

**1 October 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, G. Pooley, E. Sampson, 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

1 October 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 23 July 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. 24/00293/FUL – Rectory Lane Car Park East, Rectory Lane, Chelmsford, Essex, CM1 1RF

### 7. Planning Appeals

**MINUTES**  
of the  
**PLANNING COMMITTEE**  
held on 23 July 2024 at 7pm

Present:

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

Councillors J. Armstrong, J. Frasca, S. Hall, R. Hyland, R. Lee, V. Pappa, G. Pooley, A. Thorpe-Apps, N. Walsh and P. Wilson

Also Present:

Councillor H. Clark

### 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 Tron, Lardge, and Sampson. Cllrs Frasca and Walsh substituted for Cllrs Lardge and Sampson.

### 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 28 May 2024 were confirmed as a correct record and signed by the Chair.

### 5. Public Question Time

The Chair advised that no further questions or statements from the public were allowed on Items 6 to 10 as they were deferred applications. No public questions or statements were received for the meeting.

## 6. 24/00114/FUL – Land East of Mill Lane, Great Leighs, Chelmsford, Essex

The Committee considered a report detailing conditions for approval with regards to the above application which had been deferred from the Planning Committee meeting on 28<sup>th</sup> May 2024, based on the view that the proposal met all tests under paragraph 84(e) of the National Planning Policy Framework. It was also noted that further information had been requested to be brought back to the meeting. Members were advised that only those who attended the previous Planning Committee would be able to participate and vote on this item.

The Committee were given a refresh of the application which was for a detached house in a rural area, which ordinarily planning permission would be refused unless it was a design of exceptional quality as set out in the National Planning Policy Framework. It was advised that at the previous meeting, the Committee were of the opinion that the detached house had met the tests under the National Planning Policy Framework and that the proposal was truly outstanding. Officers then suggested planning conditions that were set out in the report which were more detailed than for a standard residential house to ensure that the development was carried out to an exceptional standard.

In response to comments and statements from members of the Planning Committee, officers advised that;

- With regards to the energy performance, planning conditions were to be discharged in a formal way and this information would be considered. If the energy efficiency tests were not met, officers would expect a detailed justification and then decide whether this was acceptable or not.
- Their original recommendation had not changed. As Members were minded to approve the application, officers had come forward with appropriate conditions and reasons and that their recommendation was to approve these conditions.

The Committee held a vote to approve the application, subject to the conditions detailed in the report.

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

(7.07pm to 7.16pm)

## 7. 24/00386/FUL – Land East of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford, Essex

Cllr Dobson declared an interest in Items 7 to 10 as the local ward member and therefore withdrew from the meeting.

The Committee considered a report detailing reasons for refusal with regards to the above deferred application from the Planning Committee meeting on 28<sup>th</sup> May 2024. Members also heard that appeals had been submitted to the Planning Inspectorate against non-determination of the planning applications within the statutory time frame. As of 5pm Officers had not received a notification that these were valid planning appeals and it stood that the Council would still be able to determine the applications.

It was advised that the Committee had raised five matters of concern which was why the application had been deferred for refusal. The report detailed such reasons as the following:

- 1.) Health concerns;
- 2.) Pollution concerns;



- 3.) Traffic generated by the proposal;
- 4.) Large scale development out of keeping on a small field;
- 5.) Four individual applications instead of one.

The Committee heard the strengths and weaknesses of each reason and officers were of the opinion that the applicant choosing to submit the four applications separately (Reason 5) was not a defensible refusal reason and wording had not been provided. Officers advised that the refusal reasons that would be the strongest related to the traffic generated by the proposal (Reason 3) and that it would be a large scale development out of keeping on a small field (Reason 4). Health (Reason 1) and pollution concerns (Reason 2) were seen as difficult to defend due to the fact that the hay barn in itself would be unlikely to cause health and pollution problems, although officers had suggested some wording.

The Committee went into discussion on each refusal reason and voted in terms of whether to include them or not. Members also noted that a reference to a protected lane should be included in the wording. Other members felt that Reason 4 was also connected to Reason 5. With regards to Reason 3, it was also identified by some members that there was no supporting evidence from Essex Highways and thus was not a strong reason for refusal however some members also identified increased risks to all road users. With regards to pollution, some members raised that the national guidance indicated that the Council must be sure that there were no risks of pollution and contamination.

In response to the questions from members, officers advised that;

- There was no contradiction in including Reason 4 and not including Reason 1.
- Protected lanes were non-designated heritage assets that were part of a wider rural character.
- As farming activities were generally very heavily regulated, officers found it difficult to show that a hay barn would cause contamination and pollution

The Committee then took a vote and agreed for the application to be refused on the grounds of Reasons 3 and 4. It was also agreed there would be a specific reference to the protected lane as per the discussion above.

**RESOLVED** that the application to be refused on the grounds of Reason 3, traffic generated by the proposal, and Reason 4, large scale development out of keeping on a small field, with reference to the protected lane.

(7.16pm to 7.53pm)

#### [8., 9., and 10. 24/00387/FUL, 24/00388/FUL, and 24/00389/FUL – Land East of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford, Essex](#)

The Committee considered reports detailing potential reasons for refusal with regards to the above deferred applications from the Planning Committee meeting on 28<sup>th</sup> May 2024. It was advised that the Committee had raised five matters of concern which was why the application had been deferred for refusal. The report detailed such reasons as the following:

- 1.) Health concerns;
- 2.) Pollution concerns;
- 3.) Traffic generated by the proposal;
- 4.) Large scale development out of keeping on a small field;
- 5.) Four individual applications instead of one.

The Committee heard the strengths and weaknesses of each reason and officers were of the opinion that the applicant choosing to submit the four applications separately (Reason 5) was not a defensible refusal reason and wording was not provided. Officers advise that the refusal reasons that would be the strongest related to the traffic generated by the proposal (Reason 3) and that it would be a large scale development out of keeping on a small field (Reason 4). Health (Reason 1) and pollution concerns (Reason 2) were seen as difficult to defend as refusal reasons, although officers had suggested some wording. It was also noted that Public Health had not raised concerns regarding Reason 1 and Reason 2 and it was noted that best farming practices and modern farming operations would be in place for the cow barns.

As with the previous application, members went into discussion regarding the merits of each refusal reason. Some members felt that there was more weight in including Reason 1 and Reason 2 as there was no demonstration on how waste management would be handled. However, some members also suggested that this would be a matter for Public Health and Protection services if it posed to be a problem on grounds of pollution and contamination. Other members also commented on the lack of drainage designs for the cow barns and thus it could not be determined whether there was a risk or not.

In response to questions and statements from members, officers advised that;

- It was reiterated that the farming industry was heavily regulated by legislation.
- Officers from Public Health and Protection Services did not raise an issue with regards to the health and pollution concerns.

The Committee then took a vote and agreed for the application to be refused on the grounds of Reasons 3 and 4. It was also agreed there would be a specific reference to the protected lane as per the discussion above.

**RESOLVED** that the applications 24/00387/FUL, 24/00388/FUL, and 24/00389/FUL to be refused on the grounds of Reason 3, traffic generated by the proposal, and Reason 4, large scale development out of keeping on a small field, with reference to the protected lane as per the decision on 24/00386/FUL.

(7.53pm to 8:16pm)

#### 11. 24/00774/FUL – 10 Moulsham Chase, Chelmsford, Essex CM2 0TB

The Chair, Cllr Clark, Cllr Frasca, Cllr Hall, Cllr Lee, and Cllr Walsh declared a non-registerable interest in this item and withdrew from the meeting. Cllr Pooley also declared a non-registerable interest for this item but spoke as the local ward member. Cllr Dobson returned as the Chair for this item.

The Committee considered an application to demolish an existing dwelling and construction of a replacement dwelling. It would be a two-storey detached property and would be deeper than the existing but 1.5 metres narrower which would ensure sufficient isolation and prevent the property being overbearing from the windows of the nearest habitable rooms of the neighbours. The outlook from those windows would not be affected. It was also advised that the replacement dwelling would be higher than existing but overall lower than the neighbours to the south. The property was situated in a predominantly residential area where there were a variety of styles, whilst still maintaining a traditional character. It was also advised that the replacement dwelling would be well within the traditional proportions and appearance of properties within the area. There would also be sufficient off-street parking and private amenity spaces.

Cllr Pooley, as the local ward member, spoke in support and advised there had been conversations with the applicant about the application. It was noted that there had been extensive discussions with the applicants and the advisor with regards to the original concept which led to the current application. The local ward member then withdrew from the meeting.

In response to the questions and statements from Planning Committee Members, officers advised that;

- An application for a replacement house was submitted previously when officers highlighted some concerns. The application had been withdrawn by the applicant and discussions took place which led to the current proposal.
- Regarding the self-build scheme, which would make it exempt from biodiversity net gain and CIL, officers advised that a form would need to be completed and that the applicants would need to reside in the property for three years.
- The replacement dwelling would be consistent with the surrounding properties and the contemporary materials used would be kept on a small scale.
- The impact of the brick elevation from the north had been considered by officers.
- With regards to what would constitute a self-build scheme, it was advised that applicants would be involved with the original design and instruct a builder and architect to work on the design brief. This would also be monitored in terms of CIL liability.
- With regards to permitted development rights, officers advised that the property was a normal house on a street where everyone else enjoys permitted development rights and there were no grounds to remove this right.

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

(8.16pm to 8.32pm)

The meeting closed at 8.32pm.

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**

- MPSPD** The Making Places Supplementary Planning Document was adopted in January 2021 and sets out detailed guidance for the implementation of the policy requirements set out in the Local Plan. It seeks to promote and secure high-quality sustainable new development. It is aimed at all forms of development, from large strategic developments, public spaces and places, to small extensions to individual homes.
- DM1** Policy DM1 - Size & Type of Housing - The Council will protect existing housing from redevelopment to other uses and will require an appropriate mix of dwelling types that contribute to current and future housing needs and create mixed communities. For developments of 10 or more dwellings, 50% of the new dwelling shall be constructed to meet requirement M4 (2) of the Building Regulations. On sites of 30 or more dwellings 5% off the affordable units shall also be provided as wheelchair user dwellings. Sites of 100 dwellings or more will need to comply with Ai), A ii) and Bi) and provide 5 % self-build homes which can include custom housebuilding; and provision of Specialist Residential Accommodation taking account of local housing needs.
- DM13** Policy DM13 - Designated Heritage Assets - The impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- DM14** Policy DM14 - Non-Designated Heritage Assets - Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Any harm or loss will be judged against the significance of the asset.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
- 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.

- DM19** Policy DM19 - Renewable & Low Carbon Energy - Planning permission will be granted for renewable or low carbon energy developments subject to their impact on residential amenity, the historic and natural environment, visual impact and highway safety.
- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM24** Policy DM24 - Design & Place Shaping Principles in Major Developments - The Council will require all new major development to be of high quality built form and urban design. Development should, amongst other matters, respect the historic and natural environment, be well-connected, respond positively to local character and context and create attractive, multi-functional, inclusive, overlooked and well maintained public realm. The Council will require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments.
- DM25** Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- 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.

- 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.
- SPS9** Strategic Policy S9 Infrastructure Requirements - New development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. New development must be supported by sustainable means of transport, safe from all types of flooding, provide a range of community infrastructure, provide green infrastructure and utilities. Necessary infrastructure must seek to preserve or enhance the historic environment.
- SPS10** Strategic Policy S10 Securing Infrastructure & Impact Mitigation - Infrastructure must be provided in a timely, and where appropriate, phased manner to serve the occupants and users of the development. Infrastructure will be secured through planning conditions and/or obligations or through the Community Infrastructure Levy or its successor.

