

**16 April 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](mailto:dan.sharma-bird@chelmsford.gov.uk)

# PLANNING COMMITTEE

16 April 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 March 2024.

### 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](mailto: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. 21/02475/FUL – Land East Of Great Leighs Racecourse, London Road, Braintree, Essex.

### 7. 24/05019/TPO Works to trees subject to a TPO - 48 Waverley Crescent, Runwell, Wickford, Essex, SS11 7LW.

### 8. 24/05020/TPO Works to trees subject to a TPO - 52 Waverley Crescent, Runwell, Wickford, Essex, SS11 7LW.

### 9. Planning Appeals

**MINUTES**  
of the  
**PLANNING COMMITTEE**  
held on 5 March 2024 at 7pm

Present:

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

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

Also Present:

Councillor M. Steel

### 1. Chair's Announcements

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

### 2. Apologies for Absence

Apologies for absence were received from Cllrs Pappa and Wilson.

### 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 5 December 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 and 7 and are detailed under the relevant item. [The statements submitted in advance can be viewed via this link.](#)

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

The Committee considered an application for the formation of a temporary construction vehicle access from Moulsham Hall lane to facilitate the future development of Strategic Growth Site 7A. The Committee heard that the proposed temporary access would enable initial access in advance of the construction of a new roundabout, enabling preparatory works offline to the new roundabout and access road which would serve Growth Site 7A. The Committee was informed that the regrettable loss of a Category A oak tree could be compensated through other planning applications as it would be lost in any event and that highway safety could be suitably maintained subject to compliance with conditions. The Committee heard that the principle of the application was acceptable, as was the visual impact and highway safety, along with no negative affect to the bridleway and that given the circumstances, the tree loss was acceptable, therefore the application was recommended for approval.

The Committee heard from the applicant who highlighted the importance of the application as it would shorten the development programme, enabling the earlier delivery of market and affordable homes. They also informed the Committee that it would more efficiently facilitate the construction of the main roundabout and spine road, in turn enabling the wider development to proceed, subject to those approvals. They summarised that they had amended the proposals in response to Essex County Council feedback and there had been no other objections.

In response to questions from the Committee, officers stated that they felt the environmental impact of the application was a neutral one. This was because despite the loss of the tree, the works would facilitate a quicker process for large infrastructure, the application was temporary and that the area would form part of a landscaped area through future applications. Officers also referred to future applications, which would have the opportunity to increase biodiversity and counter the loss of the oak tree, whilst noting that the tree was not currently preserved. Officers also responded to a point raised about the roundabout being redesigned with the tree staying as a place maker in the centre of it. They stated that the informal highways response had required a wider access to allow HGV's to exit and enter simultaneously. The Committee heard that they were being asked to have confidence in officers' pre-application discussions and that alternative options had been explored with Highways, but there were restrictions with the proximity of the new mini roundabout and the existing on the A131.

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

(7.04pm to 7.26pm)

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

The Committee considered an application that sought to establish the principle of development for a dwelling house on the site which was located outside of the Defined Settlement of Great Waltham and fell within the Great Waltham Conservation Area, which was also considered to form a part of the setting of nearby grade II listed buildings. The Committee heard that the application was considered to be contrary to national and local planning policies on the grounds that it was within the rural area outside of the Defined Settlement boundary, resulted in the adverse impact on the character and beauty of the rural aera, and had an adverse impact on the character and appearance of the Conservation Area and the setting of South House, a grade II listed building. The Committee were also informed of two previous refusals

on the site and one dismissed at appeal, which was a material planning consideration. Officers also detailed that they did not feel the site was an infill plot, the visual impacts could not easily be mitigated and there would be harm to heritage assets. Therefore, the application was recommended for refusal. It was noted that the application had been called in at the request of a local Ward Member so that the principle for development on the plot and its impacts could be considered.

The Committee heard from the applicant who highlighted the local benefit of their client being able to downsize and free up a larger home for a family in the village. They referred to anti social behaviour at the site which had consistently affected the character and beauty of the area. They also stated that the site would eventually become overgrown and full of rubbish, or it could provide a suitable and sympathetic new dwelling in the village. They stated that they would work closely with the Council for a suitable development and that their client understood the importance of ecological concerns. The Committee also heard that their client had been approached by large housing developers seeking access routes for bigger developments, but instead they wanted to create an in keeping and compliant dwelling for a downsizing property.

The Committee also heard from a local ward member who felt the site was an anomaly in the area because of differences in the defined settlement boundary and conservation area around the property and that the net result, was this site being the only gap in dwellings on South Street. They informed the Committee that a suitable dwelling would not detract from the character of the area or the flow of housing on that side of South Street and felt a development similar to White Cottage would maintain the character of the area. They also referred to the site currently being used as a dumping ground for rubbish and anti social behaviour, which was not enhancing the character of the area. They also informed the Committee that as a local resident they failed to see how the intrinsic character and beauty of the area would be adversely impacted. The Committee also heard that no objections had been made by the Parish Council or anyone living in the village and 1 & 2 bedroom homes were clearly required in the village. They felt that the granting of the PIP, would allow the applicant to work with the Council to establish an acceptable dwelling and the application represented a much needed small dwelling to increase housing stock in the rural village.

In response to the points raised, officers stated that every application had to be determined within currently adopted policies. They reemphasised to the Committee the previously covered issues with the application and added that they would not have any control or influence over what would be proposed on the site if the PIP was granted. They informed the Committee that this could be for a 2,3 or 4 bed property rather than the small property that had been referred to. It is the principle of development which is unacceptable, the previous appeal was for a traditional cottage style dwelling and this did not overcome the issues.

In response to questions from the Committee, officers stated that it was not a relevant planning consideration as to who owned the land, the failed appeal was a material consideration and that in their view, nothing had changed since that appeal in terms of planning policy for a different conclusion to be reached. Officers also stated that they don't canvass for comments from local residents, but the application had been advertised via the usual processes and officer decisions were based on planning policy rather than a referendum of local views.

Members of the Committee expressed views about the significant impacts the development would have on the rural area and highlighted that there were simply too many issues with the site for it to be an acceptable development. Members also highlighted that going against multiple planning policies would set a dangerous precedent.

**RESOLVED** that the application be refused for the reasons detailed in the report, with the exception of reason 5 which had been removed.

(7.28pm to 7.58pm)

## 8. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 21<sup>st</sup> November 2023 and 14<sup>th</sup> February 2024 be noted.

The meeting closed at 8pm.

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27<sup>th</sup> 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**

- DM3** Policy DM3 - Gypsy, Traveller & Travelling Showpeople Sites - The Council will make provision for the accommodation needs of Gypsy, Traveller or Travelling Showpeople, who meet the national Planning Policy for Traveller Sites definition, through allocated sites within the Local Plan. Planning permission will be granted for new sites or subdivision of existing plots or pitches subject to compliance with prescribed criteria. Planning permission will be refused for the change of use of all Gypsy and Traveller sites or Travelling Showpeople yards identified in the Gypsy and Traveller Accommodation Assessment unless acceptable replacement accommodation can be provided, or it can be demonstrated that the site is no longer required to meet any identified needs.
- 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.
- DM10** Policy DM10 - Change of use (Land & Buildings) & Engineering operations - Planning permission will be granted for the change of use of buildings in the Green Belt, Green Wedges and Rural Area subject to the building being of permanent and substantial construction and where the building is in keeping with its surroundings. Engineering operations will be permitted within the Green Belt where they preserve openness, do not conflict with the purposes of including land in the Green Belt, and do not harm the character and appearance of the area. Changes of use of land will be permitted in the Green Wedges and Rural Area where the development would not adversely impact on the role, function and intrinsic character of the area.
- DM15** Policy DM15 - Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
- 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.
- DM18** Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.

- 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.
- 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.
- DM30** Policy DM30 - Contamination & Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local groundwater or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.
- SPS1** Strategic Policy S1 Spatial Principles - 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.
- SPS2** Strategic Policy S2 Addressing Climate Change & Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.
- SPS3** Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.

- SPS4** Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SPS6** Strategic Policy S6 Housing & Employment Requirements - In order to meet the full objectively assessed housing need in the period 2013-2036 provision is made for a minimum of 18,515 net new homes at an average annual rate of 805 net new homes per year. A minimum of 55,000sqm of business employment floorspace (Use Classes B1-B8) will also be allocated in the Local Plan for the period up to 2036.
- SPS7** Strategic Policy S7 The Spatial Strategy - New housing and employment growth will be focussed to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around Key Service Settlements outside of the Green Belt in accordance with the Settlement Hierarchy. New development allocations will be focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford, and South and East Chelmsford. Where there are large and established mainly institutional uses within the countryside, Special Policy Area will be used to support their necessary functional and operational requirements.
- 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**  
**16<sup>th</sup> April 2024**

<b>Application No</b>	:	21/02475/FUL Full Application
<b>Location</b>	:	Land East Of Great Leighs Racecourse London Road Braintree Essex
<b>Proposal</b>	:	Provision of 5 fully serviced travelling showperson plots each containing a workshop for maintenance/storage, space for large vehicles and siting of 10 static and touring caravans. Formation of access points along London Road. Ancillary development including electricity substation, pumping station, drainage works, bin stores, fire point structures, fencing and landscaping.
<b>Applicant</b>	:	Great Leighs Estates Limited
<b>Agent</b>	:	Moulsham Hall Estates
<b>Date Valid</b>	:	23rd June 2022

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2. Site context
3. Site description
4. Other relevant applications
5. Details of the proposal
6. Summary of consultations
7. Planning considerations

### Appendices:

- Appendix 1 Drawings to be approved  
 Appendix 2 Chelmsford Local Plan Adopted Policies Map (May 2020) – Great Leighs

## 1. Executive summary

- 1.1. The application proposes a travelling showpersons site (TSP) for five plots situated on a strip of land between the A131 and London Road, Great Leighs. Part of the site was historically used for the entrance to the former Essex Showground and now benefits from planning permission for car parking associated with Chelmsford City Racecourse. By virtue of that physical association, the site lies within the Special Policy Area (Policy SPA2) for the Racecourse.
- 1.2. The Masterplan for Strategic Growth Site 7 – Great Leighs, has accepted the principle of a TSP site in this location. In recognition of that decision, the site is proposed to be included within Strategic Growth Site 7a within the recently published Chelmsford Local Plan – Preferred Options Consultation Documents (and thereby excluded from the Special Policy Area).
- 1.3. Strategic Policy S7 outlines the Spatial Strategy for the location of development within Chelmsford. TSP sites are allocated within numerous strategic growth sites, of which Great Leighs is one of them (five plots required in Great Leighs). The need for a TSP site within Great Leighs is therefore predetermined by Policy S7. Approval of the Masterplan effectively considered an alternative location to Site 7a, albeit one in close proximity to the wider Site 7 allocation. That location is presented within this planning application. This report considers and balances the policy principle of that location for development management purposes. It concludes that material considerations weigh in favour of the principle of development and goes on to consider the application of relevant development plan policies.
- 1.4. As a new site all of the criteria of Policy DM3 (A) are met and the proposal provides broad compliance with the Council's Travelling Showperson Planning Advice Note and the Government's Planning policy for travelling sites, subject to various planning conditions included at the end of this report. In this respect the site is acceptable in its own right, outside of the current site allocation for Site 7a.
- 1.5. The application is recommended for approval subject to conditions, and furthermore subject to a legal agreement being entered into to secure a serviced showpersons site, relevant financial contributions and the safeguarding of land to the site frontage for future cycleway/footway improvements along London Road.

## 2. Site context

- 2.1. Strategic Policy S7 sets out the Spatial Strategy (i.e. the scale and distribution) for new development over the period of the Local Plan. In allocating sites for strategic growth, this policy confirms that Strategic Growth Sites will be delivered in accordance with masterplans to be approved by the Council. Masterplans demonstrate how the site will satisfy the requirements of the respective site policies. They are a tool to help achieve a vision and key development objectives. They consider sites at a broad level and set a framework for the future planning applications to follow.
- 2.2. Within the site policy, Strategic Growth Site 7 allocations are described as follows:
  - 7a: Great Leighs – Land at Moulsham Hall
  - 7b: Great Leighs – Land East of London Road
  - 7c: Great Leighs – Land North and South of Banters Lane
  - 7d: Great Leighs – Land East of Main Road

- 2.3. The allocation sites are generally located to the west, north and east of Great Leighs village. The largest allocation site is 7a and is located northwest of the village. 7b is located north of the existing village. 7c adjoins the south side of 7b and crosses Banters Lane southwards. 7c is split by Banters Lane, with the larger segment being to its south. 7d is effectively an extension of the existing village and is now complete following the grant of planning permission in 2016. The allocations can be seen in the Policy Map extract for Great Leighs, at Appendix 2.

### 3. Site description

- 3.1. The application site is one elongated rectangular parcel which forms part of a wider strip of land sited between London Road and the A131 (known colloquially as the Island Site). It is roughly 2ha in area. The site is predominantly bare ground with scrub vegetation, but includes preserved woodland (which occupies the north and eastern edges of the site). A young hedgerow (not preserved) occupies the western edge of the site, which sits upon an embankment which is elevated above the A131 to the west. The land in its entirety is currently vacant of any uses.
- 3.2. No residential properties are sited south of the application site within the sliver of land between the roads. To the north of the site the land sited between the roads widens and properties begin to cluster in Youngs End before terminating at the roundabout north of Blackley Lane and Dagnets Lane. One residential property, Norwood, borders the north side of the application site. One further property is located north of Norwood, then there is a gap before reaching the cluster of properties at Young's End.

### 4. Other relevant applications

#### *Site specific*

TPO/2001/100 – order confirmed  
(Essex Showground, Roman Road, Great Leighs)

03/00084/EIA – approved 29 September 2004  
New showground centre with fitness area, terracing for 7000 spectators, conference & multi-use areas; horse racing & equestrian tracks; stables & ancillary buildings; landscaping; dwelling. (Revised application)

- 4.1. The application site is included within the wider application site for the redevelopment of the former Essex Showground into the Racecourse (now named Chelmsford City Racecourse) approved in 2004. The 2003 permission has been implemented and by virtue of this fact, the Island Site could be lawfully developed for a car park to serve the Racecourse.

#### *Context for Strategic Growth Site 7 – Great Leighs*

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.

23/01654/FUL – approved 6 March 2024

Formation of a temporary construction vehicle access from Moulsham Hall Lane to facilitate the future development of Strategic Growth Site 7A.

- 4.2. The hybrid planning application (23/01583/OUT & FUL) covers Site 7a, which represents the largest element of 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) was in approved in March 2024 and will serve as access for construction activities to allow some initial infrastructure works to progress, and the site access roundabout to be delivered.
- 4.3. It is of relevance that the planning application for Site 7a does not include provision of a travelling showperson site (either in the description or the plan details).

#### *Strategic Growth Site 7b & 7c related*

21/02490/OUT – pending consideration

Application for outline planning permission for the development of an integrated retirement community comprising up to 190 units (C2 use) with all matters reserved except for access.

21/02491/FUL – pending consideration

Proposed infrastructure for the location and design of the various junctions to serve the proposed development on Banters Field. Works to London Road to provide a new footpath/cycle way.

- 4.4. Both 21/02490/OUT and 21/02491/FUL were submitted at the same time as the travelling showperson (TSP) application. These two applications are intrinsically linked, as the infrastructure application includes elements to enable the retirement community proposal to proceed, namely drainage details and highways works. The TSP application also has an inter-relationship with both; however, it can proceed in its own right as it is not reliant on the wider highways work in order to be implemented.

## **5. Details of the proposal**

- 5.1. The proposal is for a Travelling Showperson Site (TSP) to include 5 serviced plots each containing a workshop for maintenance/storage, with space for large vehicles and siting of 10 static and touring caravans in total.

