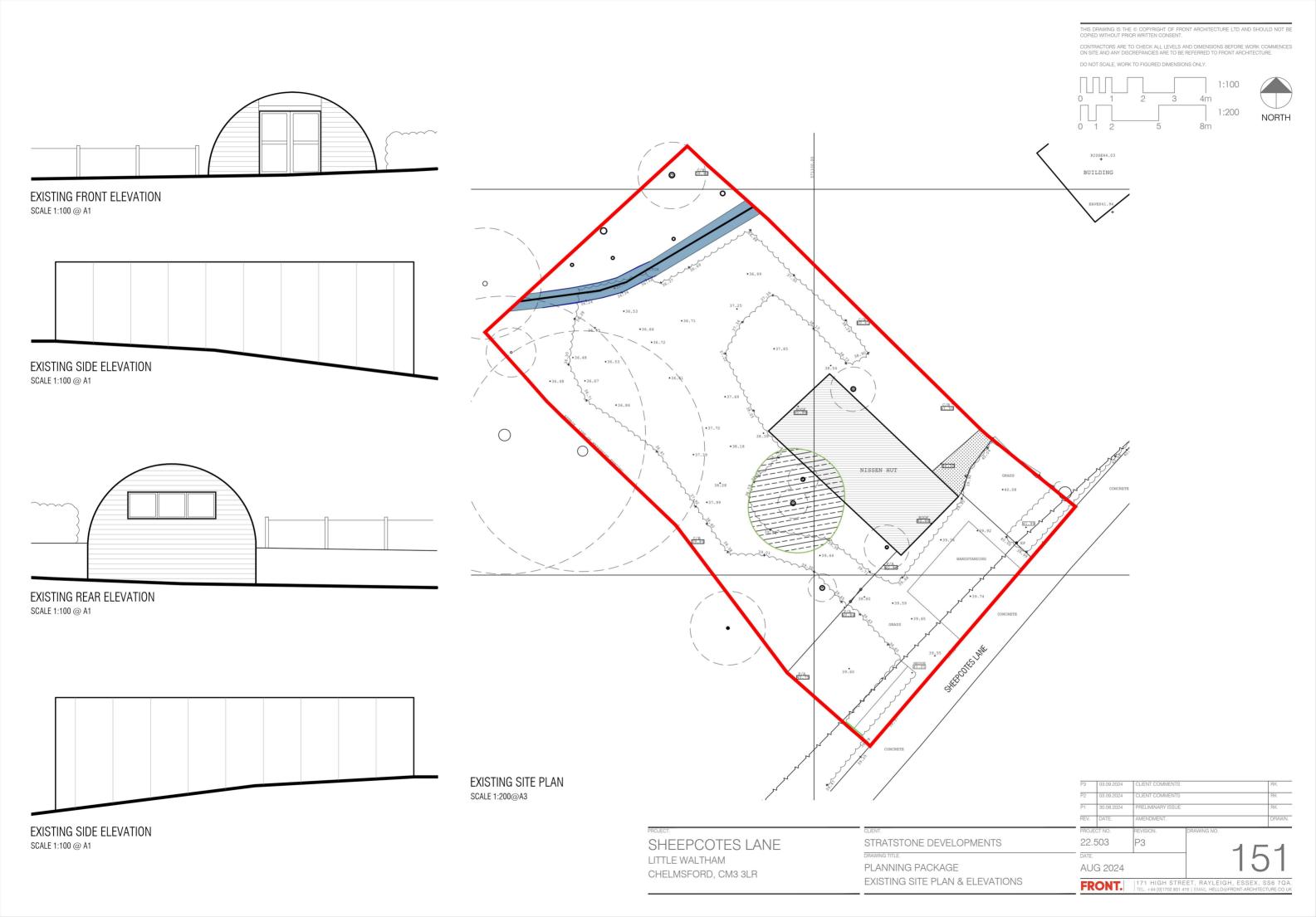
- Historic structure rotten and been reroofed with modern materials
- Alternative uses worse than the proposal
- Condition vacant, previously used as dumping ground
- Design high quality, contemporary
- Rural Character no impact, positive change
- Benefit housing for Little Waltham



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PROPOSED STORE PLAN
SCALE 1:50@A3

PROPOSED STORE SECTION
SCALE 1:50@A3

PROPOSED STORE ELEVATIONS SCALE 1:50@A3

SHEEPCOTES LANE
LITTLE WALTHAM
CHELMSFORD, CM3 3LR

STRATSTONE DEVELOPMENTS
DRAWING TITLE:
PLANNING PACKAGE
PROPOSED BIN & CYCLE STORE

P1 REV.	03.09.2024 DATE.	PRELIMINARY IS AMENDMENT.	SSUE			RK DRAWN.
PROJECT NO. 22.503		REVISION. DF		DRAWING NO.	05	
SEF	PT 2024				25	2

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