## **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**  
**1<sup>st</sup> October 2024**

<b>Application No</b>	:	24/00293/FUL Full Application
<b>Location</b>	:	Rectory Lane Car Park East Rectory Lane Chelmsford Essex CM1 1RF
<b>Proposal</b>	:	<b>Redevelopment of Car Park to provide 22 Affordable Residential Apartments with Parking, Amenity Space and Landscaping</b>
<b>Applicant</b>	:	Mr D Ford Chelmsford City Council
<b>Agent</b>	:	Mr Sam Hollingworth
<b>Date Valid</b>	:	1st March 2024

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**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings



## **1. Executive summary**

- 1.1. This application is for redevelopment of the car park and construction of 22 affordable rent residential apartments with parking, amenity space and landscaping. The planning application is made by the City Council. In accordance with the Council's Constitution, the application is presented to the Planning Committee for a decision as public objections have been received (see Appendix 1).
- 1.2. These objections cover a range of topics including the loss and displacement of existing parking, neighbour amenity, noise pollution, disruption during construction, fire risk and sustainability. All representations and consultee comments have been considered as part of the wider planning considerations of this development proposal.
- 1.3. The proposal would provide a sustainable use of previously developed land and meet a critical affordable housing need which weighs significantly in favour of the scheme.
- 1.4. The application assessment concludes the proposal is compliant with the Development Plan.
- 1.5. The application is recommended for approval subject to conditions.

## **2. Description of site**

- 2.1. The site is approximately 0.23 hectares in size. It is predominately hard surface and comprises of a Council-run pay and display 74 space car park known as Rectory Car Park (East). The site has a vehicular access to the northwest via the south bound carriageway of Chelmer Valley Road (A1016). Pedestrian access is obtained from the south.
- 2.2. The site falls within Chelmsford City Centre and is allocated as Growth Site 1m within the Chelmsford Local Plan. The site is directly adjacent to a locally listed (non-designated) asset, Cemetery Gatehouse and Lodge on Rectory Lane. The associated cemetery is designated as Public Open Space in the Chelmsford Local Plan. Keene Memorial Homes Conservation Area lies approximately 35m northwest of the application site beyond Rectory Lane West car park which occupies an elevated position.
- 2.3. Residential properties back onto the site (south), fronting Rectory Lane between the site and the non-designated heritage asset. There are more distant residential properties to the east fronting Henry Road, which have a view towards the site and the cemetery.
- 2.4. There is a lawson cypress tree to the northern part of the site. Just outside the boundary of the site is a mixed hedge comprising of hawthorn and field maple fronting Chelmer Valley Road and a rowan tree within the rear garden of No.73. Also just outside the boundary to the east are ash, turkey oak, holly, hawthorn, sycamore and English oak trees within the cemetery.

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

- 3.1. The proposal comprises of a block of 22 affordable rent apartments. These are contained within two conjoined blocks, one up to four storeys and a second upto three storeys. The larger block contains 20 apartments and the smaller block contains a two bedroom apartment to the ground floor and a three bedroom duplex apartment to the first and second floors. The following unit sizes are proposed:

- 7 x 1 bedrooms
- 14 x 2 bedrooms
- 1 x 3 bedrooms

- 3.2. The larger block would provide undercroft parking, a refuse and recycling store, stacked cycle store and water tank, with the 20 apartments spread across the first, second and third floors. Additional parking spaces are provided to the rear of the smaller block and there is space for larger vehicle turning. Overall, the scheme would provide 15 vehicle parking spaces of which 2 are for disabled parking and 40 cycle parking spaces, for the use of residents of the scheme.
- 3.3. An outdoor amenity space is provided to the south of the smaller block for use by the proposed residents of the development. This area consists of three distinct spaces, seating and landscaped areas. A substation contained within a single storey building is proposed to the north of the access.

#### **4. Other relevant applications**

- 4.1. Planning permission for the existing car park was granted on 30<sup>th</sup> November 1989 (CHL/0808/88/CBC)

#### **5. Summary of consultations**

Mid And South Essex Integrated Care Board: The development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests a financial contribution of £11, 200.

Public Health & Protection Services: Requests a contaminated land condition as the Phase 1 assessment shows that further intrusive investigation is required. No objections to the noise impacts providing the recommendations of the acoustic report are implemented.

Economic Development & Implementation: No comments

Essex County Council Highways: The proposal is acceptable to the Highways Authority subject to conditions

Parks & Open Spaces: No reply

Leisure & Heritage Services: No reply

Anglian Water Services Ltd: No objections, subject to various advisories including assets present and recommended condition on surface water management

Essex and Suffolk Water: No reply

Property Services: No reply

Essex County Fire & Rescue Service: No objections, various advisories including access at Building Regulations stage.

Essex County Council (SUDS):

4<sup>th</sup> April - Having reviewed the Flood Risk Assessment and the associated documents do not object subject to conditions.

ECC Community Infrastructure Planning (Education): Requests library contributions

Police – Designing out crime: No apparent concerns with the layout. Offer further advice to the developer with a view to the scheme achieving Secure By Design accreditation.

Housing Standards Team: No reply

Recycling & Waste Collection Services: The collection vehicles are able to enter/exit the development in forward gear. Please ensure there is level ground between bin store and vehicle.

Local residents: Three letters of representation received from 2 local residents; one resident objecting and one neither objecting to or supporting the proposal. Concerns raised:

- Parking - loss of car park, displacement of parking, park and rides finish too early,
- Overdevelopment
- Pollution – noise
- Residential amenity – loss of light, privacy
- Construction – mitigating traffic
- Fire risk - spreading to adjacent trees and consequently nearby properties
- Infrastructure - water pressure to be affected, no infrastructure
- Affordable – what is meant by this term, who will live here
- Sustainability – materials and solar panels to be used?
- Antisocial behaviour – request cemetery is locked to discourage additional use, increased crime

## **6. Planning considerations**

### Main Issues

- 6.1. The proposal site is a public car park (previously developed land) situated within the city centre. It is allocated within the adopted Local Plan under Growth Site Policy 1m as a redevelopment for housing. The site is close to nearby facilities which residents may depend upon, such as shops and public transport. There are no policy designations or restrictions which would undermine the principle of development as proposed. The principle of residential development is therefore acceptable. It is noted that reference is made within Growth Site Policy 1m to potential student accommodation, but new student accommodation has since been delivered on sites nearer to the university.
- 6.2. The application seeks 22 affordable housing units, making this a 100% affordable housing scheme. All units would be provided on an affordable rent tenure which can be secured without a legal agreement due to the Council's ownership of the site. In these circumstances affordable housing tenure considerations under Policy DM2 would not apply.
- 6.3. The proposal includes one three bedroom unit, fourteen two bedroom units and seven one bedroom units as affordable rented housing. These will meet priority housing needs as there are a considerable number of households in priority housing need on the Housing Register and in temporary accommodation awaiting an offer of affordable accommodation.

The council's decision to close this car park is part of a strategic review of parking across the city centre on sustainable travel grounds and to facilitate the development of affordable housing schemes. A decision on this approach has been reached independently from and prior to the planning application consideration. Whilst the loss of the car park has some materiality to planning consideration in that demand for parking will be displaced from this site, there are several car parks in the vicinity which offer acceptable alternative parking capacity. This includes Rectory Lane West, Townfield Street and Fairfield Road car parks, but there are other car parks offering mixed or long stay parking. It is acknowledged that parking supports local functions and that there may be some limited adverse impact as a result of reducing parking, but ultimately there would be no sustainable justification, on planning grounds, to resist the loss of these 74 car parking spaces in the context of remaining parking provision within the city.

- 6.4. The main policy considerations for this proposal are meeting the site specific requirements of Growth Site Policy 1m, design and character, access and parking, heritage impact and neighbour relationships. Other considerations, such as technical compliance with development standards and sustainable construction, ecology, trees, flood risk and contamination and other material considerations also apply.

#### Growth Site Policy 1m

- 6.5. The Growth Site Policy 1m provides the following criteria to guide redevelopment of this site:
- i. Around 25 homes
  - ii. Potential for student accommodation due to its proximity to Anglia Ruskin University
  - iii. Main vehicle access to be taken from Chelmer Valley Road
  - iv. Improved level pedestrian/cycle connection to existing road crossing point to the south
  - v. Conserve and where appropriate enhance the setting of the adjacent locally listed Cemetery Gatehouse and Lodge on Rectory Lane
  - vi. Character and scale determined by adjacent residential development
  - vii. Layout shaped by utility easements
  - viii. Enhanced landscaped edge to Rectory Lane and Chelmer Valley Road
- 6.6. The proposal would provide 22 homes which aligns with the policy.
- 6.7. Main vehicle access will be taken from Chelmer Valley Road.
- 6.8. The proposal would retain the existing vegetation to Chelmer Valley Road with some enhancements, albeit. these are limited due to the extent of the site ownership to this edge and highway constraints. Greater landscaping enhancement is provided to the south where it abuts Rectory Lane.
- 6.9. An existing road crossing sits outside the site to the southwest. This provides a traffic controlled pedestrian crossing of the roads to the west and south. The pedestrian access into the site adjoins the existing footpath to the south. The position of the pedestrian connection is therefore acceptable and the provision of resident space to this end of the site provides an improved pedestrian access. Due to the lack of existing local cycle connections a dedicated cycle connection to this site would not be appropriate.

- 6.10. There are Anglian Water assets running through the site which is roughly contained within the internal vehicular access route. The developer would be required to gain formal approval from Anglian Water as part of the post planning construction process. On this basis the proposal has considered the easement.
- 6.11. The impact of this development on the setting of the locally listed Cemetery Gatehouse and Lodge and other heritage assets is considered in the Heritage Impact section of this report. The scale and character of the development is considered in the Design and Character section of the report.

#### Design and Character

- 6.12. Policy DM23 of the Chelmsford Local Plan states that 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.
- 6.13. The design and scale of the building has been amended during the application process to achieve better placemaking outcomes.
- 6.14. The amended design provides more articulation, greater setback to the top floor to the front and rear, a less regular edge to top floor, and better choice of material which relates to other development within the city. The smaller block continues the design principles of the larger block. The combination of these features reduces the bulk of the building, provides interest to the elevations and provides a better relationship between the two blocks, with better relationship to the neighbouring residential properties.
- 6.15. Rectory Lane as existing has a domestic scale, but there are some scale variances. The proposal sets the higher block to the northern end of the site with scale of the development reducing to the south to provide an appropriate scale relationship with the existing streetscene. The smaller block is seen in conjunction with the dwellings to the south. The smaller block is similar in footprint and general scale to these properties. This development provides a suitable transition between the taller northern block and Rectory Lane.
- 6.16. The buildings are positioned on the western side of the site with undercroft parking at ground level to the larger block and parking behind the smaller block. Access to this parking is achieved via an access route to the eastern side of the building. This layout is dictated by the triangular shaped site and the Anglian Water pipeline. It provides the most optimal use of the site and the buildings provides a satisfactory edge, enclosing the street scene along Chelmer Valley Road. Adequate space is provided around the building to provide a satisfactory setting.
- 6.17. The elevations are visually disaggregated by various design attributes, such as projecting and set back elements and differing materials to individual components of the building and to the top floor, and brick detailing. This provides good articulation and interest to the building, while also reducing the overall mass. Some upper floor elements continue to ground to enable consistency, provide visible structure to the building and obscure views of the undercroft parking, but still allow for the necessary ventilation of parking areas. Overall the elevations are visually coherent and active.

