



**Planning Committee**  
**5<sup>th</sup> December 2023**

<b>Application No</b>	:	23/01193/REM Approval of Reserved Matters
<b>Location</b>	:	1 Brassie Wood Chelmsford Garden Community Chelmsford Essex CM3 3FP
<b>Proposal</b>	:	<b>Application for the approval of reserved matters (access, appearance, layout, landscaping and scale) in relation to Condition 1 of outline planning permission 10/01976/OUT for the development of a two storey day nursery together with associated access, car parking, landscaping, enclosed garden to serve the day nursery and related works</b>
<b>Applicant</b>	:	Ms Victoria Player L3 Property Limited
<b>Agent</b>	:	Mr S Stuart-Thompson
<b>Date Valid</b>	:	19th July 2023

Appendices:

Appendix 1      Consultations  
Appendix 2      Drawings

## **1. Executive Summary**

- 1.1. The application is referred to Planning Committee at the request of a local ward member who has raised concerns in relation to parking provision, the impact of the proposal on traffic flows within neighbouring streets and the effect of noise arising from the operation of the day nursery on residents.
- 1.2. The application relates to a parcel of land situated adjacent to an area of open space located within Phase 2 of the Channels residential-led development. The s106 Agreement forming part of the outline planning permission for Channels; 10/01976/OUT refers, required the provision of an early years and childcare facility within the development. Land for the early years and childcare facility was safeguarded under the reserved matters approval for the wider phase and was considered the most appropriate location for the nursery due to its central position within the Channels development close to existing bus stops and strategic footpath/cyclepath routes.
- 1.3. The proposal would deliver a two-storey day nursery catering for 76 pupils. Parents of children attending the day nursery would be able to use the existing visitor parking spaces adjacent to the day nursery; in response to resident concerns, it is proposed that these spaces would be subject to parking management controls through the provision of a traffic regulation order to limit the length of stay during the key morning drop off and afternoon pick up times associated with the day nursery.
- 1.4. The day nursery is of an acceptable scale, form and design and would integrate successfully with the Phase 2 development and the street scene. A noise management plan has been submitted, which satisfactorily demonstrates that there would be no adverse noise impacts or any other harm to the neighbouring residents.
- 1.5. Approval is recommended.

## **2. Description of Site**

- 2.1. The application relates to a parcel of land of approximately 0.16 hectares, situated adjacent to an area of open space located within Phase 2 of the Channels residential-led development. Brassie Wood runs around the eastern and southern site boundaries and forms part of the bus route which routes in a clockwise direction north to south through the Channels development. The road is subject to parking restrictions in the form of double yellow lines. A residential street, known as Jigger Gardens, runs directly to the north of the site; this road would provide the primary means of access to the day nursery.
- 2.2. A three storey apartment block, which contains an architect's practice on the ground floor lies directly to the north of the proposed day nursery. Five unrestricted visitor parking spaces are located alongside the apartment block to the south, with a further two unrestricted visitor parking spaces located to the east. The spaces are to form part of the adopted public highway. Directly to the west of the application site are five further visitor spaces; these spaces fall within the ownership and control of the Channels Management Company.
- 2.3. Development to the east and south-west of the site, and adjacent area of open space, comprises residential dwellings forming Phases 1 and 2 of the Channels development; these properties are 2 – 2½ storeys in height.

- 2.4. The Beaulieu development is located to the south of the application site and can be accessed via footpath/cyclepath routes extending from Fairway Drive and Niblick Green.

### **3. Details of the Proposal**

- 3.1. The application seeks reserved matters approval for the development of a two-storey day nursery with associated access, car parking, landscaping, and an enclosed garden. The outline planning permission reserved all matters for future determination. The submission therefore contains full details of the appearance, scale, and layout of the nursery building, means of access and landscaping.
- 3.2. The scheme would result in the creation of a day nursery that would cater for 76 children ranging in age from 0-4 years old with more children (24) in the older age bracket attending the site than other age groups. Internally the building would provide six separate rooms which would cater for the different age groups. The younger children would occupy rooms on the ground floor with the room for the older children located on the first floor. The nursery would have an internal area of approximately 633sqm. 21 full time staff would be employed.
- 3.3. A secure garden area of approximately 315sqm would be located to the rear of the nursery, capable of being directly accessed from the five ground floor rooms. The older children on the upper floor would have access to a secure outside terraced area. The garden area is proposed to be enclosed by a 1.5m high fence and landscaping.
- 3.4. A secure staff parking area comprising ten spaces would be located to the rear of the garden. The car park would be accessed from Jigger Gardens with secure access provided via a sliding gate. Three new drop-off visitor parking spaces are to be provided by the applicant along Jigger Gardens to the north of the nursery building.

### **4. Other Relevant Applications**

- 4.1. Outline planning permission was granted for the Channels residential-led development in October 2012; 10/01976/OUT refers.
- 4.2. Reserved matters were approved for Phase 2 of the Channels development in March 2014; 14/00026/REM refers. Specifically, the approval was for 95 dwellings, 121sqm commercial floorspace and open space but also importantly, it secured the land for the early years and childcare facility forming part of this submission.
- 4.3. The Channels Phase 2 development has since been fully built out, save for the day nursery.
- 4.4. Planning permission was granted in 2016 (16/02132/FUL) for the change of use of the commercial unit from a restricted A1 (retail) use Class only to a mix of A1 (retail) and B1a (offices). The permission has been implemented and the unit is currently occupied by an architect firm's office.

### **5. Summary of Consultations**

- 5.1. The following were consulted as part of this application:
- Chelmsford Garden Community Council
  - CCC Recycling & Waste Collection Services