- 5.2. Two new access points are formed onto London Road. An existing access at the north end will be closed off.
- 5.3. The workshops are proposed in two formats – one longer than the other. The largest format measures 30.6m in length, 8.6m in depth, 9m in height. This workshop occupies 4 out of the 5 plots (no's 2 – 5 inclusive). The smaller workshop is similar in form but is slightly shorter, with a length of 24.6m. The workshops serving plots 2 to 4 are positioned roughly parallel to the A131, to the west. The workshops serving pitches 1 and 5 are positioned perpendicular to the A131, in a manner which 'book-ends' the north and south ends of the plots on the site.
- 5.4. Ancillary items include drainage for the plots, bin stores and fire points within plots, as well as fencing to enclose the plots. Additional tree planting is proposed to the western site edge. An electricity substation and water pumping station are proposed in a parcel of land to the south of plot 1.

## 6. Summary of consultations

- Great & Little Leighs Parish Council – no comments
- ECC Community Infrastructure Planning (Education) – no response
- Natural England – no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites
- ECC Historic Environment Branch – site is of archaeological interest, request for conditions
- Essex County Council Highways – no objection, request for conditions
- Public Health & Protection Services – no objection, request for condition for acoustic fencing
- Essex County Council (SUDS) – no objection, request for conditions
- ECC Minerals & Waste Planning – request for impact assessments
- Recycling & Waste Collection Services – no objection
- UK Power Networks (Network Planner) – no response
- National Grid – no response
- Anglian Water Services Ltd - note informatives, request condition for foul water connection
- Essex and Suffolk Water – no comments
- NHS Mid & South Essex Sustainability & Transformation Partner – no response
- Police (Designing Out Crime) – no concerns with layout
- Essex Fire & Rescue – draw attention to further consideration at Building Regulations stage, water supply, and sprinkler systems
- Forestry Commission – proposal which is across London Road from Bushy wood has a road between it and the wood, so it is unlikely to have any additional impacts, expect to see compensatory planting if trees are removed
- Local residents – 10 representations received; comments summarised as follows:
  - Support for principle of new site
  - Conflict with Policies DM1 and DM3
  - Query location outside of Site 7a
  - Conflict with Special Policy Area designation
  - Loss of trees
  - Loss of ecological habitat
  - Impact on highway network
  - Noise concern from use of site
  - Excessive size of application site
  - Concern over future change of use
  - Reference to previously refused planning applications along London Road
  - Criticism of public consultation and wider public awareness

- 6.1. The consultee comments will be addressed in the report where relevant, and in some cases are addressed by conditions at the end of the report. Neighbour representation issues will either be addressed within the policy consideration section or within the section entitled 'other matters'.

## **7. Planning considerations**

### ***Policy background***

- 7.1. Planning policy for traveller sites (PPTS) (December 2023) sets out the government's aim of ensuring 'fair and equal treatment for travellers, in a way that facilitates the traditional nomadic way of life of travellers while respecting the interests of the settled community. This includes 'provision of suitable accommodation'. Within the travelling community, the PPTS identifies two distinct cultural groups: Gypsies and Travellers and Travelling Showpeople.
- 7.2. Chelmsford City Council has published a Travelling Showperson Sites Planning Advice Note (January 2024). This Planning Advice Note deals only with provision for Travelling Showpeople.
- 7.3. The PPTS defines Travelling Showpeople as: 'members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers'.
- 7.4. The cultural lifestyle of Travelling Showpeople often means that accommodation in the form of flats and houses is not suitable for this community. Travelling Showpeople are generally accommodated on 'plots' (sometimes informally known as 'yards'). In accordance with the National Planning Policy Framework (NPPF) and PPTS, local planning authorities have a responsibility to identify and address the accommodation needs of different groups of the community, including Travelling Showpeople. Chelmsford City Council adhere to this requirement in undertaking Gypsy and Traveller Accommodation Assessments (GTAA's) to identify the number of plots required and duly allocating the required amount within the Chelmsford Local Plan. The Chelmsford Local Plan has allocated 24 plots to be provided to meet the identified needs of the Travelling Showperson community. All are allocated in Strategic Growth Sites, five of which allocated as part of Great Leighs Site 7a.

### ***Policy principle***

- 7.5. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 establishes the principle that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.6. The site forms part of the Special Policy Area for the Racecourse (Policy SPA2), which enables operational and functional requirements to be acceptable in principle in rural areas that would ordinarily be one of planning policy constraint.
- 7.7. The Island Site's inclusion within the SPA was intended to preserve the implementation of the governing permission for the Racecourse (03/00084/EIA) for car parking, and also permit any suitably related development associated with the Racecourse. The permitted car parking would have been linked physically to the Racecourse site via an underpass under the A131, which didn't get built at the time of construction of the A131. The use of part of the Island Site (for a TSP) would

effectively negate its future use for the Racecourse (for car parking or any other such ancillary use). The underpass is unlikely to be built, due to its cost, but also due to alternative parking solutions currently in place. The Racecourse now operates with an on-site car park north of the track; the requirement for the additional parking on the Island Site no longer exists. The applicant has confirmed that there is no intention to build out additional parking on the Island site.

- 7.8. A TSP site would not be in accordance with the Site Policy Area policy requirements, as it is not related to the Racecourse. Furthermore, the use of part of the Island Site would effectively negate its use for the benefit of the Racecourse (car parking). The Council are satisfied that development on (part of) the Island Site would not frustrate the operational requirements of the Racecourse. Its conflict with the SPA therefore needs to be balanced against other material considerations, taking into account the starting point that the site is effectively surplus to Racecourse requirements. Those material considerations are discussed below.
- 7.9. It is noteworthy that Chelmsford Policy Board, then subsequently Full Council, have endorsed the location of the TSP through its decision to approve the Masterplan. The Masterplan included the location of the TSP and was satisfied of such in principle, subject to the reduction in the number of access points to two and tree loss being minimised/compensated.
- 7.10. Following on from the approval of its location through the masterplan process, the Chelmsford Local Plan Preferred Options Consultation Document (awaiting public consultation) seeks to allocate the application site as an extension of Growth Site 7a, specifically for a TSP site. Although the Preferred Options document is of 'limited' weight in development management decision making, it does represent a material consideration in favour of its siting within the Island Site.
- 7.11. The application has sought to address the caveats introduced at the Masterplan approval. As part of revisions to the planning application, the number of access points has been reduced to two. There is a commitment to compensate for trees already lost and those to be lost through the development, in addition to a commitment to provide three new trees per plot (in acknowledgment of the Council's wider tree planting aspirations associated with the provision of net new dwellings).
- 7.12. Also of relevance is the fact that the siting of the TSP away from the 'Land at Moulsham Hall' (Site 7a) enables the layout within 7a to have greater flexibility for its proposed uses, namely residential, school and commercial development, but maintain a geographical link to Growth Site 7, through its proximity to Site 7b.
- 7.13. It is evident from the policy context here that there is an implicit acceptance of the principle of the Island Site being appropriate to host a TSP site, subject to its detailing.
- 7.14. In the wider context the development would make use of redundant land, effectively 'left over' from the racecourse development, to deliver much needed travelling showperson plots within Chelmsford. The proposal would also serve to achieve one of the key development requirements of Strategic Growth Site 7a. On balance, the material considerations weigh heavily in its favour.

#### ***Policy compliance (Development Management)***

- 7.15. Chelmsford Local Plan Policies DM8 and DM10 deal with different types of development in the rural area. However, travelling showpeople sites are directly dealt with under Policy DM3, which mimics some of the rural area considerations of DM8 and DM10 but also adds extra requirements. Policy DM3 is therefore the primary development management policy for consideration of a new travelling showperson site.

- 7.16. Chelmsford Local Plan Policy DM3 sets out some general provisions on Gypsy, Traveller and Travelling Showperson sites. Part A lists criteria to be met for 'new sites' (i – ix). Policy DM3, and the Local Plan, is also supplemented now with the adoption of the Travelling Showperson Sites Planning Advice Note (January 2024) which provides site planning guidance.
- 7.17. The site is not located within the Green Belt, therefore criterion (i) of Policy DM3 (A) is not applicable. This section of the report will continue through each criterion of DM3 (A), with some grouped together for ease of understanding.

*ii. adequate community services and facilities are within reasonable travelling distance*

- 7.18. Great Leighs is identified in the settlement hierarchy of the Spatial Strategy (Policy S7) as a Key Service Settlement. Such settlements are second only to the City of Chelmsford and Town of South Woodham Ferrers in terms of sustainability. Key Service Settlements provide a range of services and facilities for their residents. These include primary school provision, local employment opportunities, convenience shopping facilities, community facilities, good links by public transport to higher order settlements, good access to the strategic road network, and in most cases primary healthcare provision.
- 7.19. The application site lies outside of the defined settlement boundary (DSB), but this is a boundary which has expanded north of the historic village in the Local Plan and now the northern extremity of the DSB is relatively close to the application site. Facilities within the village can be accessed on foot. Foot and cycle provision is proposed to be improved as part of applications related to Growth Site 7a and 7b. It is also noteworthy that Site 7a will include a neighbourhood centre once that is developed.
- 7.20. It is right that the application site is considered under Policy DM3 as a 'new site' and the above commentary demonstrates that travelling distances to existing facilities are reasonable. However, it should also be acknowledged that the site is proposed to be allocated as part of 7a under the Local Plan review, and will benefit from the community facilities proposed within 7a as well as other infrastructure improvements.

*iii. the site is of sufficient size to accommodate the proposed number of caravans, vehicles and ancillary areas &*

*x. plots for Travelling Showpeople should also be of a sufficient size to enable the storage, repair and maintenance of equipment*

- 7.21. The site area is roughly 2ha, which is almost double that assumed by the PAN (if each plot is expected to provide 0.2 hectares). However, as seen from the block plan the site consists of preserved woodland as well as an internal access road. Plot sizes vary from 0.12ha up to 0.18ha. Owing to the shape of the application site, the sizes are not viewed as problematic – turning space is provided, with a larger workshop building than envisaged by the PAN. The slightly smaller plot size will limit the ability for future sub-division. The plans demonstrate the ability to accommodate a large workshop building along with static and touring caravans and a size capable of accommodating residential amenity space within plot. A separate amenity building is not provided, but facilities are provided within the workshop building, each plot having its own building. The PAN is not prescriptive in its plot requirements and a judgement needs to be made on an individual basis whether the plots are acceptable as a whole.
- 7.22. The site, and its individual plots, are of sufficient size to accommodate a TSP site for five plots.

*iv. no significant adverse impact on the intrinsic character and beauty of the countryside*

- 7.23. The layout has of course been influenced by the constraints of the site, namely its physical features. Vehicular access off the London Road is limited to two points, which necessitates an internal road to serve each plot. The access points and internal road also enable the retention of most of the trees to the eastern frontage. Each plot then needs to accommodate a workshop building and space for inhabitants to locate caravans, whilst also providing adequate turning space for large vehicles. The layouts of the plots successfully achieves those requirements within the elongated rectangular shape of the application site and its natural constraints.
- 7.24. The existing site, excluding the presence of trees and vegetation which hold some amenity value in views from the roads, is relatively unattractive. It has been devoid of a purposeful use since the cessation of the Essex Showground. Its central core is basically bare scrubland. From the east it is viewed in the context of Bushy Wood opposite, a wooded belt dissected by London Road. From the west it is viewed from the A131, in the context of the Racecourse development. The site itself contributes little to the character and beauty of the countryside. The ability to implement parking on the site (as part of the 2003 permission for the Racecourse) could furthermore diminish its natural state if implemented.
- 7.25. The layout of the TSP site seeks to utilise the central zone between the trees and hedgerow to create an internal road and five plots, conjoined but, separated by fencing which distinguish the plots. The proposal would include various built form, not least the 9m high rectangular workshop buildings. These are by far the largest features within the proposal. Their arrangement within the site, three running parallel to the A131 along the western edge, and the other two positioned perpendicular to the road, creates a book-ended clustering of buildings within the site. They would be clearly visible above the embankment and hedgerow from the A131. They would also be glimpsed through the woodland belt, and visible through the access points, from London Road to the east. The workshops are not insignificant features in this landscape. They are essentially industrial in character and have an appearance (elevations and roof proposed to be metal sheeting) similar to modern agricultural buildings. The palisade fencing is industrial in appearance but is set back from the highway and in the main obscured by the tree belt (and effective for security). Acoustic fencing is not dissimilar to standard close boarded fencing and is visually satisfactory as means of enclosure. The ancillary features such as the substation and pumping station are not alien structures, even within a rural setting.
- 7.26. In considering their impact the context of the location is relevant. Although located within the rural area (albeit within the Special Policy Area, as well as now potentially as part of 7a within the Preferred Options Document) being outside of the Defined Settlement of Great Leighs, the local landscape is one which will be subject to significant change. The A131 is a defining physical feature to the west, and at one point in time dissected the rural landscape of the Essex Showground. Beyond the dual carriageway, the Racecourse remains partially developed (with the approved grandstand yet to be built adjacent the road) but with an existing grandstand located on the inside of the track now a permanent feature of this landscape. An existing residential property, Norwood, is located north of the application site, with a further property north of this. Residential development is not perceived then until further north, in Young's End, which is several hundred metres further north along London Road. Directly opposite the site Bushy Wood, but south of that woodland is land known as Banters Field which forms part of Strategic Growth Site 7b (allocated for around 250 specialist residential units). The context of the site is therefore somewhat mixed, differing on one side from an ancient woodland to the other which is a large leisure venue. The site itself contributes little to the beauty of the countryside. The fallback position of the potential

racecourse car park should also add weight to the fact that this site also has limited potential to contribute to the wider countryside. Had the car park been developed, it could be argued that the land was previously developed.

- 7.27. Given the natural landscape to the east and the woodland within the site itself, it is concluded that the proposal would have an adverse impact on the character and beauty of the countryside in this location. However, this adverse impact is deemed to be minor, given the landscape context to the west and the ability to maintain the vast majority of the woodland belt within the site. Additional landscaping (which would be conditioned) will also aid to mitigate such impact. Given that the policy criterion provides a relatively high bar of harm (i.e. significant adverse impact), this threshold is not close to being met and therefore the proposal is not in conflict with this criterion.

*v. the site would not lead to the loss of, or adverse impact on, important historic and natural environment assets*

#### *Historic environment*

- 7.28. The Council's Historic Environment Advisor (HEA) at Essex County Council has advised that the site has the potential for archaeological deposits.
- 7.29. The proposed development is directly adjacent to London Road, which is on the line of the original Roman Road between Chelmsford and Braintree. There is the possibility of Roman remains surviving adjacent to this historic routeway, including roadside ditches, extramural remains and agricultural evidence. The groundworks associated with the proposed application have the potential to impact any remains associated with the archaeology described above. There is therefore the possibility that archaeological features and deposits may survive in the proposed development area. Conditions have been recommended by the HEA (including pre-commencement), which are included in this report.
- 7.30. There are no heritage assets in the vicinity. There would be no adverse impact on the historic environment.

#### *Natural environment*

- 7.31. Tree Preservation Order TPO/2001/100 protects numerous groups as well as individual trees across the former Essex Showground site, now occupied by Chelmsford City Racecourse. The application site includes woodland groups W1 (north end) & W2 (which wraps from the north down the east side of the site), and T1 (a single horse chestnut at the southern end of the site).
- 7.32. The preserved horse chestnut (T1 in the Order) is in severe decline and is a category U tree, it is recommended to be felled irrespective of development.
- 7.33. Parts of woodland groups W1 and W2 were felled in March 2024. The updated arboricultural report notes that the majority were removed as they were category U trees, but others were category C trees (admittedly low quality and value) and their removal was to facilitate the proposed vehicular entrances, and in that respect their removal was unauthorised and premature. The site access points are deemed to be acceptable from a highways perspective so the two areas of woodland would have been removed in any event, following grant of a planning permission.