- 6.18. The proposed render and brick is consistent with the material palette used on nearby properties within both Rectory Lane and Henry Road. The vertical seamed metal cladding and bronze cladding to the upper floor is less common to those areas, however, this echoes other developments within the city.
- 6.19. Overall, the design and character are deemed acceptable, and the proposal complies with Policy DM23 of the Chelmsford Local Plan.

#### Parking and Access

- 6.20. As referenced earlier in this report, the Council's decision to close this car park was taken prior to the submission of this planning application as part of a strategic review of parking across the city centre. This review led to the allocation of the site in the adopted Local Plan for development.. The Transport Statement submitted with this planning application also sets out that sufficient alternative parking provision is available. It is acknowledged that parking supports many local functions in this area and that there may be some limited adverse impact as a result of reduced parking, and increased demand to other car parks, but ultimately there would be no sustainable justification, on parking grounds, to resist the loss of the car parking spaces in this context.
- 6.21. The proposal would obtain vehicular access from the north west via the south bound carriageway of Chelmer Valley Road (A1016). The proposal would be accessed from the same location as the existing car park replicating the existing access arrangement. The Transport Statement explains that the proposal would generate less car trips to the site than the existing car park. This conclusion is agreed and no objection is raised by the Local Highway Authority.
- 6.22. Policy DM27 states that the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009).
- 6.23. According to the Parking Standards the scheme requires 37 vehicle parking spaces and six visitor parking spaces of which three should be disabled parking, and 22 cycle parking spaces. The scheme proposes 15 vehicle parking spaces, which includes two disabled spaces. The proposal provides in excess of the cycle parking requirement.
- 6.24. The Parking Standards confirm that reductions of the vehicle standard may be considered for residential development within main urban areas. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment. The proposal is located within the northern part of Chelmsford City Centre where a train station, bus station and bus stops are located within walkable and cycling distance. These have frequent services beyond Chelmsford. Other services are also within walkable distance. On this basis, it is considered that a reduction of the parking standards is acceptable and would not harm wider parking management objectives. This stance is supported by the comments from the Highway Authority. Subject to conditions to ensure the satisfactory provision of the above parking and access the proposal complies with Policy DM27.
- 6.25. The proposal would provide in excess of the cycle parking requirement encouraging residents and visitors to use cycles. The location of the site with good access to public transport and other services would also encourage sustainable and active transport. The use of bus transport can be further encouraged with the use of a Travel Plan as suggested by the Highways Authority which can be controlled by condition.

## Heritage impacts

- 6.26. Policy DM13 concerns the impact of any development on the significance of a designated heritage asset or its setting, and the level of harm, will be considered against any public benefits arising from the proposed development.
- 6.27. Policy DM14 states that proposals will be permitted where they retain the significance of a non designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non designated heritage asset or its loss, proposal should demonstrate that:
- i. the level of harm or loss if justified following a balanced judgement of harm and the significance of the asset; and
  - ii. harm is minimised through retention of features of significance and/or good design and/or mitigation measures
- 6.28. The application site lies in the vicinity of a number of heritage assets.
- 6.29. Nos. 49 and 51 Rectory Lane (c.70m southeast of the application site), are non-designated heritage assets. Their setting is confined to their immediate surroundings. Therefore, the application proposal makes no contribution to their setting due to the separating distance.
- 6.30. Keene Memorial Homes Conservation Area lies approximately 35m northwest of the application site. It includes a group of alms-houses dating from 1933, set around a landscaped quadrangle.
- 6.31. The Keene Homes Conservation Area is separated from the site by the A1016 and a tree belt along the verges. The development would be visible to this aspect, including glimpses from the Conservation Area. However, key views within the quadrangle and the character of the space would not be harmed. There would be no adverse impact on the setting of this Conservation Area.
- 6.32. Cemetery Gatehouse and Lodge, No.81, Rectory Lane lies to the east of the application site. It is a single storey and two storey gatehouse designed by local architect Frederick Chancellor, built in 1859. It has a gable carriage arch leading through to the graveyard. The buildings are included on the Council's Register of Buildings of Local Value and are of significance as high quality buildings associated with the cemetery and a local important architect, of architectural, historic and townscape interest. They are non-designated heritage assets.
- 6.33. The development adjoins the boundary with the graveyard. The building would be visible within the graveyard and would have an urbanising character, which would erode some of the sense of isolation as experienced within the existing graveyard. The revised scheme has greater articulation and interest, with a more cohesive approach which has improved the visual aspect facing the graveyard. The existing palisade fencing adjacent the cemetery would be replaced with new timber fencing. Taking account of the improved design and replacement boundary treatments there would be a minor remaining impact on the setting of the non-designated heritage asset and its setting. This impact needs to be weighed in the planning balance in accordance with Policy DM14. This is also covered by paragraph 209 of the National Planning Policy Framework which states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.



- 6.34. The harm to the non-designated heritage asset would be minor. The scheme has minimised the harm as much as possible with the revisions to the design and the improved boundary treatment. This proposal would provide a sustainable use of previously developed land and meet a critical affordable housing need which attracts significant weight in favour of the scheme. To reduce the size of the scheme further to reduce the visual impact upon the graveyard would significantly reduce the number of affordable units and the benefits of the scheme. On balance, the significant weight attracted by the sustainable use of the land and the number of affordable units meeting an established need would outweigh the minor impact upon the non-designated heritage asset.
- 6.35. The proposal complies with Policies DM13 and DM14.

#### Neighbour impacts

- 6.36. Policy DM29 of the Chelmsford Local Plan states that 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.
- 6.37. Concern has been raised from local residents that the proposed development would have a harmful impact on the existing properties on Rectory Lane, to the south of the site, and Henry Road, to the east.
- 6.38. There are some parts of the proposed development sitting in parallel to the rear of existing properties along Rectory Lane and parts of the development which form a more oblique neighbouring relationship. The distance between the proposed building situated directly behind the dwellings on Rectory Lane is 15m to boundary increasing to 30m to the rear wall of the nearest property. This exceeds the minimum remoteness distances set out in Appendix B of the Chelmsford Local Plan. Where there is a more oblique relationship, the building would extend closer to the neighbouring boundary, but there is no expectation of minimum remoteness in this regard and the scale of development has been intentionally stepped down to two storeys to achieve a suitable relationship with the neighbouring properties, Nos. 73-77 Rectory Lane. Whilst this element would be closer to the neighbour it would not result in overlooking or overbearing due to northern orientation, the angle between windows and separation distances.
- 6.39. The distance between the building and the eastern side boundary is 6m, with 28m to the rear garden of the existing dwellings on Henry Road. This distance further increases 42.5m to the rear wall of the nearest properties. This exceeds the recommended minimum distances set out in Appendix B of the Chelmsford Local Plan. Due to this level of remoteness between the proposed development and those properties on Henry Road, unacceptable overbearing, overlooking or overshadowing would not occur.
- 6.40. Local residents have raised concerns that the proposed development will increase noise pollution to existing properties. This is a residential scheme proposed in a city centre environment; as such there would be no material increase in noise generated by the site. Given the ambient noise levels and proximity to the road junction, the proposal is supported by a noise impact assessment. This has been considered by the Council's Public Health and Protection Services Team who raise no objections subject to the recommendations of the acoustic report being implemented. This can be secured by condition.



6.41. The proposal complies with Policy DM29 of the Chelmsford Local Plan.

#### Development standards

6.42. Policy DM26 of the Chelmsford Local Plan states that all new dwellings shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B of the Chelmsford Local Plan.

6.43. The development is compliant with the Nationally Described Space Standards for housing.

6.44. The proposals would provide balcony or terrace space to meet the requirements of the Council's Development Standards (Appendix B) for 14 of the proposed units. The ground floor unit would be provided with a small terrace. The remaining 7 units would have no private amenity space. The proposal provides a landscaped communal space to the southern portion of the site. This communal space would not be private or provide for all outdoor needs but would provide space for residents to sit and socialise. The site has good access to public open space within walking distance. While 7 flats would have no access to private amenity space, there is sufficient outside or open space provided by the proposals or within the vicinity and it is recognised that for city centre development units would not always benefit from their own private amenity space. On balance, the provision of amenity space to residents within this development is acceptable.

6.45. The proposals meet the requirements of the Council's Development Standards (Appendix B) in respect of refuse provision. There is acceptable access for refuse freighters and other larger vehicles.

6.46. The application indicates that at least 50% of the units would meet Part M4 (2) standard. This level of accessibility is a significant benefit for these affordable homes and ensuring they meet a range of user needs and requirements. A condition can be applied to ensure at least 50% of the amended scheme meet Part M4 (2) of the Building Regulations in accordance with Policy DM1.

#### Sustainable buildings

6.47. Electric vehicle charging points are proposed to all spaces within the undercroft parking area. There are four spaces beyond this area without charging points. These can be secured via conditions in accordance with Policy DNM25. Water efficiency required by Policy DM25 can also be achieved via condition.

6.48. An Energy and Sustainability Statement has been submitted with the application. This confirms that individual air source heat pump, exhaust air heat pumps and photovoltaic panels will be used alongside passive design measures and a 'Fabric First' approach. Low energy lights and high efficiency ventilation will be implemented to reduce the energy dependence of this development and reduce its carbon footprint. The solar panels are proposed to the rooftop. Due to the proximity to the conservation area, photovoltaic panels on roof slopes are more strictly controlled to ensure they are located away from more sensitive views and to ensure their detailing is acceptable, which includes only using solar panels which sit flush or near flush with the roof slope to which they are to be affixed. A planning condition will control the siting and design attributes of the pumps and solar panels.

## Ecology

- 6.49. Policy DM16 states that the impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- 6.50. The baseline habitat for this car park is minimal with modest amounts of ruderals and modified grassland. This would not be retained. The proposal shows that the required on-site Biodiversity Net Gain units would be achieved with 14 individual trees. The existing native hedgerow would be retained. Units would also be created on-site with ornamental hedgerow.
- 6.51. Subject to a final BNG Plan and Habitat Management Plan being submitted, the proposal would achieve over 10% Biodiversity Net Gain.
- 6.52. The Preliminary Ecology Appraisal submitted with the application concludes that no protected species surveys are necessary, that precautionary measures for nesting birds are followed and that a sensitive landscape scheme the site could be improved for local wildlife post development. The conclusion is agreed and the precautionary measures for nesting birds will be secured by planning condition.
- 6.53. The Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the Habitat Regulations) require all new residential developments that have the potential to cause disturbance to European designated sites to provide appropriate mitigation. To deal with this, an Essex County wide strategic approach to considering and mitigating potential harm has been produced - the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). An Appropriate Assessment has been carried out which concludes that a contribution towards off-site mitigation (RAMS contribution) is necessary to mitigate the potential disturbance to European designated sites arising from this development growth. A RAMS payment of £ 3,604.92 has been agreed with the Council's Corporate Property Manager, which is in line with the prevailing rate.