- CCC Public Health & Protection Services
  - South Essex Parking Partnership (SEPP)
  - Essex County Council Highways
  - ECC Historic Environment Branch
  - ECC Community Infrastructure Planning - Education
  - Essex County Council SuDs' Team
  - Essex County Fire & Rescue Service
  - Local Residents
- 5.2. The Chelmsford Garden Community Council have raised an objection to the application on the basis that there would be insufficient parking for the number of children to be accommodated within the day nursery leading to congestion on adjacent residential streets. The Council have also raised concerns about the impact of noise associated with the operation of the day nursery on residents.
- 5.3. Essex County Council Highways Authority has raised no objections to the proposal and would support the imposition of a Traffic Regulation Order (TRO) on the 12 visitor parking spaces. The TRO would be progressed by the Highway Authority as part of the highways works in relation to this application.
- 5.4. The Public Health and Protection Team have assessed the submitted noise management report and consider that the measures contained within it would be acceptable to mitigate noise impact. Further, they have also recommended a condition in relation to the hours of use of the day nursery.
- 5.5. The Essex County Council Infrastructure planning team noted that the original request was for the creation of a 56-place nursery on the site. They have indicated that the existing childcare sufficiency data from 2023 shows there has been an increased demand for childcare places since 2014 with demand likely to rise further with the planned increase in childcare funding which starts in 2024. The team has concluded that the 76 places proposed will help to meet the increased demand. They also note that the outside space is not overlooked by neighbouring properties wherever possible.
- 5.6. The site is located on land, which is contaminated. The matter is dealt with by a condition on the outline planning permission.
- 5.7. The County Archaeology and SuD's teams have raised no objections to the proposal.
- 5.8. The Essex Fire and Rescue Service have submitted advisory comments relating to compliance with the building regulations, the use of sprinkler systems and access to the site by the fire service.
- 5.9. The South Essex Parking Partnership (SEPP) has confirmed that should a TRO be imposed on the currently unrestricted visitor parking bays that are identified to be within the public highway, then they would be able to support and enforce the restrictions. The SEPP have recommended that any parking restriction period is for a limited waiting period of 15 minutes, with no return for two hours. The period would be operational between 7am-9.30am and 3.30pm-6pm to reflect the nursery opening hours.
- 5.10. Eight letters of objection have been received from residents; these have raised concerns relating to parking provision, traffic generation, overdevelopment of the site, scale of the building, loss

of outlook and issues associated with noise both in relation to the operation of the day nursery and during its construction.

5.11. Full details of the consultation responses are set out in Appendix 1.

## 6. Planning Considerations

### *Main Issues*

6.1. The main issues for consideration are:

- Principle of Development
- Reserved Matters
  - Access including Parking
  - Layout
  - Scale
  - Appearance
  - Landscaping

### *Principle of Development*

- 6.2. The outline planning permission for the wider Channels residential-led development granted permission for, amongst other matters, the provision of an early years and childcare facility. The s106 agreement for the outline planning permission included a requirement for an area of land of at least 0.13ha in size, to be safeguarded to deliver the early years and childcare provision.
- 6.3. Reserved matters were approved for Phase 2 of the Channels development in 2014; this included the land for the early years and childcare facility, which was confirmed and safeguarded for the future submission of this application.
- 6.4. The size of the safeguarded land for early years and childcare facility within the reserved matters approval measured 0.13ha in size and the land identified, was located immediately adjacent to the central area of local open space, which sits between Phases 1 and 2 of the Channels development. The approved site layout plan indicated that the nursery building would be two storeys in height.
- 6.5. Since the approval of the reserved matters for Phase 2, the overall area of the safeguarded early years site has modestly increased in size to 0.16ha due to minor and positive amendments to the position of the footpath/cyclepath routes through the adjacent area of open space. The change is considered acceptable and does not compromise the level of open space provided within the Channels development, which exceeded the policy requirement at the time.
- 6.6. The principle of a day nursery being provided within the Channels Phase 2 development is therefore firmly established by both the outline planning permission and the reserved matters approval for this phase.

## ***Reserved Matters***

### *Access*

#### Means of Access

- 6.7. The principle means of access into the site would be via Jigger Gardens, which runs between the application site and the apartment block to the north. A new vehicular crossover leading onto this road would be required to provide access into the staff parking area.
- 6.8. The nursery building would be accessed by students and parents at its northern end. The staff car parking area and the additional visitor parking proposed as part of this reserved matters scheme would be located within this part of the site, to allow for ease and direct access into the nursery building.

#### Pedestrian Access

- 6.9. The nursery site is located centrally within the Channels development and would be easily accessible on foot. Footpaths run along both sides of Brassie Wood and along the eastern and southern sides of the application site. Several footpaths also run through the community garden to the west of the site.
- 6.10. The design and layout of the application acknowledges, and responds to the position of the existing paths, and proposes access points within the northeast corner and directly from the footpath to the east. The two access points would prevent children, or parents, having to walk along Jigger Gardens and provides separation from pedestrian routes and vehicle movements. A footpath to the north of the building linking with an existing route within the adjacent area of open space is also proposed; this would allow direct pedestrian access from the west without parents and their children encountering significant vehicular movement.
- 6.11. The location of the nursery would also make it attractive for residents in the adjacent Beaulieu development. Residents in Beaulieu would be able to walk their children to the nursery via the strategic footpath/cyclepath routes extending between the two developments, through the North-South Greenway. The footpath/cyclepath route connects with Brassie Wood south-east of the proposed day nursery. Parents would be able to safely walk along the path on the eastern side of the site to then access the nursery building.
- 6.12. The existing footpath and footpath/cyclepath links, together with the proposed enhancements to routes would enable safe and direct pedestrian access to the day nursery and should serve to encourage parents in both Channels, and the adjacent Beaulieu development, to walk their children to the facility as opposed to choosing to drive there.

#### Cycle Provision

- 6.13. The application will provide 14 cycle spaces for staff and children using the nursery. Eight spaces for children would be provided in a Sheffield style cycle stand located beneath the canopy entrance area. Secure staff cycle parking for up to 6 bicycles would be provided in a secure store within the western part of the building.
- 6.14. The overall cycle parking for both staff and children is considered acceptable to meet the needs of the future users.