- 7.34. The arboricultural report describes the extent of tree loss likely to be necessary to facilitate the cycleway/footway improvements currently being negotiated as part of ref 21/02491/FUL. However, these works are not specific to this TSP planning application. In counting the six trees and part of the woodland removed already, seven further trees require removal to facilitate the site accesses and visibility splays. None of the trees removed, or to be removed are categorised higher than category C. The trees to be removed within the woodlands include dead standing Scots Pine and Larch. Their removal will thin the woodland out and allow for an increase in species diversity. The trees to be planted as per the report are native species, and include yew, oak, and hornbeam. Further methods to improve the woodland have been noted in the report and these include the addition of habitat piles, native planting at the edges of the woodlands and the control of bramble. The findings of the report are accepted.
- 7.35. In summary, the removal of trees in this location was either necessary due to their health or will be necessary to facilitate development. Those that facilitate development were not good specimens in any event. All removal is to be compensated by replacement planting and a landscape scheme to be conditioned.

#### *Ecology*

- 7.36. The site is generally deemed to be of low ecological value. The initial ecology report noted the potential for foraging bats along the eastern frontage. A further survey was conducted recently and only one tree, due to be removed, showed potential for bats.
- 7.37. The Council's consultant ecologist has confirmed acceptance of the report findings and has recommended suitable conditions.
- 7.38. The applicant is committed to biodiversity net gain, to be secured through the legal agreement.

*vi. there is no significant risk of land contamination or unacceptable risk of flooding*

#### *Contamination*

- 7.39. The submitted desktop study report recommends that intrusive ground investigation takes place, that includes ground gas and groundwater monitoring. A suitable condition is recommended. An asbestos survey is recommended by the Council's Public Health officer, this is not strictly a planning matter so an informative is included.

#### *Flood risk and drainage*

- 7.40. The site is located in Flood Zone 1 (lowest risk) with a low probability of flooding. The drainage details submitted as part of the Flood Risk Assessment have been reviewed by ECC Suds team. No objection is raised subject to conditions.

*vii. the site provides a suitable living environment for the proposed residents and there is no significant adverse impact on the amenity of nearby residents*

#### *Noise*

- 7.41. The site is exposed to high levels of road traffic noise, owing to its location between the A131 and London Road. The submitted acoustic report indicates that with the proposed acoustic barrier the internal noise levels within the mobile homes should meet the criteria in BS8233: 2014 Guidance

on Sound Insulation and Noise Reduction for Buildings. The acoustic report does not specifically demonstrate this compliance as caravans are not buildings for the purposes of the British Standard, however Public Health and Protection Services (PHPS) have recommended a condition to require implementation of the acoustic barrier as outlined in the report, in the interests of achieving the best-case scenario for residents of the caravans.

#### *Air quality*

- 7.42. The submitted air quality impact assessment identifies that the impact of the proposed development on air quality to be 'not significant'. Dispersion modelling identified that pollutant levels across the site meet the relevant air quality objectives. The findings are accepted by PHPS and the proposal is therefore acceptable on air quality grounds.

#### *Neighbouring residents*

- 7.43. The neighbouring property to the north, Norwood, would be the only residential property potentially affected by the physical form of the proposal. Norwood is a detached two storey property sited on a large plot. The application site would co-terminate at the southern boundary of Norwood, however the nearest workshop building would be over 50m away from the neighbours boundary. The workshop in plot 5 would be glimpsed from the neighbouring property, through the woodland. Its presence would not however result in adverse loss of light to the house or garden, or appear unduly overbearing.
- 7.44. The neighbouring property to the north (and to a lesser extent the property beyond Norwood) would experience noise from movement of vehicles and use of the workshops, as well as the general domestic use of the site by occupants. Several factors would mitigate this impact. Firstly, the orientation of the workshop in plot 5 would buffer some noise to a degree. Secondly, proposed acoustic fencing would envelope the plots on several sides. Thirdly, the degree of separation from the nearest residential properties is not insignificant, with the presence of some intervening vegetation and existing fencing. Fourthly, the properties already experience a high degree of background noise from both nearby roads.
- 7.45. The proposal would not result in an unacceptable impact on living conditions of nearby residential properties. An hours of use condition is proposed in order to provide a safeguard of reasonableness.

#### *viii. safe and convenient vehicular access to the local highway network can be provided*

- 7.46. During the lifetime of the application the number of new access points along London Road has been reduced to two. This change necessitated an internal road, situated behind the tree line, which enables access to each individual plot. The number of conflict points with the main road is thereby minimised to two.
- 7.47. The access points themselves can suitably cater for the largest vehicles and internal turning has been demonstrated for vehicles up to 18m in length (drawbar truck) within the Transport Statement.
- 7.48. The Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency. The local planning authority endorse such a conclusion. Conditions are recommended.

*ix. essential services (water, electricity and foul drainage) are available on-site or can be made available on-site*

- 7.49. The submitted utilities report confirms essential services are achievable. The report details pre-application discussions with various utilities providers. Water connections are feasible. Foul drainage is possible to link further south, but this would require a pumping station (southern end of site). Electricity can achieve connection from the west side but this would also require a substation on site – one is proposed to the southern end of the site. The legal agreement will secure provision of services prior to occupation of the site.

#### *Policy conclusion*

- 7.50. The Government's 'Planning policy for traveller sites' (PPTS) has been taken into account. The site makes use of 'derelict land', it is well planned in layout terms, landscaping will be enhanced, garden / play areas can be accommodated.
- 7.51. In conclusion, all of the criteria of Policy DM3 (A) are met and the proposal provides broad compliance with the Council's Planning Advice Note and the Government's PPTS, subject to various planning conditions.
- 7.52. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable and in general accordance with the adopted Local Plan Policies.

#### **Legal obligations**

- 7.53. A comprehensive scheme of highway improvement works for London Road is being developed in conjunction with the overall masterplan for Great Leighs, and specifically in relation to live applications 21/02490/OUT and 21/02491/FUL. The improvement works include the delivery of new and enhanced walking and cycling facilities, crossing points, and a speed management strategy for London Road, of which will tie into wider improvements in Great Leighs. As part of this scheme, a continuous cycle route from Great Leighs to Great Notley is required to provide connections for sustainable travel, in the interests of accessibility and sustainability, which will run across the TSP site frontage. Land across the application site frontage will need to be safeguarded for use in the highway improvements scheme, to allow for an LTN 1/20 compliant cycle scheme to be provided. The applicant has agreed to dedicate the land through legal agreement, in addition to land south of the application site which is also in the applicant's ownership.
- 7.54. The applicant has agreed to enter into a S106 legal agreement to cover several matters:
- Provision of serviced plots for those meeting the definition of Travelling Showpersons
  - Limitations to the number of mobile homes within any given plot
  - Safeguarding of land to site frontage and frontage of land within applicants ownership to the south, to secure future cycle /pedestrian route improvements
  - RAMS contribution
  - Contribution towards north east bypass
  - Commitment to Biodiversity Net Gain

#### **Other Matters**

### *Neighbour representations*

- 7.55. The representations raise a number of planning considerations. The issues related to potential policy conflict have been addressed in the above sections. In terms of the potential for future changes of use of the site, this application has to be determined on its individual merits and so would any future application (for change of use, for example). The site's proposed allocation for a TSP as part of 7a would severely restrict potential future uses in policy terms. It is also likely that any granting of permission for 7a would need to secure this TSP site in perpetuity.
- 7.56. A number of representations note previously refused planning applications (and appeals) for other development along London Road. This application is dealt with on its merits and under a different policy context (its proposed use is a discernible difference) than those applications referenced.
- 7.57. Clarification is required about the presence, or not, of an electric substation within plot 5. The substation is actually proposed to be located to the southern end of the site (south of plot 1).

### *Minerals*

- 7.58. The entirety of the application site is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The area of land associated with the proposed development that lies within an MSA for sand and gravel is below the 5ha threshold applied for this mineral. Therefore, a Minerals Resource Assessment (MRA) was not required as part of a planning application.
- 7.59. Due to the proposed site being located within a Mineral and Waste Consultation Area, a Mineral Infrastructure Impact Assessment (MIIA) and Waste Infrastructure Impact Assessment (WIIA) was requested by ECC Minerals and Waste. Assessments were duly submitted and considered.

### *Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)*

- 7.60. 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.
- 7.61. 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.
- 7.62. The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to European designated sites, in this case specifically the Blackwater Estuary Special Protection Area (SPA) & Ramsar site and the Essex Estuaries Special Area of Conservation (SAC). Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development. An appropriate assessment has been conducted. The applicant has agreed to a financial

contribution towards Essex Coast RAMS Mitigation to mitigate against the impact of the development, to be secured through legal agreement.

*Community Infrastructure Levy (CIL)*

7.63. The proposal would be CIL liable but zero rated.

### **RECOMMENDATION**

**Subject to an agreement, as indicated in the report presented to the Committee pursuant to the Town and Country Planning Act 1990, the Director of Sustainable Communities be authorised to grant the application subject to the following conditions:-**

#### **Condition 1 – Time limit**

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 – Approved plans**

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 – Material details**

Prior to their use, details of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure that the development is visually acceptable in accordance with Policy DM23 of the Chelmsford Local Plan.

#### **Condition 4 - Levels**

Prior to any construction works, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DM23 of the Chelmsford Local Plan.

#### **Condition 5 – Boundary details**

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

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

Reason:

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

**Condition 6 - Details**

Prior to their installation, details of the electricity substation and pumping station shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure that the development is visually acceptable in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 7 – Hours of operation**

The use of the plots, including workshops, for maintenance of vehicles including operation of machinery and processing, shall only take place between the following hours:

[0800 - 1800] Mondays - Fridays;

[0900 - 1300] Saturdays; and

Not at any time on Sundays and Bank Holidays.

Reason:

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

**Condition 8 – Storage restriction**

No goods, plant, machinery, merchandise or materials (unrelated to the use as a travelling showperson site) shall be stored outside.

Reason:

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

**Condition 9 – EV charging**

Prior to the first occupation of the workshop buildings hereby permitted, charging infrastructure for electric vehicles shall be installed and retained at a rate of 1 charging point per building.

Reason:

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 10 - Contamination**

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

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

Reason:

This information is required prior to the commencement of the development because this is the only opportunity for contamination to be accurately assessed. This is to ensure the development does not give rise to problems of pollution or contamination in accordance with Policy DM30 of the Chelmsford Local Plan.

**Condition 11 – Water efficiency**

All new workshop buildings as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day.

Reason:

To ensure the development reduces water dependency in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 12 – Visibility splays**

Prior to first occupation of the development the new vehicular accesses, at the centre lines, shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 161 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.

Reason:

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

**Condition 13 – Site access**

Prior to first occupation of the development, the site access arrangements as shown in principle on Dr no 60265/PP/009 (Titled - Proposed Site Access, 24/03/2023), shall be provided. The accesses shall be formed at right angles to London Road, to include but not limited to a minimum 6 metre access width in combination with appropriate radii to accommodate the swept path of all vehicles that would access the site and dropped kerb pedestrian crossings of the accesses.

Reason:

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

**Condition 14 – Vehicle parking**

The development shall not be occupied until such time as the vehicle parking and turning areas indicated on the approved plans has been provided. The vehicle parking and associated turning areas shall be retained in this form at all times.

Reason:

To ensure that appropriate parking and turning is provided in the interests of highway safety.

**Condition 15 - Construction management plan**

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;
- v. before and after condition survey to identify defects to highway in the vicinity of the access to the site

Reason:

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

**Condition 16 – Access material**

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

Reason:

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

**Condition 17 – Gate restriction**

Any gates provided at the vehicular access points shall be inward opening only.

Reason:

In the interest of highway safety.

**Condition 18 – Access closures**

Any redundant access along the application site frontage shall be suitably and permanently closed within one month of first occupation of the development.

Reason:

To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

**Condition 19 - Preliminary ecological appraisal compliance**

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (TMA Associates, December 2022) and the Ground Level Tree Assessment for Roosting Bats (SES, March 2024).

Reason:

To conserve and enhance protected and priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

**Condition 20 - Construction environmental management plan**

Prior to commencement a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones", specifically for bats, Great Crested Newt, Badger, reptiles, Hedgehog;
- c) non-licenced Great Crested Newt Method Statement;
- d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- e) the location and timing of sensitive works to avoid harm to biodiversity features;
- f) the occasions during construction when specialist ecologists need to be present on site to oversee works;
- g) identification of responsible persons and lines of communication;
- h) the role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person;
- i) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period in accordance with the approved details.

Reason:

To conserve protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

**Condition 21 - Biodiversity enhancement strategy**

Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures through appropriate plans
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason:

To enhance protected and Priority species & habitats and allow the local planning authority to discharge its duties under the NPPF December 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

**Condition 22 – Lighting strategy**

Prior to first occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and maintained thereafter in accordance with the agreed strategy. No other external lighting shall be installed without prior consent from the local planning authority.

Reason:

To allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

**Condition 23 – Archaeological investigation**

- a) No demolition, development or preliminary ground works shall take place within the site until a written scheme of investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.

b) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation and a copy of the final report of findings has been submitted to and approved in writing by the local planning authority.

Reason:

This information is required prior to the commencement of the development because this is the only opportunity for archaeological investigation work to be undertaken. These works are required to ensure that adequate archaeological records can be made in respect of the site in accordance with Policy DM15 of the Chelmsford Local Plan.

#### **Condition 24 – Surface water drainage scheme**

No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- limiting discharge rates to 2.93l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change
- provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event. o Final modelling and calculations for all areas of the drainage system.
- the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- detailed engineering drawings of each component of the drainage scheme.
- a final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to first occupation.

Reason:

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

#### **Condition 25 – Suds maintenance plan**

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required

information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

**Condition 26 – Suds maintenance logs**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the local planning authority.

Reason:

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

**Condition 27 – Compliance with arboricultural report**

In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report dated 5 April 2024 by Enviroarb Solutions.

Reason:

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

**Condition 28 – Landscape details**

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- e) details of the planting of 3 trees per net new plot within the site;
- f) management details and a five year maintenance plan

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan and to ensure that three additional trees are planted in response to the Council declaring a Climate and Ecological Emergency and Strategic Policy S2 of the Chelmsford Local Plan which recognises that new development will seek to mitigate and adapt to climate change .

**Condition 29 – Drainage and service runs**

Drainage and service runs shall not be laid beneath the root protection area of any tree preserved under TPO/2001/100 unless supervised by a qualified arboriculturalist.

Reason:

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

**Notes to Applicant**

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 You are reminded that this permission is also subject to a legal agreement, and that the terms of this agreement must be complied with.
- 3 It is recommended that an asbestos survey is undertaken prior to demolition. Any asbestos found must be removed by a qualified contractor and disposed of at a licensed facility.
- 4 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- 5 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.
- 6 There should be no discharge of surface water onto the Highway.
- 7 The Highway Authority cannot accept any liability for costs associated with a developers improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the 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.
- 8 With regard to the implementation of ecological enhancements, this may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 9 A professional team of qualified archaeological contractors should undertake the archaeological work. The work will consist of a programme of trial-trenching within the development site, focused on the areas of proposed construction and groundworks. This will evaluate the archaeological potential of the site. Depending on the results of this evaluation a subsequent programme of

archaeological excavation may be undertaken and/or any groundworks associated with the development may be archaeologically monitored.