## Trees

- 6.54. There are no extant preservation orders covering the trees on or surrounding the site and the site is situated just outside of the conservation area to the northwest. The hedges and trees provide screening and soften the otherwise urban environment providing a level of amenity value. No trees are proposed to be removed to facilitate the development, only works to crown lift or selectively reduce T4, T5, H1 and reductions to the boundary of overhanging group G6. All but H1 are off site and predominantly situated within Rectory Lane Cemetery, as such reductions to the boundary or to an extent that would not give rise to harm would be covered by Common Law and deemed acceptable.
- 6.55. There will be some incursion into the root areas of T4 and T5. However there is already existing hard surfacing that extends into these areas. Subject to a tree protection plan and arboricultural method statement setting out the trees and hedges to be retained, details of tree surgery work to retained trees and construction within root protection areas, the existing trees would be satisfactorily retained.

- 6.56. The landscaping proposal indicates 14 trees to be planted. These in time, would form a prominent feature and improve amenity value to the south of the site.
- 6.57. The Council has declared a Climate and Ecological Emergency to focus attention on reducing carbon and greenhouse gas emissions in the area and to plan for a more sustainable future. The Council's Climate and Ecological Emergency Action Plan includes undertaking a greening programme to significantly increase the amount of woodland and the proportion of tree cover in Chelmsford. Paragraph 5.18 of the Making Places Supplementary Planning Document (January 2021) states that green spaces provided in connection with new housing development should, where practicable, include the planting of three trees per net new dwelling. The proposed plans show that 14 new trees will be planted within the application site. These will be secured as part of the conditioned landscaping scheme. This is 52 trees below the requirement of three trees for each dwelling, in these circumstances £100 is requested per tree which cannot be accommodated on site in accordance with the Tree Planting Advice Note. This equates to £5,200 and has been agreed with the Council's Corporate Property Manager.
- 6.58. Subject to conditions to ensure the retention of trees and a soft landscaping scheme to ensure the provision of the 14 trees, the proposal would comply with Policy DM17.

#### Flood Risk

- 6.59. The site is in Flood Zone 1 which is defined as being in the lowest risk of tidal or fluvial flooding.
- 6.60. Due to the urban nature of this site, the proposed SUDS solution is based on permeable paving with underground cellular storage. This is the same approach as accepted across other sites within the city centre. The Lead Local Flood Authority (LLFA) and Anglian Water have been consulted on the proposals and raise no objection subject to conditions. Anglian Water require a detailed SUDS scheme to be submitted under control of planning condition, whereas the LLFA have requested that the scheme as set out in the submitted Foul and Surface Water Assessment is implemented including limiting the discharge rate to 2 l/s and providing attenuation storage for all storm events up to and including the 1:100 year storm event inclusive of climate change. As this scheme has already been considered and found acceptable by the LLFA, a condition can be applied to ensure this is implemented and appropriate maintenance is undertaken.

#### Other matters

- 6.61. All developments place a burden on open spaces, but in particular residential development. Where feasible new developments are required to provide local and strategic open spaces on-site to provide adequate open space for Chelmsford's growing communities. Given the amount of development proposed there would only be a requirement in this case to contribute towards local open space (not strategic) and due to the amount of land available on the site, it is not practical to expect a physical provision on-site. Therefore, a financial contribution towards improvements at an existing local open space will be required. A local open space contribution of £23,386 has been agreed with the Council's Corporate Property Manager, which is in line with the Planning Obligations SPD.
- 6.62. A Phase 1 Contaminated Land Assessment accompanies the application. This identifies a number of plausible contamination linkages at the site with the potential to present moderate to moderate/low risk to human health, controlled waters and buried services. A moderate/low ground gas risk to future residents is also identified to those within the southern block. Further assessment would be carried out which would identify any additional mitigation required to be

installed as part of this development. This conclusion is supported by the Council's Public Health and Protection Services.

- 6.63. Residents have raised concerns regarding fire risk. The vehicle tracking information confirms that the site is accessible to the largest fire engine used by Essex Fire Service. In respect of fire safety and the submission of a fire statement, this is only a matter for the local planning authority when the relevant building is over 18m in height or 7 or more storeys, in such scenarios the input of the Health and Safety Executive is required. This proposal is below that height which means fire assessment is not a material planning consideration. Fire safety in this case falls under other legislation including the Building Regulations.
- 6.64. Residents have raised concerns regarding the occupancy of the proposal. The apartments will be allocated to those with the greatest need on the housing register, but the role of allocating housing to individuals would not be a material planning consideration.
- 6.65. The NHS consider that the proposed development is likely to have an impact on the services of surgeries which operate within the vicinity of the application site. Except for one, the GP practices do not have capacity for additional growth resulting from this development and would expect these impacts to be fully assessed and mitigated. The development would generate new residents and subsequently increase demand upon existing constrained services. A sum of £11,200 is requested to mitigate this impact. The scheme has since been reduced by one unit reducing this sum to £10,900. This has been agreed with the Council's Corporate Property Manager, which is in line with the Planning Obligations SPD.

## **7. Community Infrastructure Levy (CIL) and S.106**

- 7.1. This development is CIL liable. CIL payments are required to help pay for general infrastructure arising from development. This would include the contribution towards library services as requested by Essex County Council.
- 7.2. In addition, there is a requirement for specific payments towards works which would usually be made via a S.106 agreement, but as this is a Council-owned site those contributions (RAMS, Tree Planting, Local Open Space and NHS contributions) have been secured as direct transfers between Council Services, to be undertaken when planning permission is in place.

## **8. Conclusion**

- 8.1. The proposals are a sustainable use of previously developed land in the urban area and consistent with the growth site allocation.
- 8.2. The development will have a positive impact on housing and affordable housing in the area.
- 8.3. Local objections have been received and considered. The matters raised through the consultation have been considered in the context of national and local planning policy. The objections would not amount to grounds for refusal as the development is assessed to be acceptable in relation to those concerns raised.
- 8.4. There would be a minor impact on the setting of the non-designated heritage asset cemetery and associated building. In accordance with Policy DM14 and paragraph 209 of the National Planning Policy Framework a balanced judgement is required. This proposal would provide a

sustainable use of previously developed land and meet a critical affordable housing need which attracts significant weight in favour of the scheme..

8.5. The proposals are compliant with the standards and objectives of the National Planning Policy Framework and Chelmsford Local Plan (May 2020). Across all material planning considerations the development is assessed to be acceptable.

8.6. Officers recommend the application is approved subject to conditions.

### **RECOMMENDATION**

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

#### **Condition 1**

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

Reason:

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

#### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

#### **Condition 3**

The twenty two (22) apartments in this development shall not be used for any purpose other than the provision of Affordable Housing within the definition as given within the National Planning Policy Framework.

Reason:

To define the scope of the planning permission as being a 100% Affordable Housing scheme.

#### **Condition 4**

Subject to such minor variation agreed in writing by the Local Planning Authority, the development shall be carried out in complete accordance with the recommendations contained within the following documents:

- i. Preliminary Ecological Appraisal - September 2022
- ii. Foul and Surface Water Drainage Strategy/Assessment (Revision A) - February 2024
- iii. Energy and Sustainability Statement - February 2024
- iv. Transport Statement - February 2024
- v. Utilities Assessment - February 2024
- vi. Noise Impact Assessment (Revision A) - October 2022
- vii. Phase 1 Geoenvironmental Assessment - October 2022
- viii. Arboricultural Impact Assessment - 22 February 2024
- ix. Biodiversity Net Gain Statement (Revision C) - 7th August 2024

Reason:

In order to achieve satisfactory development of the site in accordance with Policies DM16, DM17, DM18, DM25, DM26, and DM30 of the adopted Chelmsford Local Plan (May 2020).

**Condition 5**

Prior to the commencement of development a construction management plan shall be submitted to and approved by the Local Planning Authority. 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 of the existing left in/left out vehicular access and associated kerb edges, to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Once approved the plan shall be adhered to through the construction period of the development.

**Reason**

This condition is necessary prior to commencement to ensure that any traffic associated within the construction of the development does not adversely affect highway safety or neighbouring properties in respect of parked vehicles.

**Condition 6**

Prior to the construction of the development hereby permitted a tree protection plan and aboricultural method statement shall be submitted and approved by the Local Planning Authority. This shall include;

- a) Details of trees and hedges to be retained;
- b) Details of tree surgery work to retained trees;
- c) Tree Protection Plan
- d) Details of construction within the root protection area of retained trees;

Once approved, the details shall be implemented during the construction of the development.

**Reason:**

This information is required prior to commencement to ensure the retention of trees and hedges which are necessary in the interests of the visual amenity of the area.

**Condition 7**

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 8**

Notwithstanding the approved drawings, no development above ground level shall take place until samples (accompanied by a schedule and annotated drawings) of all materials to be used to the external faces/roof of the buildings have been submitted to and approved in writing by the local planning authority.

Unless previously agreed in writing by the local planning authority no materials other than those approved by this condition shall be used in the scheme as approved.

Reason:

In order to achieve satisfactory development of the site in accordance with Policies DM13 and DM24 of the adopted Chelmsford Local Plan (May 2020).

**Condition 9**

Prior to their installation large scale drawings shall be submitted to and approved by the local planning authority showing details of the following:

- (a) Solar panels (siting, fixing height relative to roofslope, and design attributes)
- (b) Air source heat pumps (siting and dimensions)
- (c) External lighting (location and design specification of all external lighting - free standing or building mounted)

The development shall then be carried out in accordance with the approved details. Any external plant, ducting or guardrailing not expressly shown within the approved drawings listed in this decision shall not be introduced without formal planning permission.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the nearby Conservation Area and non-designated heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 10**

Notwithstanding the drawings as approved:

- (i) Within 6 months of commencement of development the proposed treatment of all boundaries, including representative drawings of all gates and fences, shall have been submitted to and approved in writing by the local planning authority.
- (ii) No part of the development shall be occupied until boundary treatments as approved under (i) of this condition have been installed in accordance with those agreed details.

Reason:

In the interests of the visual amenities of the area in accordance with Policies DM13 and DM24 of the adopted Chelmsford Local Plan (May 2020).

**Condition 11**

Prior to first occupation of the development the vehicular turning head facility by the southern most parking spaces as shown on approved drawing number 3616-01 revision B by the southern parking spaces, shall be constructed, surfaced and maintained free from obstruction at all times for the turning of vehicles only.

Reason

To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

**Condition 12**

Prior to the first occupation of the development the vehicle parking spaces shown on approved drawing number 3616-01 revision B shall be hard surfaced, sealed and marked out in parking bays and made available for use. Once provided the vehicle parking area and associated turning areas shall be retained in this form at all times and used for the parking of vehicles only.

**Reason**

To ensure the satisfactory provision of vehicle parking and their retention in the interests of providing parking in accordance with Policy DM27 of the Chelmsford Local Plan.

**Condition 13**

Prior to first occupation of the development a Parking Management Strategy shall be submitted to and agreed in writing by the Local Planning Authority. This Strategy shall include how the parking spaces will be allocated, details of parking restrictions and enforcement within the site to prevent ad-hoc parking in areas other than marked bays and how visitor bays will be managed/controlled. Once agreed, this Strategy shall be implemented in its entirety and shall not be amended unless with formal written agreement of the local planning authority.

**Reason:**

To ensure that appropriate parking is provided in the interests of highway safety in accordance with Policy DM27 of the adopted Local Plan.

**Condition 14**

Prior to occupation of the development the cycle parking spaces as shown on approved drawing 3616-01 revision B shall be provided in their entirety and kept available for the parking of bicycles only.