## Parking Provision

- 6.15. The Phase 2 reserved matters sought approval for amongst other matters, access and layout; as part of that approval full details of the number and location of the visitor parking spaces were provided. Careful consideration was given to the need to secure appropriate levels of parking provision given the mix of uses to be provided within Phase 2; residential, small retail unit and future day nursery. Twelve visitor parking spaces comprising of seven lay by spaces situated alongside the southern and eastern sides of the apartment block to the north of the proposed day nursery, together with a further five spaces located within an area to the west of the site, were included on the approved layout plan. The parking spaces were provided as lay-by spaces additional to the width of the road. The officer report for the Phase 2 reserved matters scheme specifically states that *'the level of visitor parking provision is considered sufficient to serve the apartment block and the retail unit and the early years and childcare facility where parking is likely to be for short periods of time and with a relatively high turnover of use'*. The spaces were shown within the approved adopted highway plan, which formed part of the reserved matters approval; these spaces were constructed by the developer of Phase 2, Bellway Homes, and are currently in place on the site. The level of parking provision was set against a background of all residential properties being provided with acceptable levels of on-plot parking with garages sized to accommodate larger vehicles.
- 6.16. Following the reserved matters approval planning permission was then granted for the change of use of the commercial unit from a retail to an office use; 16/02132/FUL. The retail unit had not previously been provided with dedicated parking for staff. The officer report at the time, clearly set out and acknowledged the position which had been reached in relation to visitor parking provision in 2014. The report noted that the relatively small floor area of the commercial unit would effectively dictate the size of an office-based business which could be accommodated, and those employed within the office would be expected to use public transport. Further the report went on to conclude that *'Visits to the office would principally occur during the daytime period'* and as such would be *'unlikely to coincide with the times when visits to the residential apartments or neighbouring properties might be at their highest, typically in the evenings and/or at weekends'*. All residential apartments and dwellings it was noted, had been provided with acceptable levels of parking provision in accordance with the Beaulieu and Channels Parking Standards. Further and in conclusion, the report stated that *'The use of the commercial floorspace as an office, pursuant to Class B1(a) would not have a materially greater impact on the uptake of the dedicated on-street parking spaces than the approved retail use.'*
- 6.17. The provision of visitor parking spaces was firmly established by the reserved matters approval and an acceptable number of spaces accommodated in appropriate locations to meet the needs of all visitors; on that basis it was not expected that the future reserved matters submission for the day nursery would need to provide additional visitor parking to meet its needs, other than staff parking provision.
- 6.18. A highway adoption plan did form one of the reserved matters approved drawings for Channels Phase 2. The plan indicated that all 12 visitor parking spaces, as constructed on site, would form part of the adopted highway. During consideration of this reserved matters submission, it came to light that the five spaces to the west of the nursery site had been removed from the highway adoption process with ECC Highways, upon their advice, and ownership and control of the spaces had since passed to the Channels Management Company.

- 6.19. Notwithstanding that the number and location of the visitor parking provision has been established and accepted in principle, and there is no requirement for the day nursery to provide additional visitor parking spaces, the applicant has proposed three off-street parallel parking spaces on the nursery site itself to accommodate the drop off and pick up of children from the day nursery. The spaces would be accessed via Jigger Gardens and would create additional drop off provision for parents. The decision is a positive one and a direct response by the applicant to seek to address resident concerns, despite there being no planning need for them to provide these spaces.
- 6.20. Having regard to the concerns raised by residents and following discussion with the South-East Essex Partnership and the County Highway Authority, officers have sought to negotiate a positive way forward, which would ensure that the visitor parking spaces are genuinely available for all visitors in the future. Specifically, it is proposed to introduce parking management of the previously approved visitor parking spaces by requiring the applicant to apply to ECC for a Traffic Regulation Order (TRO) to encompass the seven spaces which it has already been agreed by ECC Highways would form part of the adopted highway and the five spaces to the west of the proposed day nursery (subject to agreement from the landowner, the Channels Management Company). The TRO would introduce limited waiting periods in the morning (7am-9.30am) and in the afternoon (3.30pm-6pm) when parents would be dropping off and picking up their children; at all other times the spaces would be available for unrestricted visitor parking.
- 6.21. The Channels Management Company has been approached regarding inclusion of the five visitor parking spaces now within their ownership as part of the TRO. A response from the Management Company to confirm whether they would firstly be willing to include the spaces within the TRO and secondly whether they would wish to retain ownership of the spaces or relinquish ownership of the spaces and agree to their inclusion within the adoptable highway, had not been received at the time of preparing this report. The South-East Essex Parking Partnership have indicated that should the Management Company agree to include the spaces within the TRO, whilst retaining ownership, then they would be willing, and able to enforce, the limited waiting restrictions with their formal written agreement.
- 6.22. Should they wish to do so the Channels Management Company could also request that the five spaces within their ownership are reinstated within the adopted public highway. The Highways Authority has indicated that they would support the re-inclusion of these spaces within the highway and absorb the associated costs of doing so.
- 6.23. Should the Channels Management Company resolve not to include the spaces within the TRO, or as part of the adopted highway, then they would retain responsibility for their management. The parking spaces have been established as visitor parking spaces for resident's visitors, visitors to the commercial unit and for parents dropping off and picking up children from the day nursery by the reserved matters approval and would lawfully remain as such regardless of ownership. The management company would in such circumstances, need to arrange for a private parking enforcement company to maintain the five visitor parking spaces and the level of enforcement would arguably need to match that undertaken by the SEPP were the TRO to prove successful, to avoid displacement to those five spaces.
- 6.24. The imposition of a time limited TRO on the visitor spaces would ensure that there is appropriate parking for all visitors when required. The requirement for the applicant to apply for a TRO on the spaces forms the basis of a planning condition, however, it is accepted that the applicant is not in control of the outcome of the TRO consultation process and any

eventual decision in this respect. Condition 5, as such requires the applicant to (i) submit a valid application for a Traffic Regulation Order (TRO) to ECC to allow for the provision of parking restrictions on the seven visitor parking spaces within the adopted highway prior to the first use of the day nursery, (ii) subject to the successful outcome of the TRO to meet the full costs of all required works, including lining and signage associated with the TRO and (iii) in the event that the TRO is unsuccessful and no alternative scheme has been identified, or agreed by ECC, that the applicant be required to provide the local planning authority with a written statement explaining the reasons why it is not possible to introduce parking restrictions on the visitor parking spaces.

- 6.25. The approach which has been negotiated with the applicant and discussed with the South-East Essex Parking Partnership, the County Highway Authority and the Channels Management Company is considered to appropriately address visitor parking provision and ensure that spaces are available during nursery drop-off and pick-up times without compromising the ability for residents to have visitors park within the spaces outside of these hours, or at weekends. Similarly, the spaces would be available, unfettered outside the likely restrictive hours for visitors to the architect's practice; that is between 9.30am and 3.30pm.
- 6.26. The three additional visitor parking spaces provided by the applicant within the nursery site itself would be privately managed by the operator of the day nursery.
- 6.27. The reserved matters approval for Channels Phase 2 did envisage that staff parking would come forward as part of the reserved matters submission for the day nursery. The submission proposes inclusion of a staff parking area on the western side of the day nursery. The parking area would contain ten spaces for staff, including two electric vehicle spaces, and would be positioned behind a sliding gate which would restrict access. The staff parking provision is considered appropriate to serve the needs of the 21 full time staff many of whom will travel to the site by other means such as car sharing, bus or bicycle. The Highway Authority has raised no objections to the level of staff parking. Condition 4 requires the staff parking spaces and the three parallel drop-off spaces to be provided prior to first use of the day nursery.
- 6.28. Overall, it is considered that the parking provision for visitors and staff would be acceptable and would not result in adverse parking impacts on the surrounding streets. The scheme complies with Policies SPS9 and DM27 of the Chelmsford Local Plan.