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

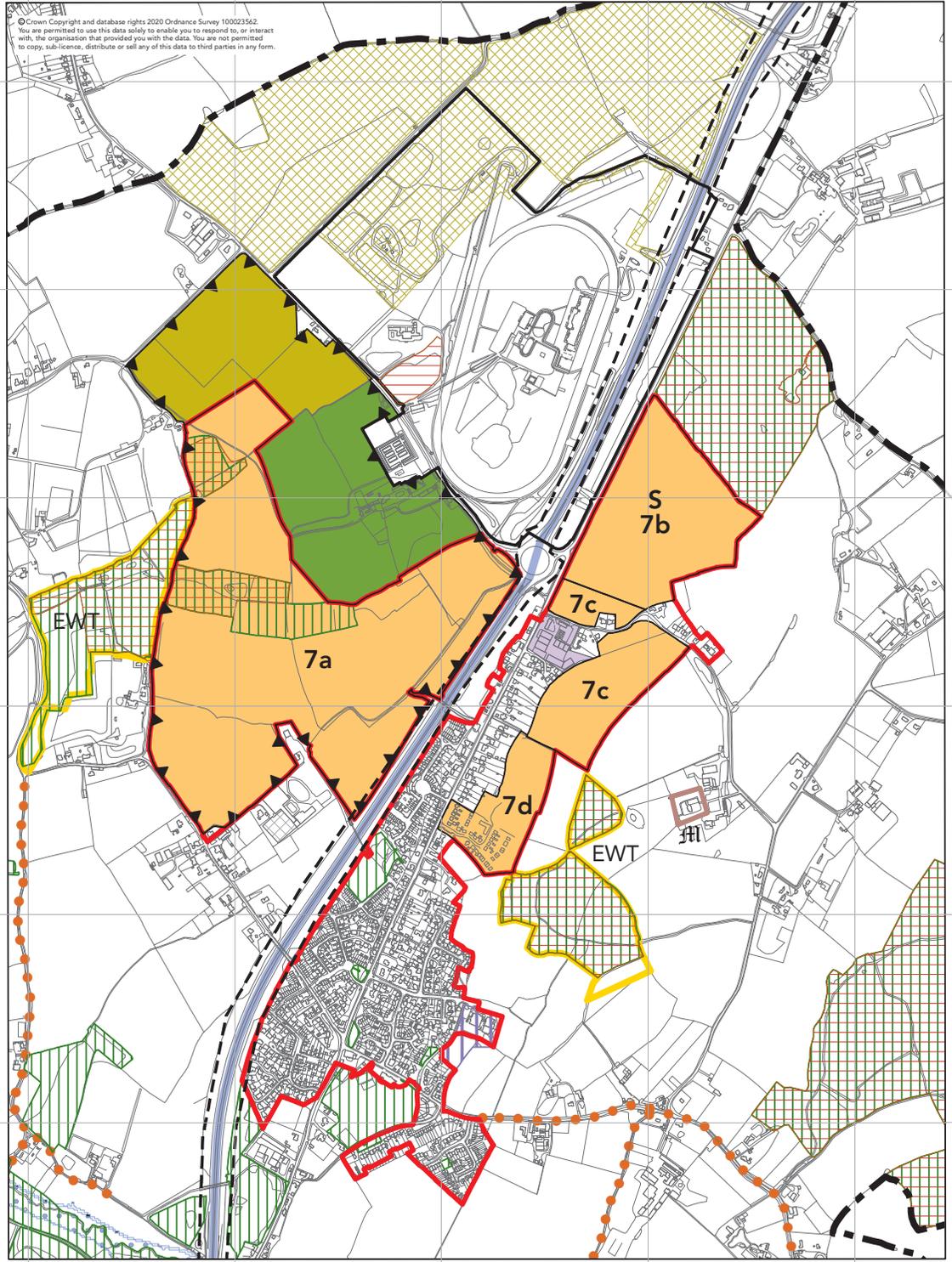
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**Plans to be listed on any Decision Notice:**

Air Quality Assessment;  
Environmental Noise Assessment;  
Ecological Appraisal;  
Arboricultural Impact Assessment;  
Extended Phase 1/December 2022;  
982-PL-001;  
982-PL-003;  
982-PL-006;  
982-PL-007;  
Tree survey & report/18 October 2023;  
Flood Risk and Suds Assessment/B;  
Arboricultural Impact Assessment/5 April 2024;  
1539-LOC/B;  
1540-LAYOUT/B;  
982-PL-002/A;  
982-PL-004/A;  
48274-C-TSP-007;  
Tree assessment for roosting bats 20/03/24.

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Adopted Policies Map May 2020

## 18 Great Leighs (Great and Little Leighs Parish)

The Policies Map shows the spatial definition of policies. It includes Policy Areas proposed by the Chelmsford Local Plan.

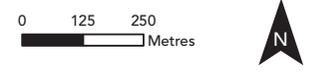
For the application of relevant policies within the Local Plan, the designation of the Rural Area includes all those areas outside of Urban Areas, Defined Settlement Boundaries, Green Belt and specific allocations or Policy Areas. The Rural Area has no notation so appears as 'white land' on the Policies Map and its insets.

### Important Note

This Policies Map shows areas at a higher risk of flooding. Areas at a higher risk from flooding are defined and regularly updated by the Environment Agency.

For further details please see the flood maps published on the Environment Agency's website at:

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



Spatial Planning Services  
Directorate for Sustainable Communities

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[www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)





# Chelmsford Local Plan

## Legend for Adopted Policies Map May 2020

Relevant Key Policy References are shown in brackets

- Chelmsford City Council Area
- Inset
- Chelmsford and South Woodham Ferrers Urban Areas (S7)
- Chelmsford City Centre (S1, S8, S12, DM5)
- South Woodham Ferrers Town Centre (S12, DM5)
- Defined Settlement Boundary (S7, DM2)
- Area for the former Runwell Hospital Major Developed Site (7.320)
- Boundary of Strategic Growth Site Allocations 2, 3a, 6 and 7
- New Housing Site (S7 and Relevant Site Policy)
- New Garden Community for Major Housing and Employment Development (SGS6)
- Specialist Residential Accommodation (SGS7b, GS12)
- New Gypsy and Traveller Site (GT1)
- Proposed Employment Area (S7, SGS6, SGS3b, DM4)
- Existing Employment Area (S8, DM4)
- Rural Employment Area (S8, DM4)
- Green Belt (S11, DM6, DM9, DM10, DM11, DM12)
- Special Area of Conservation (SAC) (S4, S9, DM16)\*
- Special Protection Area and Ramsar Site (S4, S9, DM16)\*
- Marine Conservation Zone (S2)\*
- Site of Special Scientific Interest (SSSI) (S4, DM16)\*
- Scheduled Monument (S3, DM13)\*
- Registered Park and Garden of Special Historic Interest (S3, DM13)\*
- Local Nature Reserve (S4, DM16)\*
- Local Wildlife Site (LoWS) (S4, DM16)
- Essex Wildlife Trust Nature Reserve (S4, DM16)\*
- Green Wedge (S11, DM7, DM9, DM10, DM11, DM12)
- Protected Lane (S3, DM17)
- Conservation Area (S3, DM13)
- Area for Conservation / Strategic Landscape Enhancement (SGS7a)
- Country Park\*
- Proposed Country Park (SGS3, SGS6)
- Land Allocated for Future Recreation Use and / or SUDS (SGS2, SGS7a)

- Open Space (S11, DM21)
- New Railway Station (S9)
- Railway Station Access Road (S9)
- Radial Distributor Road (RDR1) (S9)
- Proposed RDR2 Detailed Design within New Garden Community Masterplan Area (S9, SGS6)
- Proposed Link Road (SGS3a, SPA5)
- Route Capacity Improvement (S9, SGS10)
- Proposed Cycle Route\*
- Proposed Bridge (S9, SGS1a, SGS10)
- Existing Park and Ride
- Park and Ride Area of Search (S9)
- Proposed Chelmsford North East Bypass - Detailed Design within Masterplan Area (S9, SGS6)\*
- Proposed Chelmsford North East Bypass - Safeguarded Corridor (S9, SGS6)\*
- Route Based Strategy (S9)
- Strategic Trunk Route
- Strategic Non-Trunk Route
- Regional Route
- Location for Primary School
- Existing School, Further / Higher Education Establishment (DM22)
- Retail Allocation (SGS10)
- Primary Shopping Area (S12, DM5)
- Primary Frontage (S12, DM5)
- Secondary Frontage (S12, DM5)
- Principal Neighbourhood Centre (S12, DM5)
- Retail Frontage of Principal and Local Neighbourhood Centres (S12, DM5)
- Special Policy Area (S7, SPA1-SPA6)
- Hazardous Substance Site Safeguarding Zone (DM30)\*
- Flood Zone 2 (S2, DM18)\*
- Flood Zone 3 (S2, DM18)\*
- Flood Alleviation Scheme
- Air Quality Management Area (DM30)
- Minerals and Waste Site\*

\*These notations are designated by third parties not Chelmsford City Council and are subject to change

Spatial Planning Services  
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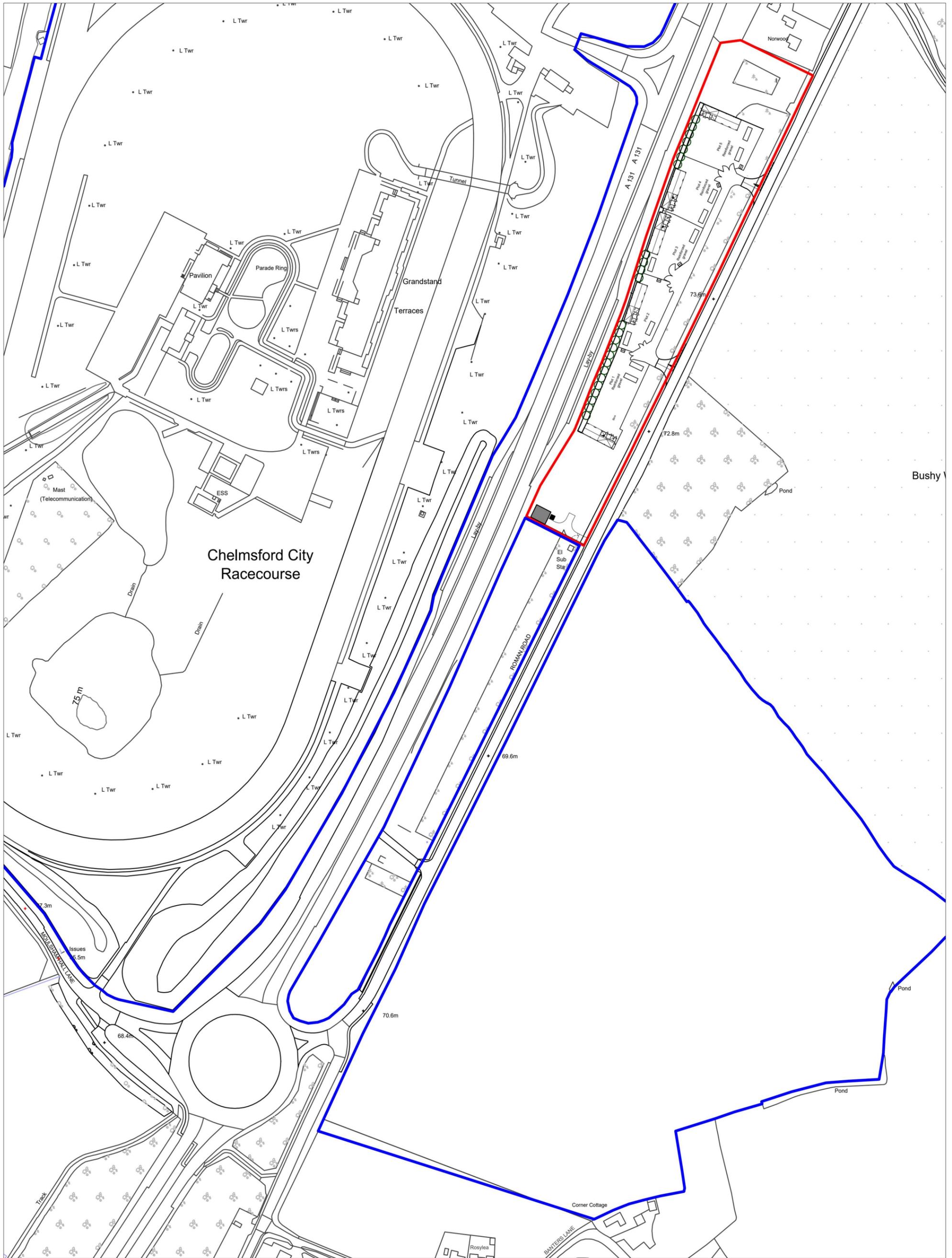




Date. March 2024  
 Scale. 1:2500 @ A3  
 Revision. B

Travelling Showpeople Site  
 London Road, Great Leighs.

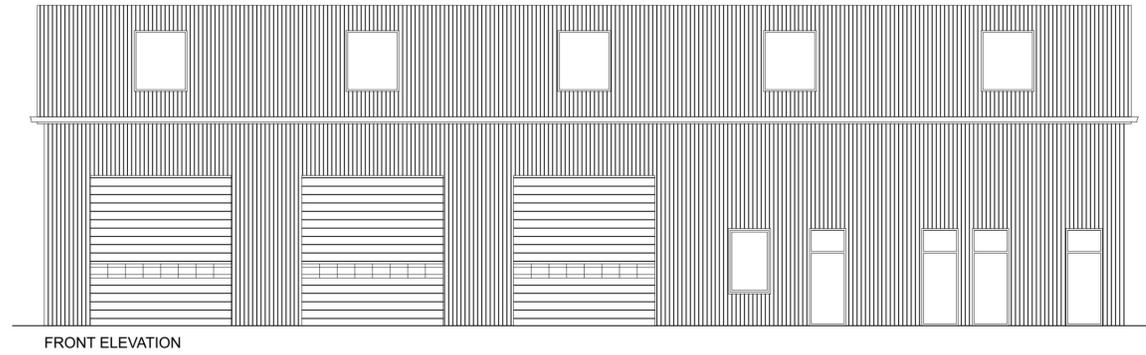
Title. Site Location Plan  
 Project. Great Leighs - TSP  
 DWG No. 1539 - LOC



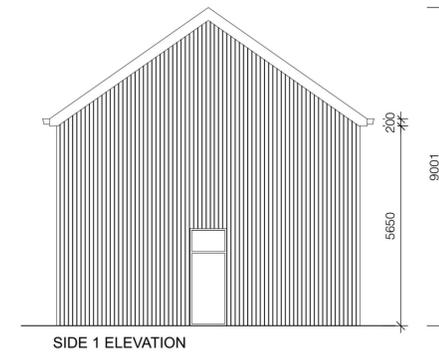
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 Revision: B

Travelling Showpeople Site  
 London Road, Great Leighs.