**Reason:**

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

**Condition 15**

Prior to occupation of the proposed development, the Developer shall provide to each household a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

**Reason:**

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

**Condition 16**

Prior to the first occupation of the development hereby permitted, charging infrastructure for electric vehicles shall be installed at a rate of 1 charging point per parking space.

**Reason:**

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

**Condition 17**

All new dwelling units 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 in accordance with Building Regulations Approved Document Part G (2015 - as amended).



Reason:

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

**Condition 18**

A minimum of 50% of the dwelling units as approved shall be constructed to comply with Building Regulations Approved Document Part M4(2) Category 2 (2010 - as amended).

Reason:

To ensure the development provides sufficiently adaptable homes to meet current and future needs of residents in accordance with Policy DM1 of the Chelmsford Local Plan

**Condition 19**

No part of the development shall be occupied until the approved refuse and recycling storage has been made available and shall thereafter be maintained in a good state of function and cleanliness for its intended use as approved.

Reason:

To ensure satisfactory waste and recycling collection points are available to all occupiers in accordance with Policy DM26 of the adopted Chelmsford Local Plan (May 2020).

**Condition 20**

No part of the development shall be occupied until a SuDS Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies (which shall include the need to maintain a yearly log of maintenance), shall have 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 in accordance with Policies S2 and DM18 of the adopted Chelmsford Local Plan (May 2020).

**Condition 21**

The development permitted by this planning permission shall be carried out in accordance with the approved Foul and Surface Water Assessment and the following mitigation measures detailed within the Assessment:

- i. Limiting the discharge rate to 2l/s.
- ii. Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

To ensure that the development is constructed sustainably in accordance with Policies S2 and Policy DM18 of the Chelmsford Local Plan.

### **Condition 22**

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition. A report confirming the investigation has been carried out, the results of investigation and confirmation that any blockage has been removed shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

#### **Reason:**

This information is required prior to commencement to ensure that the drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance 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 23**

Notwithstanding the approved drawings, within 6 months of commencement of development a final and comprehensive specification of all hard and soft landscaping works and content shall have been submitted to and approved in writing by the local planning authority to include written specification, layouts and large-scale drawings as necessary of the following:

- i. hard materials setting out (including laying patterns),
- ii. details of any steps/ramps,
- iii. seating,
- iv. lighting (to streets/spaces),
- v. bins,
- vi. definitive planting specification containing species and sizes,
- vii. tree pits, root barriers and staking,
- viii. maintenance plan(s) for all of the above

All outside public/communal areas of the development as approved shall be laid out, planted, equipped and implemented in accordance with the agreed specifications prior to the occupation of 90% of the approved dwellings unless the local planning authority formally agrees to a varied timetable and shall be permanently retained thereafter in accordance with a management plan, as approved.

If within a period of 5 years from the date of planting any element of the soft landscaping scheme or retained landscaping (or any replacement planting to which this same provision would also apply), is removed, uprooted, or destroyed, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or landscaping feature of the same size and species as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

#### **Reason:**

Whilst submitted drawings provide detail sufficient to determine the application, some further information is required to ensure the specification is expressed in sufficient detail to establish definitive content and allow integration with adjacent areas of public realm, to enable appropriate level of assessment and to ensure those spaces are designed to an appropriate standard in accordance with Policies DM13 and DM24 of the adopted Chelmsford Local Plan (May 2020).

**Condition 24**

The new trees indicated on drawing no. 005 (G) shall be planted on the site as shown on the approved drawing prior to the first occupation of any part of the development or in the first available planting season following such occupation. In the event that the trees become diseased, damaged, die or are removed within the first five years after planting they shall be replaced with a species and size as shown on the approved 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 25**

No development shall take place until a final written Biodiversity Net Gain Plan (The BNG Plan) in the form of the national BNG Plan template, for the provision of a minimum 10% biodiversity net gain, has been submitted to and approved in writing by the local planning authority. The BNG Plan shall relate to the development for which planning permission is granted, and include:

- (i) completed metric calculation tool;
- (ii) pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale);
- (iii) biodiversity net gain register reference numbers (if purchasing off-site units); and
- (iv) proof of purchase if purchasing statutory biodiversity credits.

The development shall not be begun until such time that The Biodiversity Net Gain Plan (BNG Plan) has been approved in writing by the local planning authority. The development shall subsequently be carried out in accordance with The BNG Plan.

**Reason:**

To ensure the statutory biodiversity gain condition of the Environment Act 2021 is met and to ensure the development accords with Policy DM16 of the Chelmsford Local Plan.

**Condition 26**

No development shall take place on any part of the site until a written Habitat Management and Monitoring Plan (HMMP), in the form of the national Natural England and DEFRA template, for a minimum period of 30 years for the site has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- details setting out how the onsite or off-site gains will be managed;
- Details of the persons responsible for the implementation, management and monitoring;
- details of how habitats will be monitored (including specific details for each type of habitat);
- details, including a schedule, of monitoring reports to be submitted to the local planning authority over at least a 30 year period;
- details of how management will be reviewed;
- details of adaptive management to account for habitat restoration if the management plan is not working.

**Reason:**

To ensure the statutory biodiversity gain condition of the Environment Act 2021 is met and to ensure the development accords with Policy DM16 of the Chelmsford Local Plan.

### Condition 27

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the buildings hereby permitted shall not be enlarged or extended (including roof alterations or additions) without the grant of an additional planning permission by the local planning authority.

#### Reason:

To ensure that adequate controls are retained in the interests of maintaining an appropriate relationship between the development scheme and surrounding area and properties in the interests of townscape, conservation and protecting the living environment of occupiers of neighbouring dwellings in accordance with Policies DM13, DM24 and DM29 of the adopted Chelmsford Local Plan (May 2020).

### 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 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 developer to pay the costs of all necessary traffic regulation orders and legal processes associated with the highway works as well as paying the costs of all necessary traffic regulation orders and legal processes associated with the highway works. The Applicant is advised to contact the Development Management Team

- by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

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.

With reference to highway works it will be necessary to obtain separate approvals from the Local Highway Authority (Essex County Council) for any works within the public highway. Prior to any works in the public highway, affecting the public highway or in areas intended to become public highway, you will be required to enter into an appropriate agreement with Essex County Council as the Local Highway Authority to regulate construction works. This may include the submission of detailed engineering drawings for safety audit and approval. As part of those future discussions with the Local Highway Authority you are required to ensure there is no discrepancy between the planning and highway approvals.

- 3 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)
- 4 Your attention is drawn to the consultation response of Anglian Water dated 14 March 2024.
  1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
  2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
  3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
  4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
- 5 It is recommended that detailed facade noise break-in calculations and a detailed BS4142:2014+A1 assessment is undertaken in accordance with the recommendations found within the Noise Impact Assessment.
- 6 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

### **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.

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

005/G  
 3616 LP  
 3616-01/B  
 3616-04/E  
 3616-06/D  
 3616-07/D  
 3616-11/A  
 3616-13  
 3616:03/G  
 3616:10/C  
 3616:12/A  
 41365BWLS-01  
 Accommodation Schedule 3616:AS/B  
 Arboricultural Impact Assessment  
 Biodiversity Net Gain Statement/Rev C  
 Energy and Sustainability State  
 Noise Impact Assessment/Rev A  
 Phase I Geoenvironmental Assessment  
 Preliminary Ecological Appraisal  
 Rectory Lane Foul and Surface Water Drainage Strategy  
 Transport Assessment  
 Utilities Assessment - 1 of 3  
 Utilities Assessment - 2 of 3  
 Utilities Assessment - 3 of 3

**Appendix 2 – Consultations**

**Mid And South Essex Integrated Care Board**

Comments
<p>Conclusions</p> <p>The ICS has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.</p> <p>The terms set out above are considered appropriate having regard to the formulated needs arising from the development and the ICS is satisfied that the basis and value of the developer contribution sought is</p>

consistent with the policy and tests for imposing planning obligations set out in the NPPF.

The ICS therefore requests that the sum of £11,200 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

## Public Health & Protection Services

### Comments

Please put on an ENV07 condition, the Phase 1 assessment shows that further intrusive investigation is required.

With regards to noise, providing the recommendations of the acoustic report are implemented, we have no objections.

## Economic Development & Implementation

### Comments

No comments to add.

## Essex County Council Highways

### Comments

For main urban areas, defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment, as defined in the Parking Standards a reduced vehicle parking provision level standard may be considered for residential development. This site is located within walking distance of the bus and the railway stations, the Rectory Lane West long stay car park is directly west of the site accessed via a signal controlled pedestrian crossing and there are public car parks nearby. The reduced parking standard provision level proposed, is therefore considered appropriate for this development.

The Chelmer Valley Road (A1016) carriageway is protected by a Traffic Regulation Order (TRO) Clearway Order, to prevent vehicle parking on the verges and hardened verge areas. Rectory Lane (B1008) and the surrounding local streets are protected by existing TRO parking restrictions designed to discourage undesirable parking habits.

No changes are proposed to the existing left in/left out vehicular access.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway



Authority subject to the following conditions:

- any works to highway must be carried out in agreement with Essex Highways
- construction management
- provision and retention of turning head and parking
- Parking Management Strategy
- Cycle parking provision and retention
- Travel Information Packs

Informatives:

Contact for highway works

New Street – advance payment code

## **Parks & Open Spaces**

Comments

No response received

## **Leisure & Heritage Services**

Comments

No response received

## **Anglian Water Services Ltd**

Comments

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of

apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of Chelmsford Water Recycling Centre that will have available capacity for these flows

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. 1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to lack of full surface water hierarchy evidence being provided. Whilst an 'in principle' rate has been given to the public sewer, this is dependant on full surface water hierarchy evidence being provided, including and not limited to, a full ground investigation report, which the Foul and Surface Water Drainage Strategy document concludes has not yet been carried out . We would therefore recommend that the applicant consults and provides this information. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development.

This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process.

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

- SUDS

## Essex and Suffolk Water

Comments
No response received

## Property Services

Comments
No response received

## Police - Designing Out Crime

Comments
No response received

## Essex County Fire & Rescue Service

Comments
<p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and appears to be acceptable subject to satisfactory compliance with Building Regulations B5.</p> <p>More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p> <p>It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.</p> <p>Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".</p> <p>Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).</p> <p>The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.</p> <p>"There is clear evidence 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.</p> <p>Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property</p>

loss. We also encourage developers 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."

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

#### **Comments**

The proposal falls outside the threshold for education contributions

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

The suggested population increase brought about by the proposed development is expected to create additional usage of Chelmsford Library. A developer contribution of £1,789.40 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the outreach and mobile library offer that would service this development. This equates to £77.80 per unit, index linked to April 2020.