#### Refuse Vehicle Access

- 6.29. An integrated refuse store is accommodated within the eastern side of the building easily accessible for refuse operatives who would be able to stop along Brassie Wood and use the paths to gain direct and level access to the bin store.

#### *Layout*

- 6.30. The two storey nursery building would be located within the eastern section of the site and would fill most of the depth of the plot from north to south. The building would have a rectangular footprint with a width of approximately 30m, including the covered walkway to the north, and a depth of approximately 16m. The building would have a gross external area of approximately 699.4sqm. A secure external play area measuring approximately 315sqm would be located to the rear of the building. The staff car park would sit within the north-eastern corner of the site located to the rear of the play area separated from it by a hedgerow. A vegetable patch would be located to the south of the building. A hard surfaced area located to

the north of the building would be used as a waiting and circulation area by parents and as pedestrian route to the entrance of the nursery.

- 6.31. Internally the building has been designed to cater for the different age range of children that the nursery would serve. Each age group is assigned its own room with the five youngest age groups on the ground floor and the oldest age group on the first floor. The ground floor rooms have been positioned on the western side of the building away from the footpath and would have direct access out onto the secure play area. The upper floor would have access onto a terrace of approximately 76sqm. A kitchen, office, laundry area and buggy store which would sit on the eastern side of the building are also provided at ground floor.
- 6.32. The ECC Early Years and Childcare team have assessed the proposal and are satisfied that the internal layout complies with the minimum size requirements for the different age groups and would more than meet the space requirement for 76 children. Further, they have also confirmed that the presence of the outdoor space meets requirements.

#### *Scale*

- 6.33. The nursery building would extend to a maximum of two storeys in height but comprises a series of elements which vary in height from single to full two storey. The different levels and heights also serve to breakdown the overall massing of the built form and create three different distinct and articulated sections to the building. The two outer sections would have mono pitched green roofs whilst the central element would have a flat roof with solar panels on the roof. The southern end of the building would be the lowest part of the building with a height of approximately 3.7m, this increases to a maximum height of 6.7m in the central part of the northern most section, where the building fronts the apartment block and where greater scale is best accommodated.
- 6.34. The Phase 2 residential parcel comprises dwellings of varying building heights. The apartment block directly to the north of the application site extends to three storeys in height.
- 6.35. The height and scale of the proposed nursery building is acceptable and would integrate successfully with the existing built form within the street.

#### *Appearance*

- 6.36. The nursery building with its sloping roof form would contrast with the traditional gable form of the residential dwellings within the area, however, the central location of the nursery building and its position adjacent to an area of open space and adjacent landscaped areas, allows for a different and unique design approach to be taken. Notwithstanding that mono pitched roof forms are not apparent within the wider development; it is considered that they would add an element of interest to the appearance of the building and the relationship with the street scene would be acceptable.
- 6.37. Differing materials are proposed on each of the three sections of the building to allow integration with the surrounding street scene. The materials proposed would reference the materials within the Phase 2 residential parcel and would help to differentiate each of the three sections whilst also assisting in breaking down the massing of the building.
- 6.38. The overall appearance of the building is considered acceptable.

- 6.39. The layout of the development, its scale and appearance are acceptable and compliance with Policy DM23 of the Chelmsford Local Plan is achieved.

#### *Landscaping*

- 6.40. A 1.5m fence would enclose the southern and western sides of the external play space. A hedgerow of the same height would sit in front of the fence to allow for screening. The fence and hedge would secure the play space and would prevent any views into the space from the footpath to the south. The external play area itself would be comprised of rubberised surfaces, artificial grass, and hard paved areas.
- 6.41. The eastern side of the building would be bordered solely by soft landscaping in the form of low-level shrubs; this side of the building incorporates the back of house elements so there would be no safeguarding issues.
- 6.42. The soft landscaping and new tree planting would help to create a pleasant environment and allow for successful integration of the development within the street scene, whilst also helping to soften the presence and appearance of the building. The scheme accords with Policy DM24 of the Chelmsford Local Plan.

#### **Other Matters**

##### *Noise – Operation of the Day Nursery*

- 6.43. Concerns have been raised by residents and the Garden Community Council regarding the impacts of noise generated by the nursery upon existing neighbouring residents. Nurseries are common use types within residential areas and in this case the principle of a nursery on this site has been accepted by both the outline planning permission and the Channels Phase 2 reserved matters approval.
- 6.44. The applicant has submitted a noise management plan, which seeks to respond to concerns raised by residents. The plan sets out the design measures which have been incorporated to control the noise produced by outdoor play; these include orientating the outdoor play areas to face the public open space and the use of hedging around the play area to provide a natural privacy screen for play. Operational measures would be employed to control the noise produced by outdoor play; these include the hours of operation, limitation of the garden area with play time staggered to fit with activities planned for each age group and close supervision of children. Drop off and pick up times would be staggered during the hours of 07:00-09:00 and 16:00-18:00. The nursery would be completely flexible to parents needs, meaning some children would be picked up and dropped off outside of these times, further spreading out vehicular arrivals and departures. The plan documents how residents could make complaints and how these would be responded to.
- 6.45. The noise management plan has been assessed by the Council's Public Health and Protection Team who are satisfied that it would minimise any noise disturbance to surrounding residents. Condition 3 requiring compliance with the plan is recommended; in addition, a condition to restrict the hours of use of the nursery to 7am – 6pm Mondays – Fridays is also proposed. On this basis the scheme accords with Policy DM24 of the Chelmsford Local Plan.

### *Noise – Construction of the Day Nursery*

- 6.46. Concerns have been raised by residents relating to noise and dust impacts resulting from the construction of the nursery and at the potential length of the construction period.
- 6.47. The applicant would be required to submit a Construction Method Statement and a Construction Environmental Management Plan in accordance with Conditions 58 and 59 of the outline planning permission; these documents would set out how the nursery would be constructed and the measures to minimise any disruption including, but not limited to dust suppression, vehicle routing and road sweeping.
- 6.48. The applicant has confirmed that the construction period for the nursery would be 12 months.