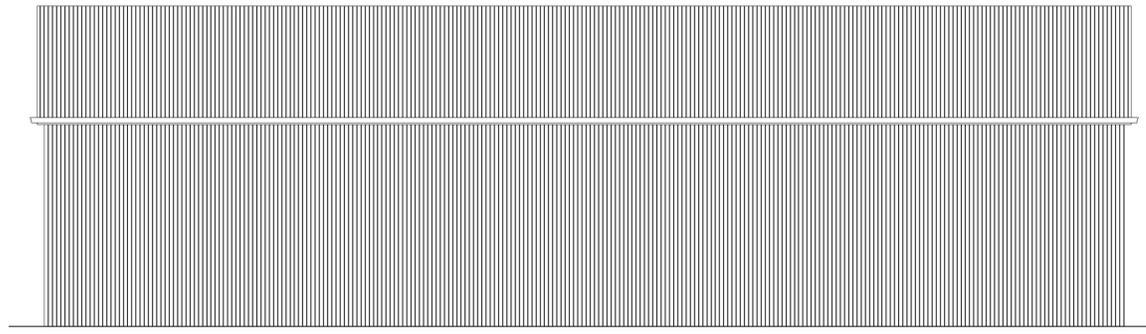
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 Project: Great Leighs - TSP  
 DWG No. 1540 - LOC



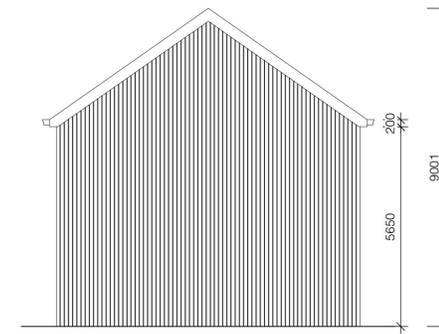
FRONT ELEVATION



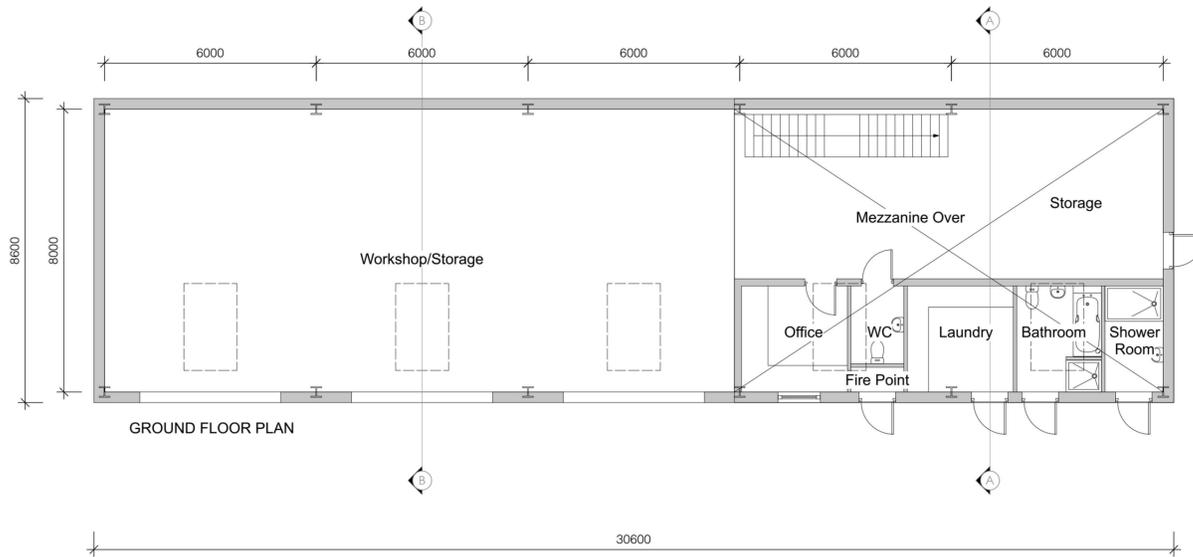
SIDE 1 ELEVATION



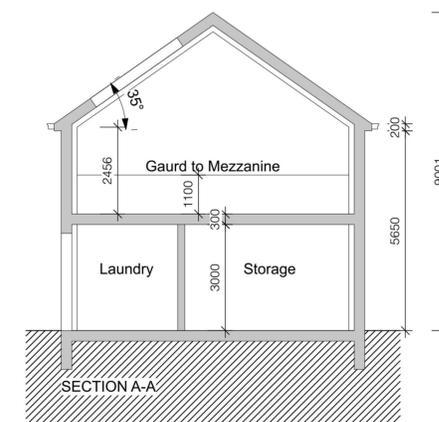
REAR ELEVATION



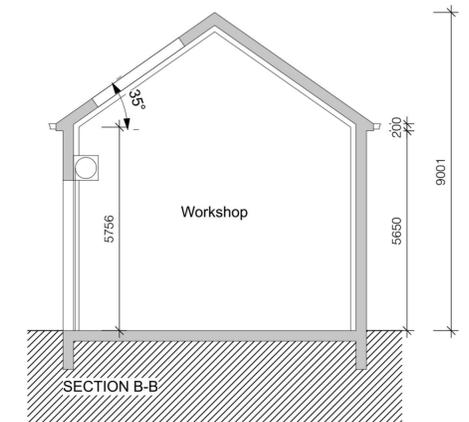
SIDE 2 ELEVATION



GROUND FLOOR PLAN



SECTION A-A



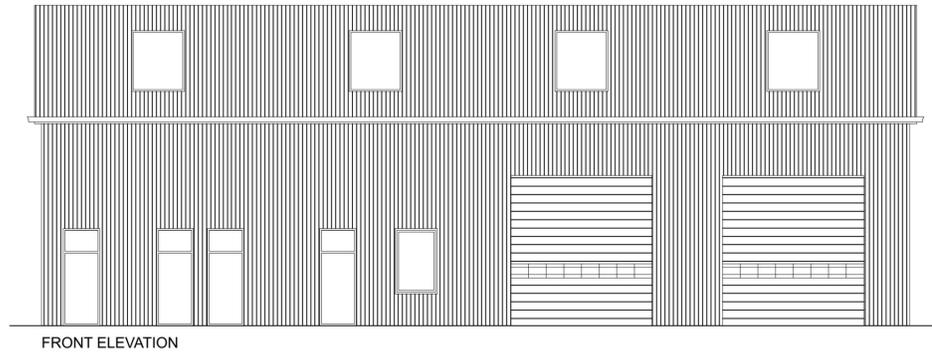
SECTION B-B

Gross Internal Area = 337.2sqm/3629.6sqf  
 Gross External Area = 370sqm/3982.65sqf

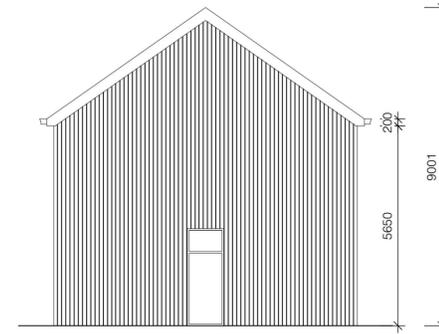
0m 1m 5m 10m 20m 35m



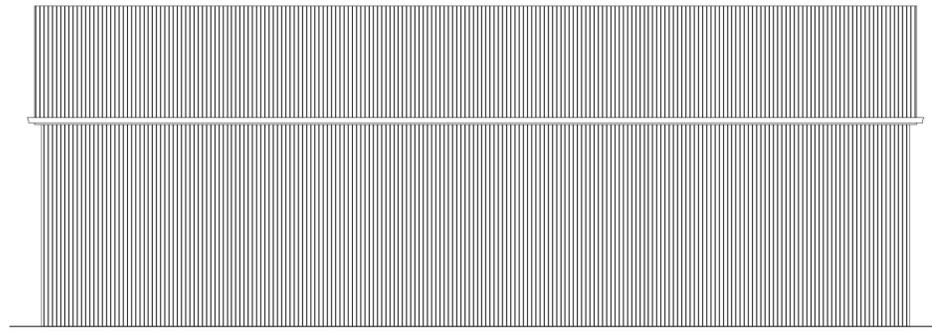
Acanthus  
RHA



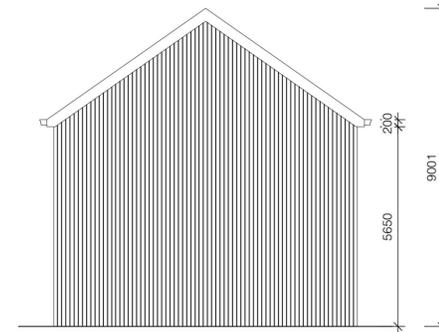
FRONT ELEVATION



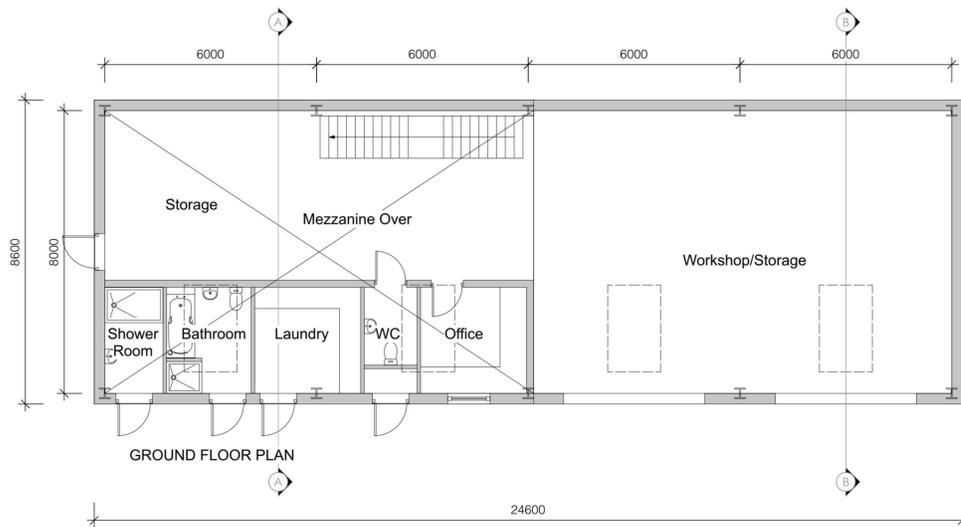
SIDE 1 ELEVATION



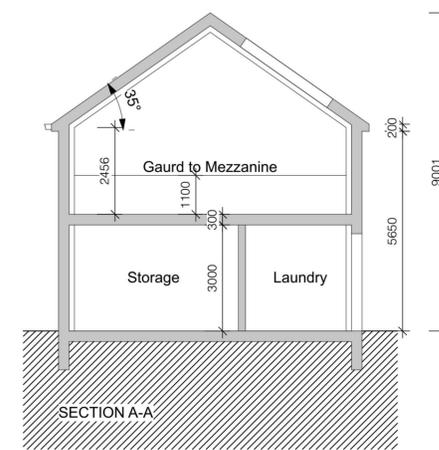
REAR ELEVATION



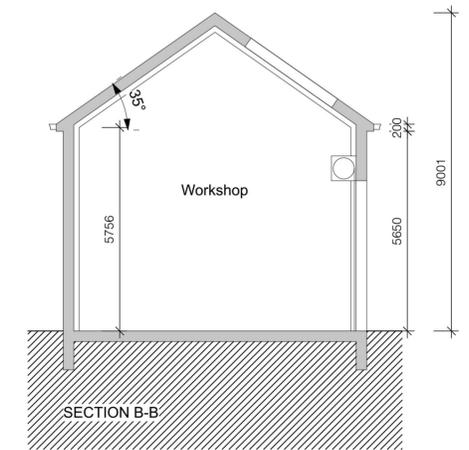
SIDE 2 ELEVATION



GROUND FLOOR PLAN



SECTION A-A



SECTION B-B

Gross Internal Area = 289.2sqm/3113sqf  
 Gross External Area = 318.5sqm/3428sqf



**Planning Committee**  
**16<sup>th</sup> April 2024**

<b>Application No</b>	:	24/05019/TPO Works to trees subject to a TPO
<b>Location</b>	:	48 Waverley Crescent Runwell Wickford SS11 7LW
<b>Proposal</b>	:	<b>G1 (T2 &amp; T3 on report) Oaks - Fell. Reason: The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.</b>
<b>TPO Reference</b>	:	TPO/2006/036
<b>Applicant</b>	:	IG environmental services IG environmental services
<b>Agent</b>	:	
<b>Date Valid</b>	:	23rd January 2024

### Contents

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<a href="#">3. Details of the proposal</a> .....	<a href="#">1</a>
<a href="#">4. Other relevant applications</a> .....	<a href="#">2</a>
<a href="#">5. Summary of consultations</a> .....	<a href="#">2</a>
<a href="#">6. Planning considerations</a> .....	<a href="#">2</a>
<a href="#">7. Conclusion</a> .....	<a href="#">5</a>

### Appendices:

Appendix 1	Drawing No(s)
Appendix 2	Consultations
Appendix 3	Drawings

## **1. Executive summary**

- 1.1. The application is referred to the Planning Committee at the request of Councillor Clark due to local residents' concerns at the felling of the preserved trees.
- 1.2. The proposal is to fell two preserved oak trees (G1 of preservation order reference TPO/2006/036) within the rear garden of 48 Waverley Crescent due to the trees being alleged as a contributory factor in subsidence of the rear extension at No.50.
- 1.3. There is an associated application to fell a further oak tree (G1 of preservation order reference TPO/2006/036) within the rear garden of 52 Waverley Crescent, also due to the tree being alleged as a contributory factor in subsidence of the rear extension at No.50. –The application reference is 24/05020/TPO which has also been referred to the Planning Committee for determination.
- 1.4. Information and evidence submitted in support of the application indicates that the oak trees are a contributory factor implicated in the subsidence occurring at the property.
- 1.5. The application is recommended for approval.

## **2. Description of site and trees**

- 2.1. The trees are situated within the rear garden of 48 Waverley Crescent which is within the Defined Settlement of Runwell. The trees are located on the northern boundary of the garden which adjoins a field to the north.
- 2.2. The two oak trees are part of a wider group of 30 Oak trees that line the rear gardens of No.48-84 Waverley Crescent. All trees in the group are protected by a Tree Preservation Order (TPO/2006/036 refers).
- 2.3. The western most tree (noted as T2 on the map) is approximately 28.4 m from the extension subject to subsidence damage. The eastern most of the two trees (T3 on map) is approximately 30.7 m from the extension subject to subsidence damage.
- 2.4. The trees are mature specimens. Ivy was growing up the main stem of T2 and T3 which may obscure any defects. The trees are approximately 16 m in height with fairly narrow canopies that form a cohesive linear feature. The trees appear to be in good health.
- 2.5. The trees form a skyline feature with views of the trees above the roofline of properties within Waverley Crescent. There are further views of the trees from surrounding residential properties themselves. The trees are mature specimens that add character to the area, soften the built environment, provide visual amenity and contribute to the leafy character of the local area.

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

- 3.1. The proposal is to fell the two preserved oak trees to prevent the influence of the trees on the soil below the foundations of the extension at No.50 and provide long term stability. It is proposed that the stump would not be treated but emergent regrowth would be removed annually.

#### 4. Other relevant applications

22/05081/TPO – Application approved 07<sup>th</sup> September 2024

G1; t2, t3 & t4- oak - crown reduce overall canopy by 3 - 4m to achieve a crown volume reduction in line with BRE ip7/06 - reason for both - the tree works are proposed to stop the influence of the trees on the soil below building foundation level at no.50 Waverley Crescent and provide long term stability.

The above application relates to a previous subsidence claim that implicated three trees, two of which are those now proposed to be felled as part of this application. The Council found that based on information evidence provided, on the balance of probabilities, the oaks are a contributory factor implicated in the subsidence occurring at the property and works were justified.

There were no objections received and Runwell Parish Council supported the works:  
*“Runwell Parish Council supports the crown reductions.”*

#### 5. Summary of consultations

5.1. The following were consulted as part of the application:

- Runwell Parish Council
- Local residents

5.2. Forty-four representations have been received by thirty-nine local residents raising the following concerns:

- The trees are old and far away
- Other buildings and houses aren't impacted
- The trees aren't causing damage, don't want them removed, unnecessary
- Builders/tree experts/tree surgeons said trees aren't to do with subsidence, roots don't extend to property, aren't causing damage
- If removed might cause heave
- Construction/foundations/building of damaged building is the problem - should be underpinned
- Other trees have been removed and oaks reduced due to prior insurance claims
- Loss of amenity, wildlife, habitat and carbon capture/ impact carbon footprint
- Covered by TPO
- Would take a long time to replace

5.3. Runwell Parish Council object on the grounds of:

- Trees have a TPO and historic value.
- London Clay is highly susceptible to shrinkage and expansion and recent climate change exacerbates this.
- Why aren't there issues with properties where the trees are located?
- The trees are far away.
- Would prefer a root barrier system.