### **Housing Standards Team**

#### **Comments**

No response received

### **Recycling & Waste Collection Services**

#### **Comments**

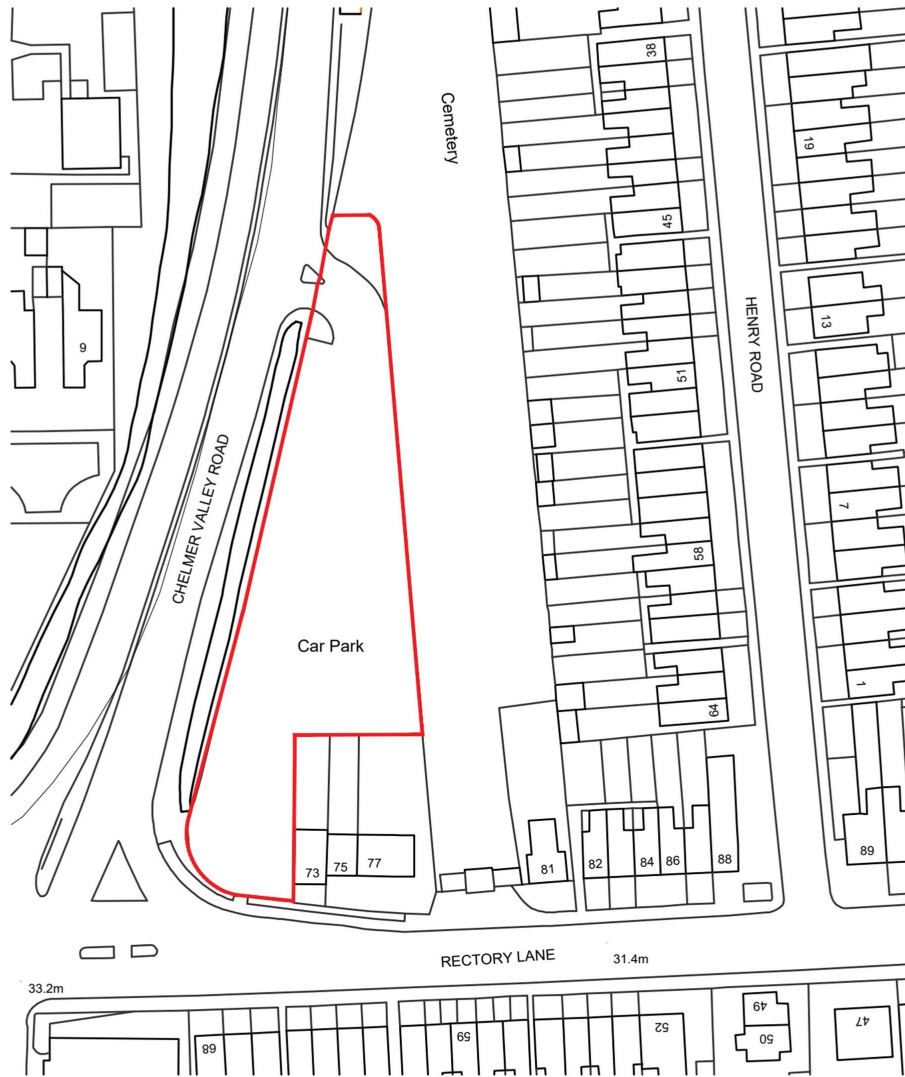
The collection vehicles are able to enter/exit proposed development in forward gear. [as per tracked drawing]

Please ensure that there is level ground between the bin store/s and vehicle i.e. no kerbing or steps etc.

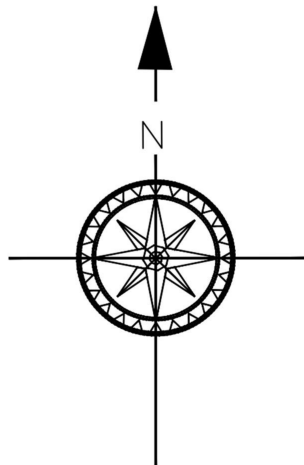
### **Local Residents**

#### **Comments**

Representations received – 2 letters of representation received. Full details of all the comments are available on the Council's website. A summary of the concerns raised are included in the report.



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revision	
issue	
client	Chelmsford City Council
project	Car Park off, Rectory Lane and Chelmer Valley Road, Chelmsford
title	Site Location Plan

**john finch partnership**  
chartered architects & town planning consultants

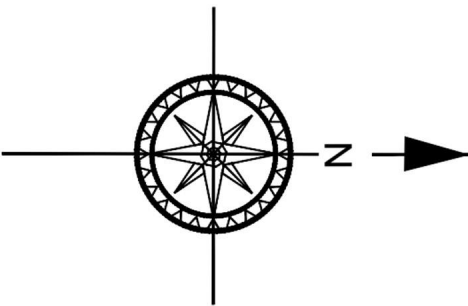


88 Broomfield Road  
Chelmsford CM1 1SS  
01245 354319/250780  
admin@johnfinchpartnership.co.uk

www.johnfinchpartnership.co.uk

date	21.06.23	scale	1:1250
drawn	HT	checked	RJH
dwg no	3616 LP	revision	.





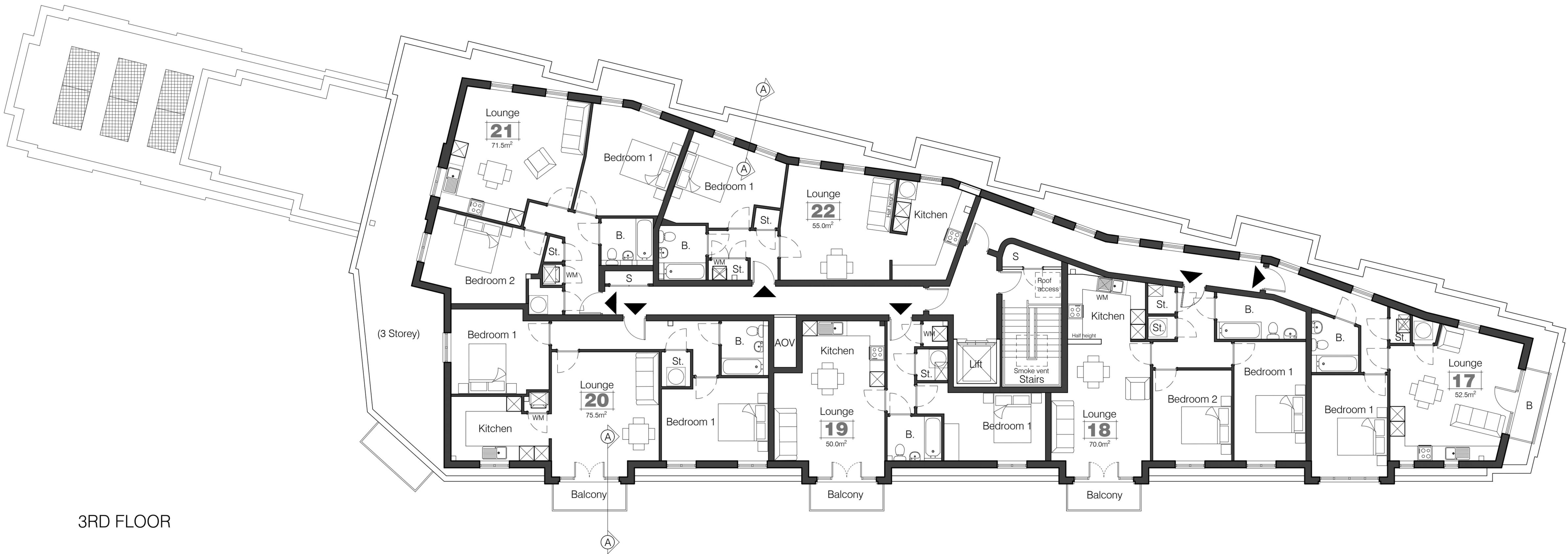
Accommodation Schedule

Plot	Type	Area (sq.m)
01	2B4P Apartment	71.5
02	2B4P Apartment	70.5
03	2B4P Apartment	75.0
04	1B2P Apartment	50.5
05	2B3P Apartment	62.0
06	1B2P Apartment	56.0
07	3B5P Apartment	109.0
08	2B4P Apartment	81.0
09	2B4P Apartment	72.0
10	2B4P Apartment	70.5
11	2B4P Apartment	75.0
12	1B2P Apartment	50.5
13	2B3P Apartment	62.0
14	1B2P Apartment	56.0
15	2B4P Apartment	81.0
16	2B4P Apartment	72.0
17	1B2P Apartment	52.5
18	2B4P Apartment	70.0
19	1B2P Apartment	50.0
20	2B4P Apartment	75.5
21	2B4P Apartment	71.5
22	1B2P Apartment	55.0

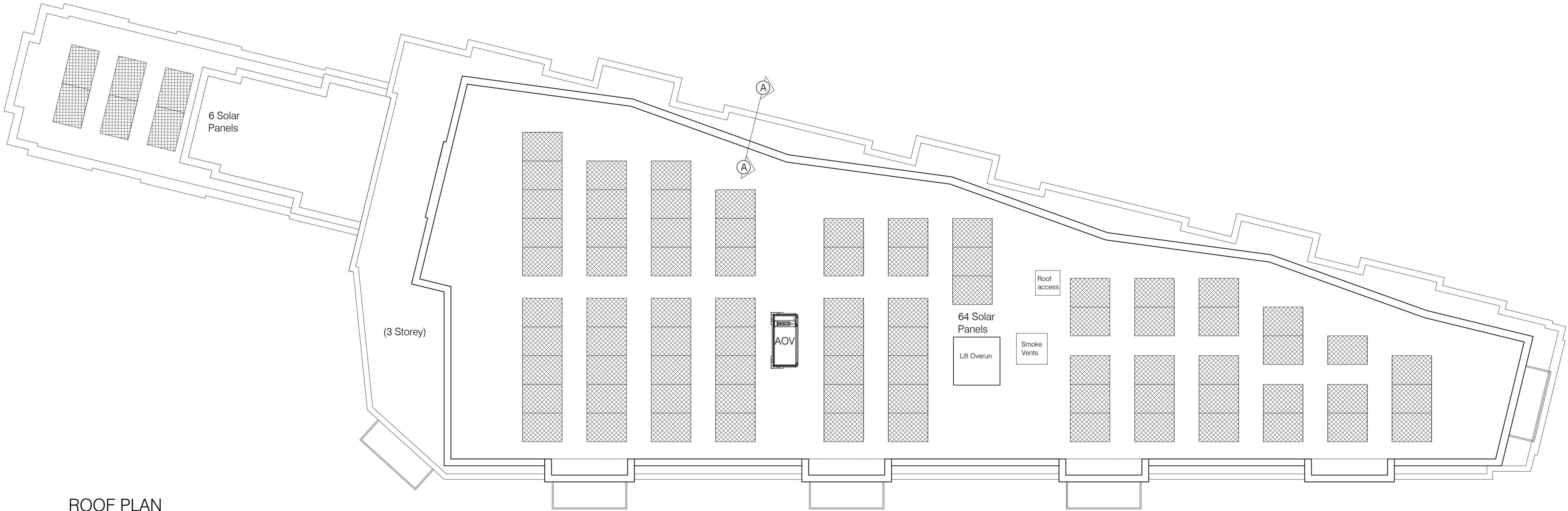
Total Area 1489.0 sq. m

One three-bedroom units (4.3%)  
Fourteen two-bedroom units (63.6%)  
Seven one-bedroom units (31.8%)

3RD FLOOR



ROOF PLAN



revision:  
issue:

client:

Chelmsford City Council

project:  
Car Park, off Rectory Lane &  
Chelmer Valley Road,  
Chelmsford

title:

Third Floor and Roof Plans

john finch partnership  
chartered architects & town planning consultants

88 Broomfield Road  
Chelmsford CM1 1SS  
01245 354319/250780  
admin@johnfinchpartnership.co.uk

www.johnfinchpartnership.co.uk

date 28/11/2022 scale 1:100

drawn — checked R.J.H.