### *Contamination*

- 6.49. The Council's Public Health and Protection Team have noted that the site is situated on land which is contaminated. The matter is dealt with by a condition on the outline planning permission.

### *Neighbour Relationships*

- 6.50. Concerns have been raised by residents that the construction of the nursery building would block views of existing residents. The right to a view is not a planning consideration. Notwithstanding, in any case it is noted that the principle of a day nursery has been accepted and the relationship between the day nursery and existing residential properties opposite is no different than exists between two storey properties either side of a street across this residential parcel. Further only a section of the building is fully two storey.
- 6.51. The proposal would cause no adverse impacts to the amenities of the neighbours.

### *Other Comments - Service Charge*

- 6.52. Residents have also queried whether the proposed nursery would be expected to contribute to the Channels Estate service charge.
- 6.53. The applicant has confirmed that they have signed a Deed of Covenant with the Channels Management Company to enter into the estate service charge.

## **7. Community Infrastructure Levy (CIL)**

- 7.1. The application is not CIL liable.

## **RECOMMENDATION**

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

### **Condition 1 Details – Compliance with Plans & Conditions**

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 2 Hours of Operation**

The use hereby permitted shall only take place between the following hours:

7am- 6pm Mondays - Fridays;

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 3 Noise Management Plan**

The development shall only be carried out in accordance with the Noise Management Plan for the Proposed Channels Day Nursery subject to such minor variations as may be agreed in writing by the local planning authority.

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 4 Parking Provision**

The nursery building hereby approved shall not be occupied until the staff parking spaces and the three parallel drop off spaces shown on approved Drawing No. PA\_03 Rev B – Proposed Site Plan have been laid out and are available for use; thereafter the spaces shall be kept available at all times for these uses.

Reason:

To ensure that sufficient parking is available to serve the development in accordance with Policy DM27 of the Chelmsford Local Plan.

**Condition 5 Traffic Regulation Order**

(i) Prior to the first use of the day nursery hereby approved the applicant shall have made a valid application for a Traffic Regulation Order (TRO) to Essex County Council to allow for the provision of limited waiting restrictions on the seven visitor parking spaces located in Jigger Gardens and Brassie Wood situated to the east and south of the apartment block, and the 5 visitor parking spaces located to the west of the day nursery (subject to an agreement being reached with the Channels Management Company) as shown on Drawing No. L636-004 Rev P – Proposed Highway Adoption Plan as approved under 14/00026/REM – Channels Phase 2.

(ii) Subject to the successful outcome of the Traffic Regulation Order(s) referred to in part (i) above, the provision and implementation of all required works, including lining and signage associated with the said Traffic Regulation Order(s) shall be met in full by the developer and at no cost to Essex County Council.

(iii) IN THE EVENT THAT the Traffic Regulation Order is unsuccessful, and no alternative scheme has been identified or agreed by Essex County Council, the applicant shall provide to the local planning authority a written statement explaining the reasons why it is not possible to introduce parking restrictions on the twelve visitor parking spaces located in Jigger Gardens and Brassie Wood as shown on Drawing No. L636-004

Rev P – Proposed Highway Adoption Plan as approved under 14/00026/REM – Channels Phase 2 and shall thereafter be released from the obligations imposed by this condition.

Reason:

To ensure the applicant makes all reasonable efforts to prevent on-street parking occurring as a consequence of development where parking would likely cause network delays and highway safety concerns.

#### **Condition 6 Construction of New Vehicular Crossover**

Prior to the first use of the day nursery, the construction of the new vehicular access to the site and associated highway works as shown in principle on Drawing No. PA\_03 Rev B – Proposed Site Plan, shall be regulated by an appropriate legal agreement between the applicant and the Highway Authority, which will provide for but not be limited to the following:

- a. Provision of an 8m wide dropped kerb access into the staff car park from Jigger Gardens,
- b. Provision of 3m x 7m parallel parking bays adjacent to the Jigger Gardens carriageway,
- c. The existing lamp column affected by the parking bays to be relocated.

Reason:

To provide safe and suitable access to the proposed day nursery in the interests of highway safety.

#### **Notes to Applicant**

##### **1 Hours of Work During Construction**

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 Contact ECC - Works Affecting the Highway**

The Local Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are: Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

##### **3 Details of Vehicular Crossover - ECC**

The Highway Authority (Essex County Council) must be contacted regarding construction details for the proposed vehicular crossover. Contact details are:

Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631 Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

4 **Liability**

The Highway Authority cannot accept any liability for costs associated with a developer's improvement; this includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required as security in case of default.

5 **Highway Works Costs**

The applicant will be responsible for all the costs associated with the stopping up of the existing public highway to facilitate the development and its associated highway works.

6 **Street Naming & Numbering**

This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at [www.chelmsford.gov.uk/streetnaming](http://www.chelmsford.gov.uk/streetnaming). Enquires can also be made to the Address Management Officer by emailing [Address.Management@chelmsford.gov.uk](mailto:Address.Management@chelmsford.gov.uk)

7 **ECC Fire & Rescue Service Advice**

You are advised that additional water supplies for fire-fighting may be necessary to serve the development and you are advised to contact the Water Technical Officer at Essex County Fire & Rescue Service Headquarters in this respect, tel: 01376 576342.

The Service has advised that there is evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires; even when not required under the Building Regulations guidance, a risk-based approach to the inclusion of AWSS is strongly recommended. You are encouraged to use AWSS to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Your attention is drawn to ADB, B5 V1 Section 13. Detailed observations on access and facilities will be considered at the Building Regulation consultation stage.

8 **Discharge of Conditions Applications**

This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.

9 **Fees for Discharge of Conditions Applications**

This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.