5.4. A petition of 45 signatures was also put forward objecting to the felling of the trees.

5.5. Summaries of all responses is included at Appendix 2.

## **6. Planning considerations**

6.1. The main consideration is whether the felling of the two oak trees is justified on the basis of the information provided alleging that the trees are a contributory factor in the subsidence of the extension at No.50.

### **(a) History and Reports**

6.2. Subsidence has been ongoing since at least August 2020. Attempts to reduce the influence of the trees on the extension has resulted in different management and removal of vegetation. There have been three years of reports submitted with the application: 2020 (Including arboricultural report, geotechnical report – boreholes, soil analysis, root identification), 2021 (Including arboricultural report, geotechnical report – boreholes, soil analysis, root identification) and 2023 (arboricultural report, engineers addendum report). Level monitoring has been undertaken since 25.08.2020 – 13.12.2023, as well as geological information.

6.3. The site has a history of subsidence influenced by vegetation. Damage was first cited as appearing in August 2020. Works to remove implicated vegetation were undertaken in March 2021. In 2022 following further investigations and data an application sought to crown reduce the three preserved oak trees in question (two that relate to this report). Sufficient evidence was provided that indicated on the balance of probabilities, oaks were a contributory factor implicated in the subsidence occurring at the property and the application for crown reductions was approved (22/05081/TPO refers). There has been continued seasonal movement post reductions and as such the current application has been submitted that now seeks removal of the trees; stumps are not to be treated and any re-growth removed.

### **(b) Soil characteristics and foundations**

6.4. Site investigations and mapping demonstrate the dwelling bearing on clay (London Clay) which is capable of significant volumetric change in response to moisture content.

6.5. The extension has been built on foundations to a depth of 1.05 m. Officers have consulted Building Control to establish whether the foundation design met the Building Regulations requirements at the time of its construction. Advice from the Council's Building Control Manager is that for the time of building (approximately 1970s) the building surpasses the minimum expected foundation depth for the time (0.9m) in good clay soil with an adequate bearing capacity. As such, the foundations are considered to have been adequate and cannot wholly be implicated in the subsidence.

### **(c) Nature of damage**

6.6. The nature of damage has been categorised using the Building Research Establishment Digest 251 classification category 3 which is moderate (BRE scale 1-5, with 5 being significant). Damage first appeared in July 2020.

- 6.7. The cracking noted manifests into separation cracking to abutments and wall/ceiling junctions. Internally these were noted up to 8 mm where walls and ceiling abut the host dwelling in 2022, there have since been attempts to fill some of these cracks.
- 6.8. Manifestation of the cracks is indicative of downward and rotational movement to the rear single storey extension (conservatory) compared to the main building.
- 6.9. Cracking can also be seen externally to the eastern aspect of the property from the window forming a horizontal crack towards the extension and oak trees and a vertical crack where the extension meets the dwelling.
- 6.10. Internal and external cracking of the extension are clearly matters of great concern to the occupier.

**(d) Level monitoring**

- 6.11. Level monitoring has been ongoing since August 2020. The overall result clearly shows a pattern of movement consistent with the effects of seasonal drying and rehydration of soils with vegetation.
- 6.12. The maximum variation recorded a change of 12.6 mm with the greatest amount of movement occurring at point 6 to the back left corner of the extension with high levels of movement also occurring at points 4 and 5 also situated to the rear of the extension. This indicates trees to the rear of the house are likely influencing the soil moisture levels.
- 6.13. There is a reduction in the amount of movement post 2022 (October 2022 when the oaks were reduced as per 22/05081/TPO) however, level monitoring continued to record a pattern of movement indicative of the effects of seasonal drying with vegetation related subsidence.
- 6.14. The pattern produced is indicative of seasonal movement pattern; cracks widen in summer when the ground is dry and close in the winter when the ground is recovering. No other cause of subsidence produces this pattern of movement.

**(e) Boreholes and root identification**

- 6.15. Borehole results show that the soil is desiccated (i.e. dry) at 2 m deep. Roots were recorded at a depth 1.05 – 2 m which would coincide with the drying seen here, indicative of vegetation exacerbating drying in the clay soil.
- 6.16. Initially site investigations returned a positive identification of either Oak (*Quercus* spp.) or (*Castanea*) an example would be Sweet Chestnut roots in 2020, these had low starches. Low starches indicates that roots are not alive. The report found this was likely from minor or recently removed vegetation rather than the more distant oaks (T2 or T3) due to low starches.
- 6.17. Further investigations in 2021 returned borehole results that had roots of:
1. either Oak (*Quercus* spp.) or (*Castanea*) an example would be Sweet Chestnuts roots occasional live roots between 0.15 – 1.05 m and rare roots to 2.10 m, and;
  2. Oak (*Quercus* spp.) that had occasional roots from 0.15 -2 m.
  3. The positive identification of Oak (*Quercus* spp.) roots in borehole 4, the level of roots encountered and the moderate starches found remove previous ambiguities from 2020 and implicate living Oak (*Quercus* spp.) roots within the area of the extension.

**(f) Heave**

6.18. The engineers addendum report stated that there is no heave risk after removal.

**(g) Summary of subsidence issues**

6.19. Site investigations recorded the dwelling bearing on clay which is capable of significant volumetric change in response to moisture content.

6.20. The foundations of the extension are 1.05 m which are sufficient from a building regulations perspective and surpass the expectation of regulations for the time.

6.21. There is a clear pattern of seasonal movement displayed over the 3 years and 4 months of level monitoring. The pattern produced is indicative of seasonal movement pattern; drying and cracks widen in summer and cracks close with ground recovering in winter. No other cause of subsidence produces this pattern of movement.

6.22. Desiccation (dryness) is found at 2 m in the soil. Oak (*Quercus* spp.) roots of moderate starches are occasionally found throughout 0.15 - 2.00 m of borehole 4 (in the area of the extension). This indicates that the Oak roots are alive and taking moisture from the area of the extension, which can cause cracking.

6.23. The distance of the trees from the extension is between 27.5 m – 30.7 m. Up to 30 m is the recommended safe distance of trees to building (as produced by the Association of British Insurers (ABI)). The greatest distance from the extension of 30.7m is only marginally above this, and the distance in itself does not mean that trees outside of this recommendation can't influence soil moisture levels and exacerbate drying. The distance of the trees from the extension is not evidence that the trees are not a contributing factor to the subsidence.

6.24. The highest level of movement is depicted to the rear of the property located closest to the oak trees (point 6, 4 and 5). Substantial movement has been recorded during level monitoring with a maximum variation of 12.6 mm. The cracking seen is indicative of subsidence with a downward rotational mechanism to the extension compared to the dwelling.

6.25. Reducing the trees in 2022 did not have a sufficient effect to remove the influence vegetation had on subsidence. As such the report states that felling the trees to offer the most certain arboricultural solution likely to restore long-term stability of the extension.

**7. Conclusion**

7.1. Sufficient evidence has been provided that indicate that the oak trees are likely a contributory factor implicated in the subsidence occurring at the property, as was found in the subsidence claim previously submitted in 2022 (ref. 22/05081/TPO). Previous reductions and maintenance works have proved ineffective at mitigating the influence of the trees on the subsidence. There continues to be a clear seasonal pattern of movement consistent with the effects of seasonal drying and rehydration of soils with vegetation. Live Oak (*Quercus* spp.) roots in the area of the extension provides further evidence to implicate the oak trees in the subsidence. On balance, and having regard to the risk associated with subsidence, the felling of the trees is justified in this instance.

7.2. The felling of the trees would be regrettable, however consent could not reasonably be refused in light of the evidence available. Although the removal of the trees would result in a reduction in amenity value, a condition requiring replacement planting is recommended; hornbeam species, which are a low water demand tree, are recommended.

7.3. The granting of planning consent for the works would not remove the owner's private property rights. In granting planning permission for the works, consent has been given for a course of action. The Council cannot require the trees to be felled.

**CONSULTATION EXPIRY DATE**

23rd February 2024

**RECOMMENDATION**

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

**Condition 1**

The tree surgery hereby permitted shall be carried out within two years from the date of this permission.

Reason:

As required under the Town and Country Planning Regulations 2012.

**Condition 2**

The tree surgery shall be undertaken in accordance with British Standard 3998:2010 Tree Work - Recommendations.

Reason:

To promote good arboricultural practice and safeguard the existing trees.

**Condition 3**

Two replacement hornbeam trees shall be planted within the planting season immediately following the felling of the two Oaks. The replacement trees shall be of a minimum select standard form with a 10 - 12 cm girth at 1metre from ground level. If the replacement trees are removed, damaged, diseased or dead within a period of five years from the date of planting another tree of similar size and species shall be replanted in the next available planting season, unless the local planning authority gives written consent to any variation.

Reason:

To preserve the amenity and character of the area.

## Notes to Applicant

- 1      **WARNING:** You run the risk of being prosecuted if you do not adhere to the approved specification when carrying out work on the protected trees. The person carrying out the approved work must have a copy of the decision notice with them.
- 2      Tree surgery is a skilled operation and it is recommended that you consider seeking the services of a competent tree surgeon before carrying out the works. The Arboricultural Association holds a directory of competent tree surgeons which is available on their website: <https://www.trees.org.uk>
- 3      Before operations, the person undertaking the work to the tree(s) must ensure that it does not contain any bat roosts or nesting birds. The bats can be found in the tree cavities and cracks within the dense ivy or epicormic growth. This is because it is an offence under the Wildlife and Countryside Act 1981; the Habitat Regulations 2017 and the Countryside Rights of Way Act 2000 (CROW) to intentionally or recklessly kill, damage or disturb bats and their roosts, or intentionally take, damage or destroy the eggs or nest of any wild bird while in use or being built. Further information is available on the Bat Conservation Trust website at [www.bats.org.uk](http://www.bats.org.uk).
- 4      **IMPORTANT NOTE :** Where it is necessary to enter land not within the ownership of the applicant, in order to carry out the works, the applicant must seek permission from the owner of the land before implementing the works for which consent has been granted in this notice.
- 5      Replacement planting is required. The legislation requires that replacement tree(s) should be planted as near as possible to the original tree(s). In exceptional circumstances however, the Local Authority might allow the position to be varied, depending upon the circumstances. Should you wish consideration to be given to an alternative location please email [planning.trees@chelmsford.gov.uk](mailto:planning.trees@chelmsford.gov.uk). Please email us at [planning.trees@chelmsford.gov.uk](mailto:planning.trees@chelmsford.gov.uk) quoting the above reference number with details of the replacement planting (species, size, location and planting date) and photographs of the replacement tree(s) once planted.
- 6      The applicant should be aware that the removal of the tree may result in damage to the property that could be caused by 'heave', and therefore advice should be sought from a structural engineer or similar, prior to work being carried out.

**Plans to be listed on any Decision Notice:**

TPO Plan  
Addendum Report  
Level Monitoring  
Arboricultural Consultancy for Avia - 20.10.20  
Arboricultural Consultancy for Avia - 17-12-21  
Arboricultural Consultancy for Avia - 17.10.2023

## Runwell Parish Council

Comments
<p>07.02.2024 - Runwell Parish Council strongly object to the felling of the trees to stop the influence of the trees on the soil below the building foundation level at 50 Waverley Crescent. The trees were protected for visual amenity to the area and historic value. The soil being London Clay is highly susceptible to shrinkage and expansion and recent climate change is exacerbating this. The Parish Council question why there has not been similar movement (subsidence) issues with the properties at 48 Waverley Crescent and 52 Waverley Crescent where the trees are located. The trees in question do appear to be a considerable distance from the property. It would be better to place a root barrier system to curtail the issue, thereby protecting the tree and the good effects that large specimens of this type have on the environment capturing carbon for the good of the community.</p>

## Local Residents

Comments
<p>2 people submitted:</p> <ul style="list-style-type: none"><li>• The trees are protected</li><li>• Loss of habitat and wildlife (birds bats etc.)</li><li>• 150-200 years old, reduce carbon footprint would take a long time to replace.</li><li>• Only affect one property</li><li>• Tree surgeons have said that the trees and those already removed don't extend to the property.</li></ul>
<p>2 people submitted:</p> <ul style="list-style-type: none"><li>• 25 metres from the building, back onto fields</li><li>• Cause no damage to 48, 50 or 46 - Builders at 50 confirmed this</li><li>• Trees have TPO</li></ul>
<ul style="list-style-type: none"><li>• Don't want trees felled, at bottom of a long garden.</li><li>• Previously had 8 trees felled requested by no.46 insurance.</li><li>• Insurance then asked to reduce the two oaks, which was undertaken.</li><li>• Has been ongoing for years.</li></ul> <p>Builders who have worked on their property said the felling of trees in their garden was unnecessary.</p>
<p>These trees are 90 feet away from any building and are causing no damage whatsoever, which has been confirmed by tree surgeons and builders ...they have an abundance of wildlife please help us save these beautiful oak trees in our garden ..thank you</p>

I object to the felling of the 2 Oak trees, i believe this is an unnecessary action as the trees are of a considerable distance to any dwelling to cause a problem

I am objecting because these are very mature Oak trees which would have been taken into consideration when the building was erected & if there were any concerns then surely the building would have been built on piles.

Also if they were felled it would not only be a huge loss to the look of the countryside but may result in the ground swelling and causing it to heave which may affect many buildings within the vicinity.

- the trees at 48 Waverley Crescent are subject to a protection order
- the felling of these trees will result in a reduction of habitat for many species of birds, bats and other wildlife
- the trees are approximately 150-200 years old and have huge historic value to the neighbourhood and also provide a massive impact by reducing the carbon footprint
- how is it the trees are only affecting the one property?
- has it been proved that the tree roots extend to the property at number 50 and are actually affecting it?
- surely when the building was erected a survey would have been done to assess any issues with the ground and any surrounding trees
- was the building built according to the type of ground i.e. adequate underpinning or piling?

if the trees are felled it may result in ground movement which may affect other properties

I oppose the felling of yet more protected trees in Waverley Crescent, the felling is being used as a cheap way out by insurance companies when the true problem lies with the construction methods used to build the properties.

Why should the neighbourhood be degraded in terms of wildlife and carbon capture to satisfy insurance company profits.

I strongly object to the felling of these trees - these are mature trees which are over 300 years old and are at a distance from any building. When any building was erected it would have been taken into consideration as to way that it was erected and piling would have taken place. Due to the distance subsidence from the trees is not the reason but the building needs to be unpinned - the way it was built in the first place is the problem not the trees.

I object to these Oak trees being cut down because they are at least 80ft. away from the properties. I was told by the owners of No.48 Waverley Crescent that 2 Conifers that were growing about 18-20 mts. from the houses were cut down in 2021 ordered by the Insurance Co. There is a brick built garage that is a lot closer to the trees than the Conservatory is, which has not been affected. If these Oaks were felled it could cause the ground to swell and heave, this could then affect nearby properties.

I see no reason to fell the trees or cut back the branches on the oak trees. They do not affect the soil in anyway considering they are approximately 70 to 90 feet away.. Trees on my upstanding take in water. If water is a problem then whoever is proposing this application should consider a soakaway up the garden,

so excess water can drain away..

There are alternatives to just chop trees downs that have stood there for years. I certainly don't want to live in a concrete jungle. So I am objecting

31 slips signed:

- Trees 25 m away
- Trees cause no damage to any neighbouring property.