drawn no revision

3616-04

E





FRONT ELEVATION - Facing Chelmer Valley Road



REAR ELEVATION - Facing Cemetery

Materials Key

- |   |   |                                      |
|---|---|--------------------------------------|
| [01] Stretcher bond Wienerberger Denton Crofters<br>Madley Wirecut Red facing Brickwork OSA       | [06] Vertical seamed metal cladding in -<br>Anthracite grey | [11] White render                    |
| [02] Soldier course in Wienerberger Denton Crofters<br>Madley Wirecut Red facing Brickwork OSA    | [07] Vertical seamed metal cladding in - Bronze             | [12] Metal guarding                  |
| [03] Stacked brickwork in Wienerberger Denton Crofters<br>Madley Wirecut Red facing Brickwork OSA | [08] Metal panel coloured to match windows                  | [13] Anthracite metal parapet coping |
| [04] Stretcher bond brickwork in black<br>facing brickwork  | [09] Aluminium windows. Colour: Anthracite                  | [14] Existing established hedge      |
| [05] Patterned extended flemish bond brickwork  | [10] Aluminium doors. Colour: Anthracite                    |                                      |

revision  
issue

client

Chelmsford City Council

project  
Car Park, off Rectory Lane &  
Chelmer Valley Road,  
Chelmsford

title  
Front and Rear Elevation

john finch partnership  
chartered architects & town planning consultants

88 Broomfield Road  
Chelmsford CM1 1SS  
01245 354319/250780  
admin@johnfinchpartnership.co.uk

www.johnfinchpartnership.co.uk

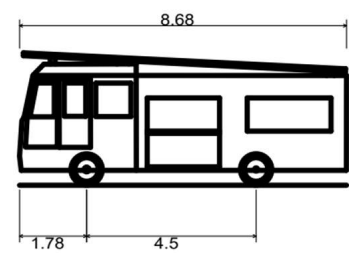
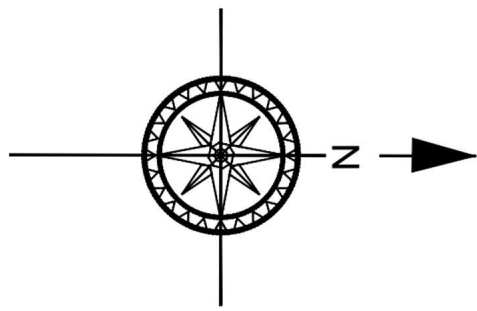
date 28/11/2022 scale 1:100

drawn - checked RJJH revision

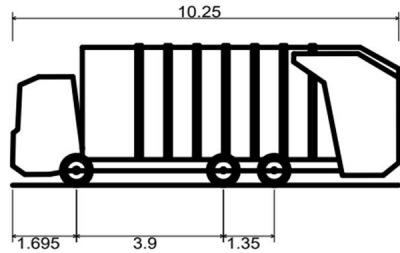
3616-06

D

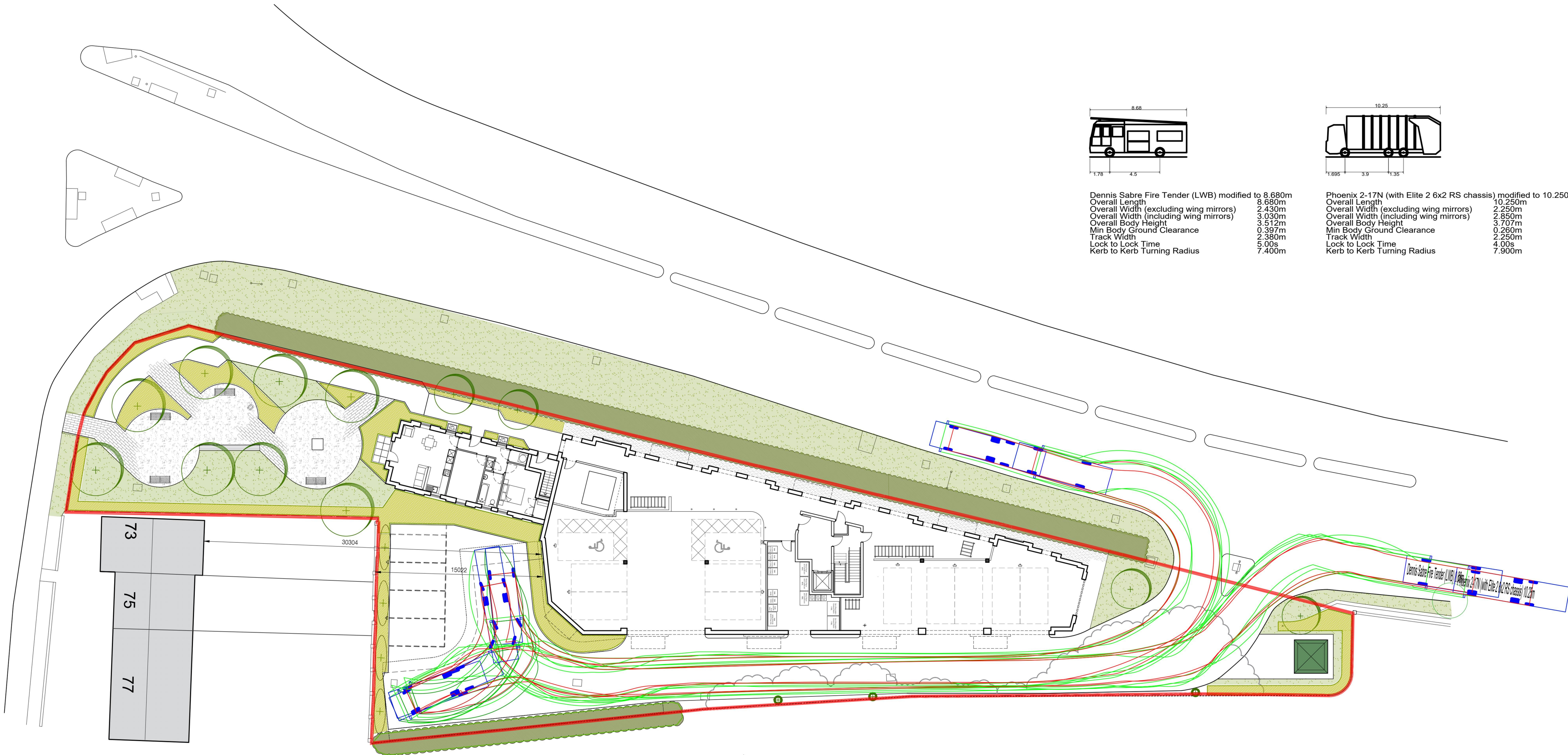




Dennis Sabre Fire Tender (LWB) modified to 8.680m  
Overall Length 8.680m  
Overall Width (excluding wing mirrors) 2.430m  
Overall Width (including wing mirrors) 3.030m  
Overall Body Height 3.512m  
Min Body Ground Clearance 0.397m  
Track Width 2.380m  
Lock to Lock Time 5.00s  
Kerb to Kerb Turning Radius 7.400m



Phoenix 2-17N (with Elite 2 6x2 RS chassis) modified to 10.250m  
Overall Length 10.250m  
Overall Width (excluding wing mirrors) 2.250m  
Overall Width (including wing mirrors) 2.850m  
Overall Body Height 3.707m  
Min Body Ground Clearance 0.260m  
Track Width 2.250m  
Lock to Lock Time 4.00s  
Kerb to Kerb Turning Radius 7.900m



revision  
issue

client

Chelmsford City Council

project  
Car Park, off Rectory Lane &  
Chelmer Valley Road,  
Chelmsford

title

Site Layout – Vehicle Tracking

john finch partnership  
chartered architects & town planning consultants



88 Broomfield Road  
Chelmsford CM1 1SS  
01245 354319/250780  
admin@johnfinchpartnership.co.uk

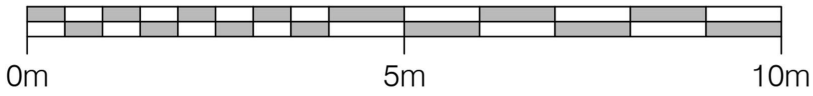
www.johnfinchpartnership.co.uk

date 09/12/2022 scale 1:200

drawn — checked RJH

dwg no 3616:10 revision C





SIDE ELEVATION - Facing Rectory Lane



SIDE ELEVATION - Facing North

## Materials Key

- 01 Stretcher bond Wienerberger Denton Crofters Madley Wirecut Red facing Brickwork OSA
- 02 Soldier course in Wienerberger Denton Crofters Madley Wirecut Red facing Brickwork OSA
- 03 Stacked brickwork in Wienerberger Denton Crofters Madley Wirecut Red facing Brickwork OSA
- 04 Stretcher bond brickwork in black facing brickwork
- 05 Patterned extended flemish bond brickwork
- 06 Vertical seamed metal cladding in - Anthracite grey
- 07 Vertical seamed metal cladding in - Bronze
- 08 Metal panel coloured to match windows
- 09 Aluminium windows. Colour: Anthracite
- 10 Aluminium doors. Colour: Anthracite
- 11 White render
- 12 Metal guarding
- 13 Anthracite metal parapet coping
- 14 Existing established hedge

revision  
issue

client

Chelmsford City Council

project  
Car Park, off Rectory Lane & Chelmer Valley Road, Chelmsford

title

Side Elevations

**john finch partnership**  
chartered architects & town planning consultants



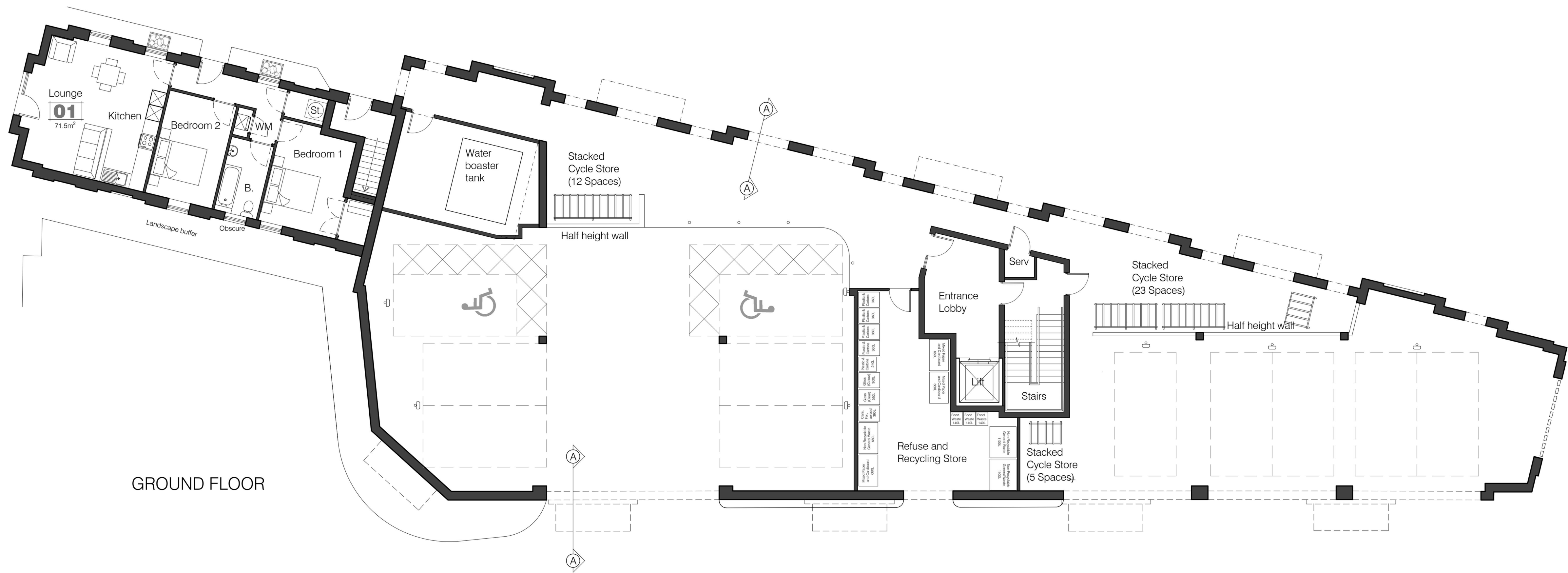
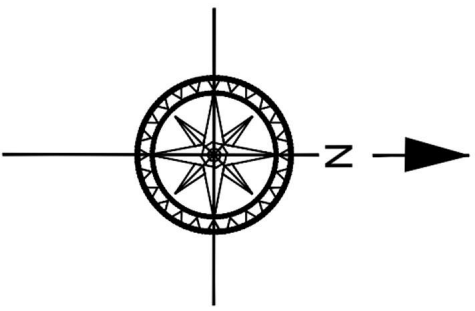
88 Broomfield Road  
Chelmsford CM1 1SS  
01245 354319/250780  
admin@johnfinchpartnership.co.uk

www.johnfinchpartnership.co.uk

date	08/12/2022	scale	1:100
drawn	-	checked	RJH

dwg no	3616-07	revision	D
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### Accommodation Schedule