**Positive and Proactive Statement**

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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**Chelmsford Garden Community Parish**

Comments
<p>13.10.23</p> <p>Chelmsford Garden Community Council objects to the application on the following grounds:</p> <ul style="list-style-type: none"> <li>• Insufficient Parking Provision or Drop off Provision – The lack of parking provision would have a detrimental impact upon the residential area. The nursery intends to admit 76 children which would result in a high level of vehicle movements and although it states that drop off and collection would be staggered it is highly likely that most of the movements would be in a window in the morning thus creating congestion if provision is not made to accommodate these cars.</li> <li>• Five Parking Spaces - The Council understands that these spaces are not in fact available for drop-off and pick up as they are privately owned by Channels CIC and are used daily by residents and their visitors together with staff from a nearby commercial unit; without such parking provision it would create an unacceptable level of congestion in the area and create parking issues in a number of roads local to the nursery.</li> </ul> <p>08.09.23</p> <ul style="list-style-type: none"> <li>• Overdevelopment of the Plot – The development cannot be supported by the infrastructure within the area.</li> <li>• Vehicle Movements – The proposed nursery would accommodate 76 children so the number of vehicle movements within an established residential area would have a detrimental impact.</li> <li>• Need – Several other local nurseries exist; the Council questions whether there is a need for a nursery of the size proposed.</li> <li>• Parking – The level of parking is insufficient for the number of vehicles, which would visit the site; there would be a detrimental impact upon residents and traffic flow on Fairway Drive especially, which is on a bus route.</li> <li>• Noise – No noise control measures are contained within the application so there may be a detrimental impact upon residents.</li> <li>• Site Notices – Site notice put up in September therefore residents have not had the opportunity to comment upon the application.</li> </ul>

**CCC Recycling & Waste Collection Services**

Comments
No response received

## CCC Public Health & Protection Services

Comments
<p>21.08.23</p> <p>A condition should be imposed requiring the applicant to submit a scheme to assess and deal with any contamination of the site and not to bring the nursery into use until any remediation of the site, found to be necessary has been carried out, and a validation report submitted to the local planning authority for written approval.</p> <p>An informative regarding hours of working should be included on any grant of planning permission.</p>
<p>09.11.23</p> <p>The submitted noise management plan is acceptable.</p>

## South Essex Parking Partnership

Comments
<p>21.11.23</p> <p>The South Essex Parking Partnership would be willing to support and be able to enforce any new proposed parking restrictions.</p> <p>Should a decision be made to implement a new Traffic Regulation Order, to include parking restrictions on the current unrestricted parking bays located on the identified areas to become adopted highway, the Parking Partnership would support a limited waiting parking restriction of about 15 mins with no return for 2 hours which would be operational between the hours of 7am to 9.30 am and 3.30pm to 6pm.</p> <p>The type of restriction can be effectively enforced and would ensure a high turnover of space at peak hours when dropping off and picking up from the nursery occurs.</p>

## Essex County Council Highways

Comments
<p>22.11.23</p> <p>The principle of a nursery at the proposed location was determined within application 14/00026/REM for Phase 2 within Channels. The current application seeks to determine the detail of the nursery. The Phase 2 application outlined that the 12 unallocated visitor spaces, which run around the south and east of the flat block and to the west of the nursery site, would form part of the required visitor parking allocation within the phase as well as be utilised for parent drop off/pick up related to the nursery site, and for customers of the commercial unit.</p>

Subsequently, the commercial unit was changed to an office class use and the officers report states that staff would be expected to use public transport or available visitor spaces. Five of the spaces are privately managed and do not currently form part of the adopted highway.

A Traffic Regulation Order will be required, to limit waiting during the weekday morning and afternoon peaks, to be applied to all 12 visitor spaces, to ensure there is adequate parking provision available for drop off/pick up in relation to the nursery. For simplicity, the 5 spaces currently privately managed should be adopted by the Highway Authority, but this is subject to agreement with the Management Company, although adoption is not essential, it would guarantee the control of the spaces in perpetuity.

The TRO will be progressed by the Highway Authority as part of the highway works related to this application and the applicant will be required to pay the necessary costs related to this. The TRO should be extended to cover the proposed 3 bays within the nursery curtilage to ensure they are available for their intended usage.

The impact of the proposal is acceptable to the Highway Authority, subject to conditions to secure the following:

1. No development to take place, including any ground works, 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 and shall provide for:
  - a. Construction vehicle access and routing,
  - b. Any temporary traffic management/signage,
  - c. Wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas,
  - d. Contractor and visitor parking clear of the highway,
  - e. Turning, loading and unloading of plant and materials, and
  - f. Hours of deliveries.
2. Prior to first occupation of the development, the construction of the new vehicular access to the site and associated highway works as shown in principle on Drawing No. 5872\_PA\_03\_B – Proposed Site Plan shall be regulated by an appropriate legal agreement between the applicant and the Highway Authority, which will provide for, but not be limited to the following:
  - a. Provision of an 8m wide dropped kerb access into the staff car park from Jigger Gardens,
  - b. Provision of 3 x 7m parallel parking bays adjacent to Jigger Gardens carriageway,
  - c. The existing lamp column affected by the parking bays to be relocated.
3. The submission of a valid application for a Traffic Regulation Order to the Local Highway Authority to allow for limited waiting to be applied to the 12 visitor parking spaces and additional 3 spaces within the curtilage of the development, prior to the first use of the day nursery, subject to the successful outcome of the TRO, to meet the full costs of all required works and advertisements, including lining and signage associated with the TRO. In the event that the TRO is unsuccessful and no alternative scheme has been identified, or agreed by the Local Highway Authority, the applicant is required to provide the local planning authority within a written statement, explaining the reasons why it is not possible to introduce parking restrictions on the visitor parking spaces.

The following informatives to be included within any grant of planning permission:

1. All work within, or affecting existing and future highways 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 applicant to be advised to contact the Development

Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2. The Highway Authority cannot accept any liability for costs associated with a developer's improvement; this includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
3. The developer will be responsible for all of the costs associated with the stopping up of existing public highway to facilitate the development and its associated highway works.

### **ECC Historic Environment Branch**

#### **Comments**

21.08.23

The proposed development site has previously been the subject of archaeological investigation, and no further archaeological work is required on this site. No further comments to make on this application.

### **ECC Community Infrastructure Planning (Education)**

#### **Comments**

24.11.23

The original request for EY&C on this site was to create 56 places, it is noted that this application will be creating 76 full time places. ECC have looked at the latest childcare sufficiency data for the ward and can see that since the initial response was given back in 2014, the ward of Broomfield and the Walthams has seen demand for childcare places increase. Our latest date from the summer of 2023 reported that there were 11 places available in one nursery in Broomfield.

No places were available within the Channels development and coupled with the planned increase in childcare funding, which will start to be implemented from April 2024, ECC have concluded that these additional places will help to meet the expected rise in demand for childcare places.

ECC would like to note that wherever possible, the outside area of the proposed development is not overlooked by neighbouring properties.

### **Essex County Council (SUDS)**

#### **Comments**

20.09.23

No objections.