Trees have a TPO

Petition objecting to felling of two oak trees as 45 signatures



0 12.5 25 50 Metres

1:1,250



**Planning Committee  
24/05019/TPO**

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

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

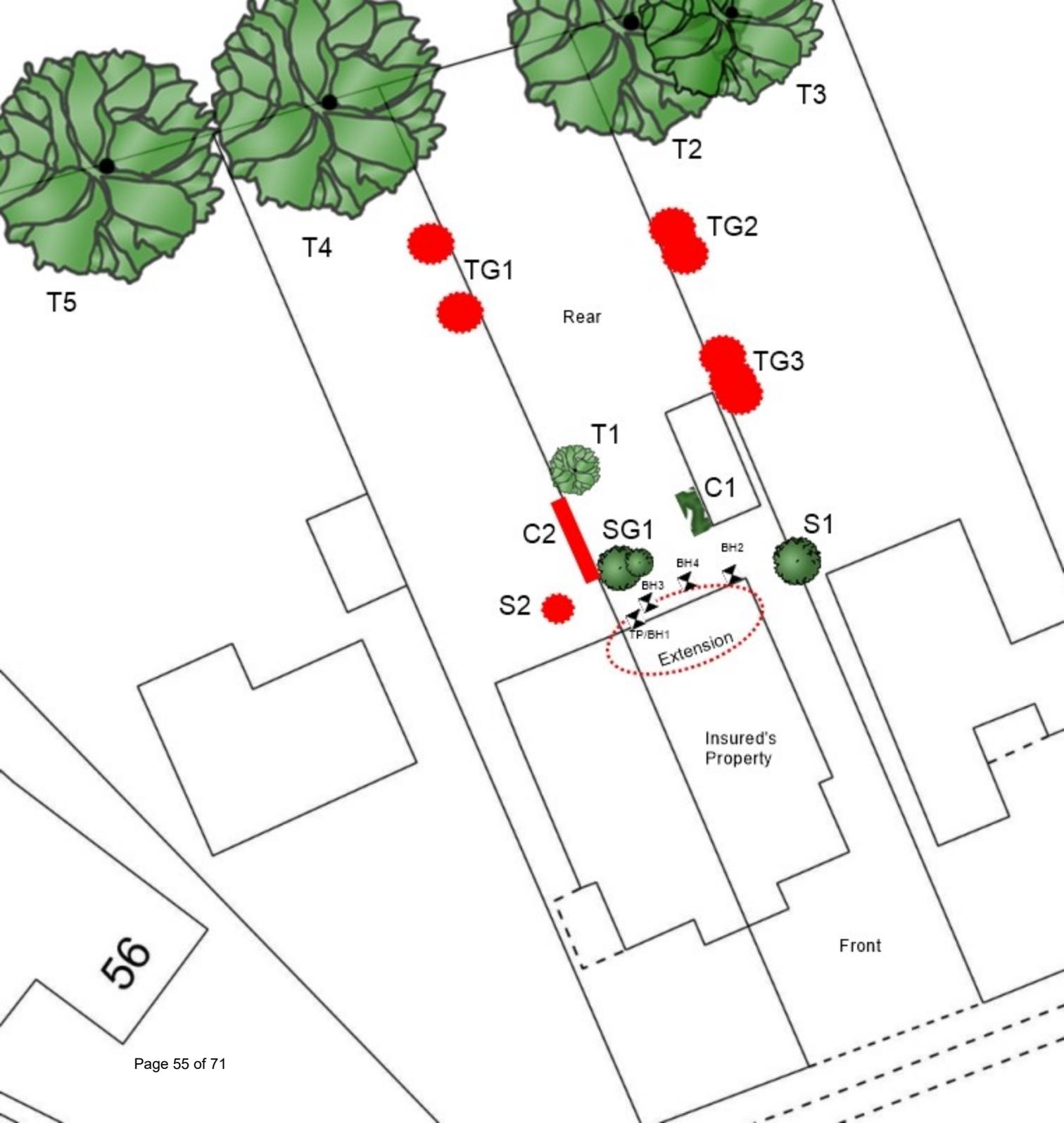
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Telephone: 01245 606826



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**Planning Committee**  
**16<sup>th</sup> April 2024**

<b>Application No</b>	:	24/05020/TPO Works to trees subject to a TPO
<b>Location</b>	:	52 Waverley Crescent Runwell Wickford SS11 7LW
<b>Proposal</b>	:	<b>G1 Oak (T4 on map) - Fell. Reason: To stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.</b>
<b>TPO Reference</b>	:	TPO/2006/036
<b>Applicant</b>	:	IG environmental services IG environmental services
<b>Agent</b>	:	
<b>Date Valid</b>	:	23rd January 2024

### Contents

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### Appendices:

Appendix 1	Drawing No(s)
Appendix 2	Consultations
Appendix 3	Drawings

## **1. Executive summary**

- 1.1. The application is referred to the Planning Committee at the request of Councillor Clark due to local residents' concerns at the felling of the preserved tree.
- 1.2. The proposal is to fell one preserved oak tree (G1 of preservation order reference TPO/2006/036) within the rear garden of 52 Waverley Crescent due to the tree being alleged as a contributory factor in subsidence of the rear extension at No.50.
- 1.3. There is an associated application to fell a further two oak trees (G1 of preservation order reference TPO/2006/036) within the rear garden of 48 Waverley Crescent, also due to the tree being alleged as a contributory factor in subsidence of the rear extension at No.50. –The application reference is 24/05019/TPO which has also been referred to the Planning Committee for determination.
- 1.4. Information and evidence submitted in support of the application indicate that the oak tree is a contributory factor implicated in the subsidence occurring at the property.
- 1.5. The application is recommended for approval.

## **2. Description of site and trees**

- 2.1. The tree is situated within the rear garden of 52 Waverley Crescent which is within the Defined Settlement of Runwell. The tree is located on the northern boundary of the garden which adjoins a field to the north.
- 2.2. The oak tree is part of a wider group of 30 Oak trees that line the rear gardens of No.48-84 Waverley Crescent. All trees in the group are protected by a Tree Preservation Order (TPO/2006/036 refers).
- 2.3. The tree (noted as T4 on the map) is approximately 30.6 m from the extension subject to subsidence.
- 2.4. The tree is a mature specimen with historic damage to the basal section of the tree and what appeared to be a canker like feature at approximately 2 m. The tree is approximately 13 m in height and displayed signs of fair physiological health and an even canopy spread.
- 2.5. The tree forms a skyline feature with views of the tree above the roofline of properties within Waverley Crescent. There are further views of the tree from surrounding residential properties themselves. The tree is a mature specimen that adds character to the area, softens the built environment and provides visual amenity and contributes to the leafy character of the local area.

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

- 3.1. The proposal is to fell the preserved oak tree to prevent the influence of the tree on the soil below the foundations of the extension at No.50 and provide long term stability. It is proposed that the stump would not be treated but emergent regrowth would be removed annually.

#### 4. Other relevant applications

22/05081/TPO – Application approved 07<sup>th</sup> September 2024

G1; t2, t3 & t4- oak - crown reduce overall canopy by 3 - 4m to achieve a crown volume reduction in line with BRE ip7/06 - reason for both - the tree works are proposed to stop the influence of the trees on the soil below building foundation level at no.50 Waverley Crescent and provide long term stability.

The above application relates to a previous subsidence claim that implicated three trees, two of which are those now proposed to be felled as part of this application. The Council found that based on information evidence provided, on the balance of probabilities, the oaks are a contributory factor implicated in the subsidence occurring at the property and works were justified.

There were no objections received and Runwell Parish Council supported the works:

*“Runwell Parish Council supports the crown reductions.”*

#### 5. Summary of consultations

5.1. The following were consulted as part of the application:

- Runwell Parish Council
- Local residents

5.2. Fifteen representations have been received by fourteen local residents raising the following concerns:

- The trees are old and far away
- If removed might cause heave
- Construction/foundations/building of damaged building is the problem – should have been built on piles & be under-pinned
- The trees aren't causing damage as too far away
- Loss of amenity, wildlife, habitat and carbon capture/ impact carbon footprint
- It's due to climate and weather patterns – get soakaways
- Covered by TPO
- Other buildings and houses aren't impacted
- Is there proof roots extend to property and cause damage?
- Tree surgeons said trees aren't to do with subsidence, roots don't extend to property, aren't causing damage and other trees removed didn't have roots affecting the subsiding property.

5.3. Runwell Parish Council object on the grounds of:

- Trees have a TPO and historic value.
- London Clay is highly susceptible to shrinkage and expansion and recent climate change exacerbates this.
- Why aren't there issues with properties where the trees are located.
- The trees are far away.
- Would prefer a root barrier system.

5.4. Summaries of all responses is included at Appendix 1.

#### 6. Planning considerations

6.1. The main consideration is whether the felling of the oak tree is justified based on the information provided alleging that the tree is a contributory factor in the subsidence of the extension at No.50.

### **(a) History and Reports**

- 6.2. Subsidence has been ongoing since at least August 2020. Attempts to reduce the influence of the tree on the extension has resulted in different management and removal of vegetation. There have been three years of reports submitted with the application: 2020 (Including arboricultural report, geotechnical report – boreholes, soil analysis, root identification), 2021 (Including arboricultural report, geotechnical report – boreholes, soil analysis, root identification) and 2023 (arboricultural report, engineers addendum report). Level monitoring has been undertaken since 25.08.2020 – 13.12.2023, as well as geological information.
- 6.3. The site has a history of subsidence influenced by vegetation. Damage was first cited as appearing in August 2020. Works to remove implicated vegetation were undertaken in March 2021. In 2022 following further investigations and data an application sought to crown reduce the three preserved oak trees in question (one that relates to this report). Sufficient evidence was provided that indicated on the balance of probabilities, oaks were a contributory factor implicated in the subsidence occurring at the property and the application for crown reductions was approved (22/05081/TPO refers). There has been continued seasonal movement post reductions and as such the current application that has been submitted now seeks removal of the tree; stumps are not to be treated and any re-growth removed.

### **(b) Soil characteristics and foundations**

- 6.4. Site investigations and mapping demonstrate the dwelling bearing on clay (London Clay) which is capable of significant volumetric change in response to moisture content.
- 6.5. The extension has been built on foundations to a depth of 1.05 m. Officers have consulted Building Control to establish whether the foundation design met the Building Regulations requirements at the time of its construction. Advice from the Council's Building Control Manager is that for the time of building (approximately 1970s) the building surpasses the minimum expected foundation depth for the time (0.9m) in good clay soil with an adequate bearing capacity. As such, the foundations are considered to have been adequate and cannot wholly be implicated in the subsidence.

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- 6.6. The nature of damage has been categorised using the Building Research Establishment Digest 251 classification category 3 which is moderate (BRE scale 1-5, with 5 being significant). Damage first appeared in July 2020.
- 6.7. The cracking noted manifests into separation cracking to abutments and wall/ceiling junctions. Internally these were noted up to 8 mm where walls and ceiling abut the host dwelling in 2022, there have since been attempts to fill some of these cracks.
- 6.8. Manifestation of the cracks is indicative of downward and rotational movement to the rear single storey extension (conservatory) compared to the main building.
- 6.9. Cracking can also be seen externally to the eastern aspect of the property from the window forming a horizontal crack towards the extension and oak trees and a vertical crack where the extension meets the dwelling.

6.10. Internal and external cracking of the extension are clearly matters of great concern to the occupier.

**(d) Level monitoring**

6.11. Level monitoring has been ongoing since August 2020. The overall result clearly shows a pattern of movement consistent with the effects of seasonal drying and rehydration of soils with vegetation.

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6.13. There is a reduction in the amount of movement post 2022 (October 2022 when the oaks were reduced as per 22/05081/TPO) however, level monitoring continued to record a pattern of movement indicative of the effects of seasonal drying with vegetation related subsidence.

6.14. The pattern produced is indicative of seasonal movement pattern; cracks widen in summer when the ground is dry and close in the winter when the ground is recovering. No other cause of subsidence produces this pattern of movement.

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6.15. Borehole results show that the soil is desiccated (i.e. dry) at 2 m deep. Roots were recorded at a depth 1.05 – 2 m which would coincide with the drying seen here, indicative of vegetation exacerbating drying in the clay soil.

6.16. Initially site investigations returned a positive identification of either Oak (*Quercus* spp.) or (*Castanea*) an example would be Sweet Chestnut roots in 2020, these had low starches. Low starches indicates that roots are not alive. The report found this was likely from minor or recently removed vegetation rather than the more distant oaks (T2 or T3) due to low starches.

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1. either Oak (*Quercus* spp.) or (*Castanea*) an example would be Sweet Chestnuts roots; occasional live roots between 0.15 – 1.05 m and rare roots to 2.10 m, and;
2. Oak (*Quercus* spp.) that had occasional roots from 0.15 -2 m.

6.18. The positive identification of Oak (*Quercus* spp.) roots in borehole 4, the level of roots encountered and the moderate starches found remove previous ambiguities from 2020 and implicate living Oak (*Quercus* spp.) roots within the area of the extension.

**(f) Heave**

6.19. The engineer's addendum report stated that there is no heave risk after removal.

**(g) Summary of subsidence issues**

6.20. Site investigations recorded the dwelling bearing on clay which is capable of significant volumetric change in response to moisture content.

- 6.21. The foundations of the extension are 1.05 m which are sufficient from a building regulations perspective and surpass the expectation of regulations for the time.
- 6.22. There is a clear pattern of seasonal movement displayed over the 3 years and 4 months of level monitoring. The pattern produced is indicative of seasonal movement pattern; drying and cracks widen in summer and cracks close with ground recovering in winter. No other cause of subsidence produces this pattern of movement.
- 6.23. Desiccation (dryness) is found at 2 m in the soil. Oak (*Quercus* spp.) roots of moderate starches are occasionally found throughout 0.15 - 2.00 m of borehole 4 (in the area of the extension). This indicates that the Oak roots are alive and taking moisture from the area of the extension, which can cause cracking.
- 6.24. The distance of the trees from the extension is between 27.5 m – 30.7 m. Up to 30 m is the recommended safe distance of trees to building (as produced by the Association of British Insurers (ABI)). The greatest distance from the extension of 30.7m is only marginally above this, and the distance in itself does not mean that trees outside of this recommendation can't influence soil moisture levels and exacerbate drying. The distance of the trees from the extension is not evidence that the trees are not a contributing factor to the subsidence.
- 6.25. The highest level of movement is depicted to the rear of the property located closest to the oak trees (point 6, 4 and 5). Substantial movement has been recorded during level monitoring with a maximum variation of 12.6 mm. The cracking seen is indicative of subsidence with a downward rotational mechanism to the extension compared to the dwelling.
- 6.26. Reducing the trees in 2022 did not have a sufficient effect to remove the influence vegetation had on subsidence. As such the report states that felling the trees to offer the most certain arboricultural solution likely to restore long-term stability of the extension.

## 7. Conclusion

- 7.1. Sufficient evidence has been provided that indicate that the oak tree is likely a contributory factor implicated in the subsidence occurring at the property, as was found in the subsidence claim previously submitted in 2022 (ref. 22/05081/TPO). Previous reductions and maintenance works have proved ineffective at mitigating the influence of the tree on the subsidence. There continues to be a clear seasonal pattern of movement consistent with the effects of seasonal drying and rehydration of soils with vegetation. Live Oak (*Quercus* spp.) roots in the area of the extension provides further evidence to implicate the oak tree in the subsidence. On balance, and having regard to the risk associated with subsidence, the felling of the tree is justified in this instance.
- 7.2. The felling of the tree would be regrettable; however, consent could not reasonably be refused in light of the evidence available. Although the removal of the tree would result in a reduction in amenity value, a condition requiring replacement planting is recommended; hornbeam species, which are a low water demand tree, are recommended.
- 7.3. The granting of planning consent for the works would not remove the owner's private property rights. In granting planning permission for the works, consent has been given for a course of action. The Council cannot require the tree to be felled.

## **CONSULTATION EXPIRY DATE**

23rd February 2024

## **RECOMMENDATION**

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

### **Condition 1**

The tree surgery hereby permitted shall be carried out within two years from the date of this permission.

Reason:

As required under the Town and Country Planning Regulations 2012.

### **Condition 2**

The tree surgery shall be undertaken in accordance with British Standard 3998:2010 Tree Work - Recommendations.