## Essex County Fire & Rescue Service

Comments
<p>15.08.23</p> <ul style="list-style-type: none"><li>• Access - Access for the Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. The applicant's attention is drawn to ADB, B5 V1 Section 13. More detailed observations on access and facilities will be considered at the Building Regulation consultation stage.</li><li>• Building Regulations - The applicant is responsible for complying with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Planning Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire &amp; Crime Commissioner Fire and Rescue Authority in accordance with 'Building Regulations and Fire Safety - Procedural Guidance'. Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc) Regulations 2010 (as amended).</li><li>• Water Supplies - The applicant is reminded that additional water supplies for fire-fighting may be necessary for the development. The applicant is urged to contact the Water Technical Officer at Service Headquarters, tel: 01376 576344.</li><li>• Sprinkler Systems - Clear evidence exists that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire &amp; Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, even when not required under Building Regulations guidance, which can substantially reduce the risk to life and property loss. Developers are also encouraged to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.</li></ul>

## Local Residents

Comments
<p>8 letters of representation have been received which raise the following objections to the application:</p> <ul style="list-style-type: none"><li>• Traffic Generation – Negative impact on the neighbourhood due to the amount of traffic generated by a 76 place nursery with potentially 70+ / 100 cars per day on Brassie Wood during narrow morning and evening time periods coupled with traffic associated with 21 staff. Number of places should be reduced by half. Scheme is ill thought out. Incredibly difficult to exit the estate onto Essex Regiment Way; following the opening of the relief road and with the proposed day nursery exiting Brassie Wood and Fairway Drive could be difficult. Cars parking in the road already cause significant congestion on the bus route.</li><li>• Jigger Gardens – Position of the drop-off area would mean that traffic would route along Jigger Gardens, which is an unadopted road. 3 drop off spaces force traffic along Jigger Gardens.</li><li>• Parking – Staff parking is inadequate and would lead to staff parking in the visitor parking area,</li></ul>

maintained and owned by residents, take up of parking spaces used by residents or parking in front of residential properties. ECC parking standards require 1 space per full time member of staff.

- Use – Building of a two storey day nursery was not in the original plans for the development.
  - Scale – Day nursery should be restricted to single storey. The assessment of size and scale was made over 10 years ago before establishing the local community.
  - Loss of Outlook – Unacceptable to introduce a two storey building on a small parcel of land; loss of view from existing residential properties.
  - Noise – Nursery play area is too close to existing housing and would create a noise nuisance. Acoustic fencing should be provided around the proposed play area. Query plans for noise, dust and disruption mitigation. Proposed roof terrace would be a major source of noise.
  - Play Area – Apartments would have a direct line of sight to the outside play area.
  - Construction – Query time period for construction to take place and working hours and how this would operate given existing double yellow lines on Brassie Wood.
- 
- Service Charge – Query how much nursery providers would be contributing to the service charge.



0 10 20 40 Metres

1:1,000



**Planning Committee**  
**23/01193/REM**

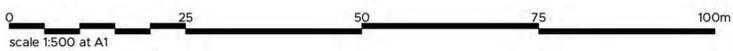
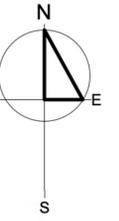
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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REVISION	DESCRIPTION	DATE	DRAWN	CHECK
A	Parking adjustment based on planning requests.	16/10/2023	sst	

**5872** | **PA\_04** | **A**

TITLE Site Block Plan

SCALE 1:500 SHEET SIZE A1

ISSUE DATE 22/06/2023

AUTHOR SST CHECK PB

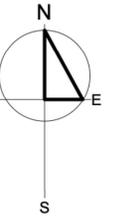
PROJECT Proposed Day Nursery School  
1 Brassie Wood, Broomfield  
Chelmsford, Essex, CM3 3FQ

CLIENT Seymour House Ltd

STATUS **PLANNING**



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5872\_PA\_Channels Nursery\_10 planning update Copy  
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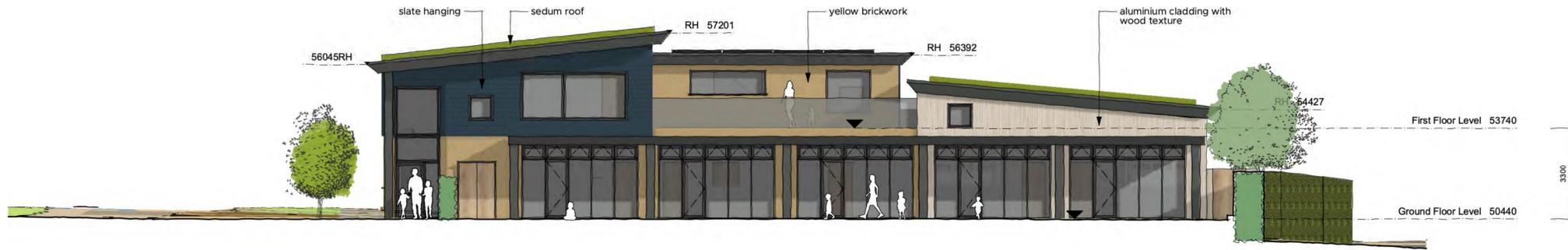


- existing 2.5m wide shared spaces
- secure sliding electric gate
- proposed 2.5m x 5.0m vehicle spaces
- EV Charging points
- remove estate railings beyond boundary line and 1m wide plant hedge with secure fencing behind.
- 1.5m high hedge and bow top green fence behind

- existing on street parallel parking 5nr
- drop off spaces
- existing lamp post relocated
- level access
- main entrance
- footpath connection to road
- emergency escape only
- low level shrub planting (no barrier at street edge)
- controlled staff access only

REVISION	DESCRIPTION	DATE	DRAWN	CHECK
A	Drop off bays changed to parallel, parking adjusted and cycle store labelled.	25/09/2023	sst	
B	Parking adjustment based on planning requests.	10/10/2023	sst	

<b>5872</b>	<b>PA_03</b>	<b>B</b>
TITLE	Proposed Site Plan	
SCALE	1:200	SHEET SIZE A1
ISSUE DATE	05/06/2023	
AUTHOR	SST	CHECK PB
PROJECT	Proposed Day Nursery School 1 Brassie Wood, Broomfield Chelmsford, Essex, CM3 3FQ Seymour House Ltd	
STATUS	PLANNING	