Reason:

To promote good arboricultural practice and safeguard the existing trees.

### **Condition 3**

A replacement hornbeam shall be planted within the planting season immediately following the felling of the Oak. The replacement tree shall be of a minimum select standard form with a 10 – 12 cm girth at 1 metre from ground level. If the replacement tree is removed, damaged, diseased or dead within a period of five years from the date of planting another tree of similar size and species shall be replanted in the next available planting season, unless the local planning authority gives written consent to any variation.

Reason:

To preserve the amenity and character of the area.

## **Notes to Applicant**

- 1 **WARNING:** You run the risk of being prosecuted if you do not adhere to the approved specification when carrying out work on the protected trees. The person carrying out the approved work must have a copy of the decision notice with them.
- 2 Tree surgery is a skilled operation and it is recommended that you consider seeking the services of a competent tree surgeon before carrying out the works. The Arboricultural Association holds a directory of competent tree surgeons which is available on their website: <https://www.trees.org.uk>
- 3 Before operations, the person undertaking the work to the tree(s) must ensure that it does not contain any bat roosts or nesting birds. The bats can be found in the tree cavities and cracks within the dense ivy or epicormic growth. This is because it is an offence under the Wildlife and Countryside Act 1981; the Habitat Regulations 2017 and the Countryside Rights of Way Act 2000 (CROW) to intentionally or recklessly kill, damage or disturb bats and their roosts, or intentionally take, damage or destroy the eggs or nest of any wild bird while in use or being built. Further information is available on the Bat Conservation Trust website at [www.bats.org.uk](http://www.bats.org.uk).
- 4 Replacement planting is required. The legislation requires that replacement tree(s) should be planted as near as possible to the original tree(s). In exceptional circumstances however, the Local

Authority might allow the position to be varied, depending upon the circumstances. Should you wish consideration to be given to an alternative location please email [planning.trees@chelmsford.gov.uk](mailto:planning.trees@chelmsford.gov.uk). Please email us at [planning.trees@chelmsford.gov.uk](mailto:planning.trees@chelmsford.gov.uk) quoting the above reference number with details of the replacement planting (species, size, location and planting date) and photographs of the replacement tree(s) once planted.

- 5 The applicant should be aware that the removal of the tree may result in damage to the property that could be caused by 'heave', and therefore advice should be sought from a structural engineer or similar, prior to work being carried out.
- 6 **IMPORTANT NOTE** : Where it is necessary to enter land not within the ownership of the applicant, in order to carry out the works, the applicant must seek permission from the owner of the land before implementing the works for which consent has been granted in this notice.

**Plans to be listed on any Decision Notice:**

TPO Plan  
Addendum Report  
Level Monitoring  
Arboricultural consultancy for Aviva - 17.12.21  
Arboricultural consultancy for Aviva - 20.10.20  
Arboricultural consultancy for Aviva - 17.10.23

## Runwell Parish Council

Comments
<p>07.02.2024 - Runwell Parish Council strongly object to the felling of this tree to stop the influence of the tree(s) on the soil below the building foundation level at 50 Waverley Crescent. The trees were protected for visual amenity to the area and historic value. The soil being London Clay is highly susceptible to shrinkage and expansion and recent climate change is exacerbating this. The Parish Council question why there has not been similar movement (subsidence) issues with the properties at 48 Waverley Crescent and 52 Waverley Crescent where the trees are located. The trees in question do appear to be a considerable distance from the property. It would be better to place a root barrier system to curtail the issue, thereby protecting the tree and the good effects that large specimens of this type have on the environment capturing carbon for the good of the community.</p>

## Local Residents

Comments
<p>I am objecting because these are very mature Oak trees which would have been taken into consideration when the building was erected &amp; if there were any concerns then surely the building would have been built on piles.</p> <p>Also if they were felled it would not only be a huge loss to the look of the countryside but may result in the ground swelling and causing it to heave which may affect many buildings within the vicinity</p>
<p>I object to felling of the oak trees, unnecessary felling as not too close to properties, felling of these trees that have been there for years will more than likely cause the ground to swell &amp; heave.</p>
<p>My reasons are exactly the same for the proposal put forward for no. 52 Waverley Crescent.</p> <p>Basically i see no reason to fell the trees. I believe their concerns are due to the climate at present and rainfall of late. If you dont have any natural method to soak up the rainfall then what are you going to do then.</p> <p>I would suggest soakaways in their gardens if this is the major concern.</p>
<p>I strongly object to the felling of these trees - these are mature trees which are over 300 years old and are at a distance from any building. When any building was erected it would have been taken into consideration as to way that it was erected and piling would have taken place. Due to the distance subsidence from the trees is not the reason but the building needs to be unpinned - the way it was built in the first place is the problem not the trees.</p>
<p>I oppose the felling of yet more protected trees in Waverley Crescent, the felling is being used as a cheap way out by insurance companies when the true problem lies with the construction methods used to build the properties.</p>

Why should the neighbourhood be degraded in terms of wildlife and carbon capture to satisfy insurance company profits.

- the trees at 48 Waverley Crescent are subject to a protection order
- the felling of these trees will result in a reduction of habitat for many species of birds, bats and other wildlife
- the trees are approximately 150-200 years old and have huge historic value to the neighbourhood and also provide a massive impact by reducing the carbon footprint
- how is it the trees are only affecting the one property?
- has it been proved that the tree roots extend to the property at number 50 and are actually affecting it?
- surely when the building was erected a survey would have been done to assess any issues with the ground and any surrounding trees
- was the building built according to the type of ground i.e. adequate underpinning or piling?
- if the trees are felled it may result in ground movement which may affect other properties

2 Submitted:

- the trees at 48 Waverley Crescent are subject to a protection order
- the felling of these trees will result in a reduction of habitat for many species of birds, bats and other wildlife
- the trees are approximately 150-200 years old and have huge historic value to the neighbourhood and also provide a massive impact by reducing the carbon footprint
- how is it the trees are only affecting the one property?
- has it been proved that the tree roots extend to the property at number 50 and are actually affecting it?
- surely when the building was erected a survey would have been done to assess any issues with the ground and any surrounding trees
- was the building built according to the type of ground i.e. adequate underpinning or piling?
- if the trees are felled it may result in ground movement which may affect other properties

7 signed slips containing the following:

- Object to felling
- Trees 25 m away from buildings and abut fields
- Trees cause no damage
- Trees have a TPO



0 10 20 40 Metres

1:1,000



**Planning Committee  
24/05020/TPO**

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

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

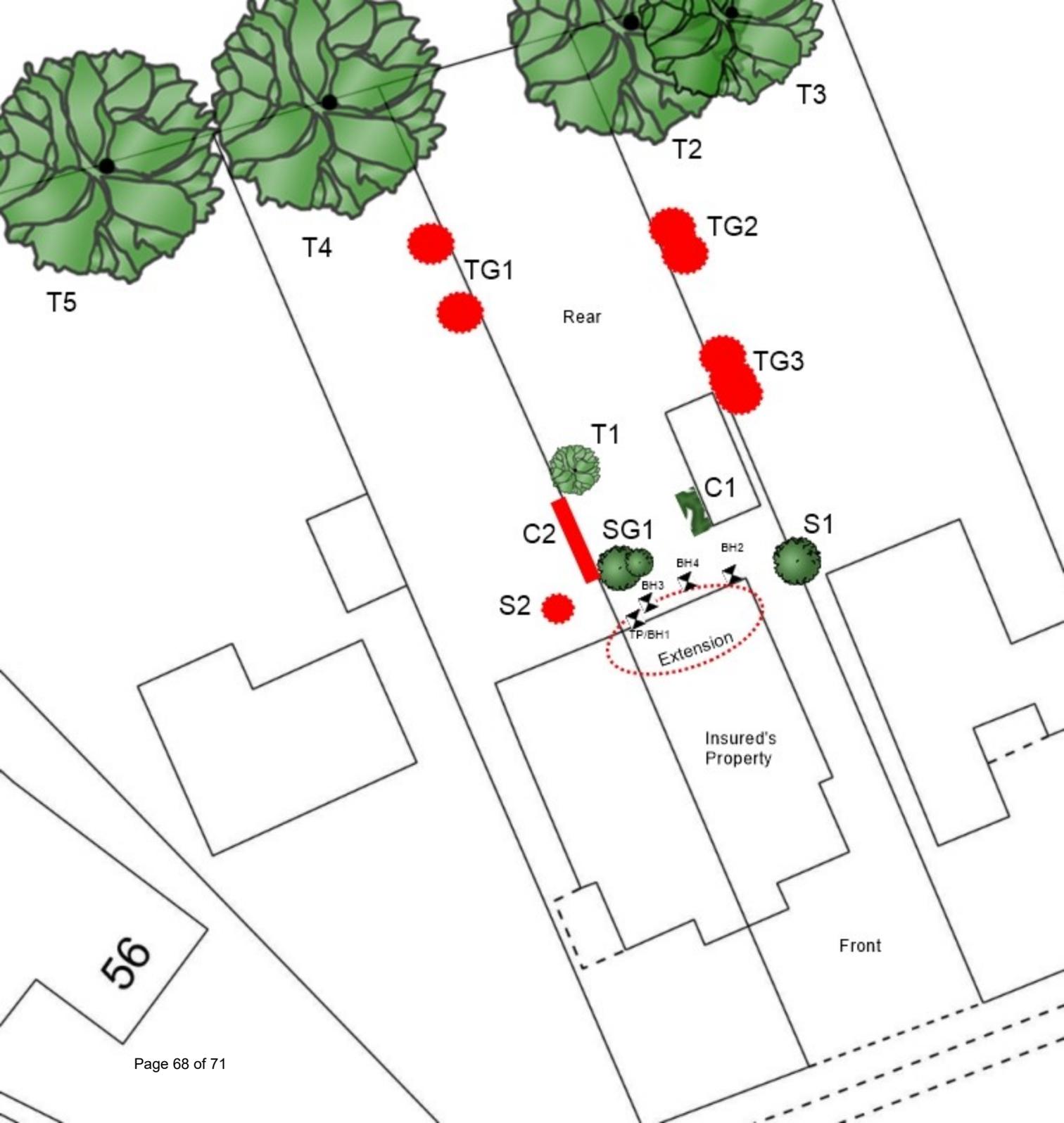
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Telephone: 01245 606826



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# Appeals Report

Appeal Decisions received between 15/02/2024 and 25/03/2024

## PLANNING APPEALS

Total Appeal Decisions Received	9	
Dismissed	8	89%
Allowed	1	11%
Split	0	0%

### Written Reps

#### Emilie Stock Road Stock Ingatestone Essex CM4 9PQ

<b>Reference</b>	23/00472/FUL
<b>Proposal</b>	Demolition of disused agricultural buildings and construction of single storey dwelling house
<b>Appeal Decision</b>	Appeal Dismissed - 15/02/2024
<b>Key Themes</b>	Inappropriate development in the Green BeltHarmful to openness Very special circumstances do not exist
<b>Agreed with CCC on</b>	Inappropriate development in the Green BeltHarmful to openness Very special circumstances do not exist
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

#### Land Rear Of 201 Beehive Lane Great Baddow Chelmsford

<b>Reference</b>	23/00825/FUL
<b>Proposal</b>	Proposed new bungalow with associated amenity space and parking.
<b>Appeal Decision</b>	Appeal Dismissed - 13/03/2024
<b>Key Themes</b>	The character and appearance of the area; The living conditions of neighbouring residents in respect of privacy, outlook and disturbance; and a protected tree.
<b>Agreed with CCC on</b>	Significant harm to character and appearance of the area; Unacceptable harm to living conditions of neighbouring residents in respect of noise, disturbance and privacy.
<b>Disagreed with CCC on</b>	Would not lead to unacceptable harm to a protected tree.
<b>Costs Decision</b>	None

### Householder

#### Glenwood Nathans Lane Writtle Chelmsford Essex CM1 3RF

<b>Reference</b>	23/00059/FUL
<b>Proposal</b>	Proposed detached double garage
<b>Appeal Decision</b>	Appeal Dismissed - 11/03/2024
<b>Key Themes</b>	Inappropriate in the Green Belt; openness; any very special circumstances
<b>Agreed with CCC on</b>	Inappropriate; harmful to openness; no very special circumstances
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

### 55 Lime Walk Chelmsford Essex CM2 9NQ

<b>Reference</b>	23/00042/FUL
<b>Proposal</b>	Loft conversion including rear dormer, raising of the ridge and roof windows to front elevation. Increase of height of existing chimney.
<b>Appeal Decision</b>	Appeal Dismissed - 05/03/2024
<b>Key Themes</b>	impact on house and surrounding area
<b>Agreed with CCC on</b>	harmful to appearance of the street scene; poor design; disproportionate extensions
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

### 3 West Avenue Chelmsford Essex CM1 2DB

<b>Reference</b>	23/00611/FUL
<b>Proposal</b>	Retrospective application for a fence.
<b>Appeal Decision</b>	Appeal Dismissed - 18/03/2024
<b>Key Themes</b>	Harmful to character of area
<b>Agreed with CCC on</b>	Harmful to character of area
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

### 6 Butts Way Chelmsford Essex CM2 8TJ

<b>Reference</b>	23/01019/FUL
<b>Proposal</b>	Demolition of existing garage. Raise roof to create first floor with dormer window. Two storey side extension. Single storey rear extension. Front porch extension. Alterations to fenestration.
<b>Appeal Decision</b>	Appeal Dismissed - 20/02/2024
<b>Key Themes</b>	Inappropriate development in the Green Belt Harm to openness of Green Belt No very special circumstances exist Impact to appearance and character of area
<b>Agreed with CCC on</b>	Inappropriate development in the Green Belt No very special circumstances exist
<b>Disagreed with CCC on</b>	Impact to openness of Green Belt Impact to appearance and character of area
<b>Costs Decision</b>	None

### 91 Galleywood Road Great Baddow Chelmsford Essex CM2 8DW

<b>Reference</b>	23/01137/FUL
<b>Proposal</b>	Proposed double storey rear extension, new second floor and roof plus internal alterations and facade amendments (reduced scheme)
<b>Appeal Decision</b>	Appeal Allowed - 14/03/2024
<b>Key Themes</b>	The effect of the appeal proposal on the character and appearance of the host property and of the surrounding area.
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	Development would not harm the character or appearance of the surrounding area and the dwelling would fit in with its surroundings.
<b>Costs Decision</b>	None

**20 Meadgate Avenue Great Baddow Chelmsford Essex CM2 7LG**

<b>Reference</b>	23/00773/FUL
<b>Proposal</b>	Part two-storey, part single-storey rear extension. Single storey front extension. Addition of new catslide element to rear roof slope. Addition of first floor side window. Alterations to existing fenestration
<b>Appeal Decision</b>	Appeal Dismissed - 18/03/2024
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	effect on neighbouring amenity
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**De Beauvoir Farm Church Road Ramsden Heath Billericay Essex CM11 1PW**

<b>Reference</b>	23/01186/FUL
<b>Proposal</b>	Retrospective application for the erection of replacement walls and gates.
<b>Appeal Decision</b>	Appeal Dismissed - 13/03/2024
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	- wall, piers and gates fall under the definition of a "building"- the proposal falls under exception d) of Paragraph 154 of the NPPF - replacement of a building- the walls, piers, railings and gates are materially larger and constitute inappropriate development in the Green Belt- more substantial and permanent physical boundary which is highly urbanising. Giving moderate weight on the visual dimension of the openness of the Green Belt- fall back position as described by the appellant does not exist as inspector agrees adjacent to a highway, so to be permitted development can be no higher than 1m above ground level- little weight attributed to security as design unlikely to deter tenacious burglar and other potential means of enclosure, and other areas of the plot where the appellants dog could be exercised without risk- the other examples of walls and gates close to the appeal site are lower and less visually intrusive-
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None