1 Proposed West Elevation  
Scale: 1:100



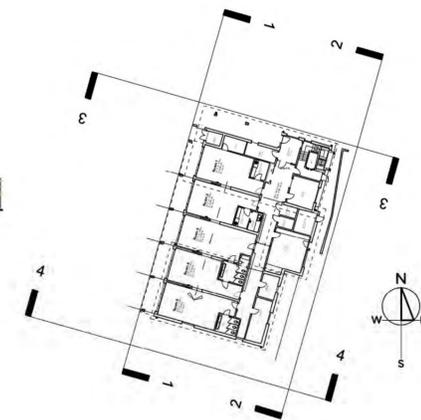
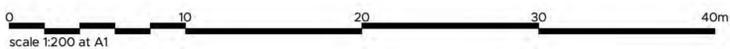
2 Proposed East Elevation  
Scale: 1:100



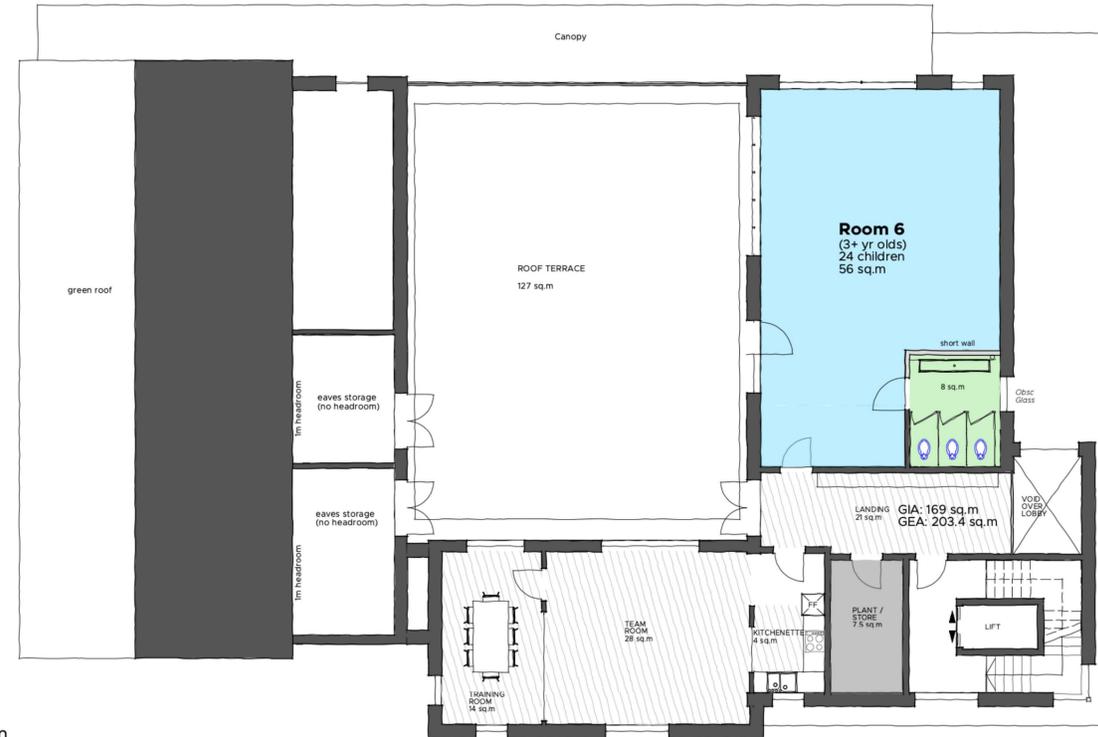
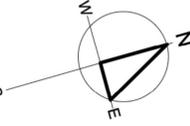
3 Proposed North Elevation  
Scale: 1:100



4 Proposed South Elevation  
Scale: 1:100



REVISION	DESCRIPTION	DATE	DRAWN	CHECK
JOB NO.	5872	DRAWING NO.	PA_06	REVISION
TITLE	Elevations			
SCALE	1:200	SHEET SIZE	A1	
ISSUE DATE	05/06/2023	AUTHOR	SST	CHECK PB
PROJECT	Proposed Day Nursery School 1 Brassie Wood, Broomfield Chelmsford, Essex, CM3 3FQ			
CLIENT	Seymour House Ltd			
STATUS	PLANNING			



Proposed First Floor Plan  
Scale: 1:100

**AREA SCHEDULE**

Gross Internal Area (GIA)		
Ground	464 sq.m	4994 sq.ft
First	169 sq.m	1819 sq.ft
<b>Total</b>	<b>633 sq.m</b>	<b>6813 sq.ft</b>

Gross External Area (GEA)		
Ground	496 sq.m	5339 sq.ft
First	203.4 sq.m	2189 sq.ft
<b>Total</b>	<b>699.4 sq.m</b>	<b>7528 sq.ft</b>



Proposed Ground Floor Plan  
Scale: 1:100

REVISION	DESCRIPTION	DATE	DRAWN	CHECK
A	Parking adjustment based on planning requests.	16/10/2023	sst	

**5872** | **PA\_05** | **A**

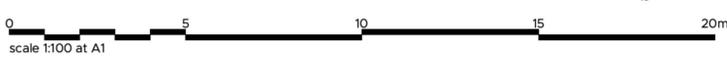
**TITLE** Floor Plans  
**SCALE** 1:100  
**ISSUE DATE** 05/06/2023  
**AUTHOR** SST  
**CHECK** PB

**PROJECT** Proposed Day Nursery School  
1 Brassie Wood, Broomfield  
Chelmsford, Essex, CM3 3FQ  
Seymour House Ltd

**STATUS** PLANNING



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210800m

CHANNELS DRIVE

BRASSIE WOOD

Def

JIGGER GARDENS

210700m

BRASSIE WOOD

NIBLICK GREEN

210600m

BRASSIE WOOD

Shelter

Pond

Pl

Track

572300m

572400m

572500m

0 50 100m

scale 1:1250 at A4

REVISION | DESCRIPTION | DATE | DRAWN | CHECK



**WINCER  
KIEVENAAR**  
CHARTERED ARCHITECTS

**RIBA**

► **TITLE** Site Location Plan  
► **PROJECT** Proposed Day Nursery School  
1 Brassie Wood, Broomfield  
Chelmsford, Essex, CM3 3FQ  
**CLIENT** Seymour House Ltd

► **STATUS** **PLANNING**

► **SCALE** 1:1250 **SHEET SIZE** A4  
**AUTHOR** SST **CHECK** PB **ISSUE DATE** 05/06/2023

**JOB No.** 5872 **DRAWING No.** PA\_01 **REVISION**

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