Plot	Type	Area (sq.m)
01	2B4P Apartment	71.5
02	2B4P Apartment	70.5
03	2B4P Apartment	75.0
04	1B2P Apartment	50.5
05	2B3P Apartment	62.0
06	1B2P Apartment	56.0
07	3B5P Apartment	109.0
08	2B4P Apartment	81.0
09	2B4P Apartment	72.0
10	2B4P Apartment	70.5
11	2B4P Apartment	75.0
12	1B2P Apartment	50.5
13	2B3P Apartment	62.0
14	1B2P Apartment	56.0
15	2B4P Apartment	81.0
16	2B4P Apartment	72.0
17	1B2P Apartment	52.5
18	2B4P Apartment	70.0
19	1B2P Apartment	50.0
20	2B4P Apartment	75.5
21	2B4P Apartment	71.5
22	1B2P Apartment	55.0

Total Area 1489.0 sq. m

One three-bedroom units (4.3%)  
Fourteen two-bedroom units (63.6%)  
Seven one-bedroom units (31.8%)



revision  
issue

client

Chelmsford City Council

project  
Car Park, off Rectory Lane & Chelmer Valley Road, Chelmsford

title  
Ground, First & Second Floor Plan

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admin@johnfinchpartnership.co.uk

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date 28/11/2022 scale 1:100

drawn - checked RJJH revision

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# Appeals Report



Directorate for Sustainable Communities

Appeal Decisions received between 16/05/2024 and 31/08/2024

## PLANNING APPEALS

Total Appeal Decisions Received	17	
Dismissed	10	59%
Allowed	7	41%
Split	0	0%

## Written Reps

### Barn North Of Bury Farm Bury Road Pleshey Chelmsford

Reference	22/01686/FUL
Proposal	Demolition of agricultural barn and construction of one dwelling. Change of use of agricultural land to residential. Associated works including construction of entrance gates, shed and solar PV array.
Appeal Decision	Appeal Dismissed - 01/07/2024
Key Themes	
Agreed with CCC on	
Disagreed with CCC on	
Costs Decision	Appellant's application for costs: Costs refused

### Land North East Of 1 Slampseys Cottages London Road Braintree Essex

Reference	23/00559/FUL
Proposal	Proposed New Dwelling. Closure of existing access and formation of new access, with 4 car spaces and shared turning area.
Appeal Decision	Appeal Dismissed - 19/06/2024
Key Themes	Effect of the proposed development on the intrinsic character and beauty of the countryside Whether the site represents sustainable development in respect of its location and access to services and facilities
Agreed with CCC on	Effect of the proposed development on the intrinsic character and beauty of the countryside
Disagreed with CCC on	Whether the site represents sustainable development in respect of its location and access to services and facilities
Costs Decision	None

### Land South East Of Four Oaks Ivy Barn Lane Margaretting Ingatestone Essex

Reference	23/00234/FUL
Proposal	Change of Use of land to equestrian use including construction of stable block with 3 stables and feed / tack store. Formation of new access, with gate and driveway. Installation of fencing.
Appeal Decision	Appeal Allowed - 20/05/2024

<b>Key Themes</b>	Inappropriate developmentImpact on the openness of the Green BeltImpact to character
<b>Agreed with CCC on</b>	None
<b>Disagreed with CCC on</b>	Inappropriate developmentImpact on the openness of the Green BeltImpact to character
<b>Costs Decision</b>	None

#### Seabrights Cottage 192 Galleywood Road Great Baddow Chelmsford Essex CM2 8NB

<b>Reference</b>	22/01493/OUT
<b>Proposal</b>	Outline application for the demolition of an existing double garage, glasshouse and associated hardstanding. Construction of a new dwelling. Access being sought, all other matters (Appearance, Landscaping, Layout, Scale) reserved.
<b>Appeal Decision</b>	Appeal Dismissed - 02/07/2024
<b>Key Themes</b>	Whether the proposal would be inappropriate development in the Green Belt If the development is inappropriate development whether any harm to the Green Belt is outweighed by very special circumstancesThe effect of the proposal on highway safety
<b>Agreed with CCC on</b>	Inappropriate development in the Green Belt No very special circumstances Harmful impact on highway safety
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

#### Runwell Hall Farm Hoe Lane Rettendon Chelmsford Essex CM3 8DQ

<b>Reference</b>	22/02187/FUL
<b>Proposal</b>	Erection of agricultural machinery storage building and farm/estate office building with associated parking and landscaping
<b>Appeal Decision</b>	Appeal Dismissed - 09/08/2024
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	Inappropriate development in the Green belt
<b>Disagreed with CCC on</b>	Impact on character of countryside
<b>Costs Decision</b>	None
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	AG storage element of the proposal acceptable
<b>Disagreed with CCC on</b>	Impact on character of countryside
<b>Costs Decision</b>	None
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	Large scale and footprint would harm openness due to visual and spatial impact
<b>Disagreed with CCC on</b>	Impact on character of countryside
<b>Costs Decision</b>	None

#### Howden Joinery Ltd Unit 4 Block 3 Farrow Road Chelmsford Essex CM1 3TH

<b>Reference</b>	23/00863/FUL
<b>Proposal</b>	Proposed extension to existing car parking area to front and east side of the building. Proposed extension to security fencing to front, side and rear.
<b>Appeal Decision</b>	Appeal Allowed - 30/07/2024

<b>Key Themes</b>	- impact on the character of the area
<b>Agreed with CCC on</b>	- the area suffers from kerb parking
<b>Disagreed with CCC on</b>	- the loss of some of the grass verge would be within a context of a strong industrial character to the immediate area- the proposed fencing would be lightweight in form and largely transparent- the developemnt would potentially alleviate some of the pressure within the immediate area and help in a small way to reduce the cluttered appearance of the junction, whilst assisting the functioning of the business on site
<b>Costs Decision</b>	None

#### Site At 48 Skinners Lane Galleywood Chelmsford Essex

<b>Reference</b>	23/01113/FUL
<b>Proposal</b>	Demolition of the existing dwelling and erection of 2 semi-detached dwellings.
<b>Appeal Decision</b>	Appeal Dismissed - 03/07/2024
<b>Key Themes</b>	Living conditionsCharacter and appearance
<b>Agreed with CCC on</b>	The proposal would appear as a prominent and oppressive feature when viewed from this window, which serves a habitable room where occupiers are likely to spend time. Whilst the room has a small floor area and represents a limited proportion of the house it would not alter assessment of the effects of the proposal. the height and massing of the proposal which would unacceptably dominate the outlook from the kitchen window and reduce the amount of light reaching it. Contrary to Policy DM29.
<b>Disagreed with CCC on</b>	Other properties of similar height to that proposed, and read in the context with those. The changes in levels along Skinners Lane means that building height is not a defining or unifying feature in the appearance of the area. The proposed dwellings would therefore not appear as unduly prominent or incongruous. In accordance with Policy DM23.
<b>Costs Decision</b>	None

#### Land Between Peartree Cottage And Daffodil Cottage North East Of Pondsides Nursery Braintree Road Little Waltham Chelmsford

<b>Reference</b>	23/00525/FUL
<b>Proposal</b>	Demolition of existing storage buildings and construction of replacement 3-bedroom chalet bungalow and single cart lodge. To include a new access from the A131 via existing gateway.
<b>Appeal Decision</b>	Appeal Dismissed - 18/06/2024
<b>Key Themes</b>	Unsuitable/unustainable location for new dwelling Impact to intrinsic character Impact to highway safety
<b>Agreed with CCC on</b>	Unsuitable/unustainable location for new dwelling Impact to intrinsic character Impact to highway safety
<b>Disagreed with CCC on</b>	Nothing
<b>Costs Decision</b>	None

#### Field North Of Mill Hill Farmhouse East Hanningfield Road Sandon Chelmsford Essex

<b>Reference</b>	23/00918/CUPAQ
<b>Proposal</b>	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from one redundant agricultural building to two larger dwellinghouses.
<b>Appeal Decision</b>	Appeal Dismissed - 01/08/2024

<b>Key Themes</b>	Whether development is permitted development
<b>Agreed with CCC on</b>	the development is not permitted development as not solely ag use
<b>Disagreed with CCC on</b>	nothing
<b>Costs Decision</b>	None

#### Runwell Hall Farm Hoe Lane Rettendon Chelmsford Essex CM3 8DQ

<b>Reference</b>	23/01803/FUL
<b>Proposal</b>	Erection of farm office building
<b>Appeal Decision</b>	Appeal Dismissed - 09/08/2024
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	No very special circumstances
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	large volumn and footprint would result in significant visual and spatial harm
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	Inappropriate development in the Green belt
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Communication Hub Adjacent 81-82 High Street Chelmsford

<b>Reference</b>	23/01801/FUL
<b>Proposal</b>	The installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement
<b>Appeal Decision</b>	Appeal Allowed - 18/06/2024
<b>Key Themes</b>	Clutter, harm to listed buildings and conservation area, hazard to pedestrians, encoraching on space for market traders
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	Mixed character area, not out of place, would not add to clutter
<b>Costs Decision</b>	None

#### Communication Hub Adjacent 81-82 High Street Chelmsford

<b>Reference</b>	23/01802/ADV
<b>Proposal</b>	Installation of 1 internally illuminated digital lcd display screen.
<b>Appeal Decision</b>	Appeal Allowed - 18/06/2024
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**Crows Farmhouse 189 Chignal Road Chelmsford CM1 2JE**

<b>Reference</b>	23/01692/FUL
<b>Proposal</b>	Demolish existing garage and construct two storey side extension and oak canopy on a listed building. New gravel paving on front drive. Install new fence and gate at front. Move existing fence and hedge. Plant new trees
<b>Appeal Decision</b>	Appeal Dismissed - 12/07/2024
<b>Key Themes</b>	Harm to listed building
<b>Agreed with CCC on</b>	Harm to listed building not outweighed by public benefit
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**Householder****43 Marconi Road Chelmsford Essex CM1 1LR**

<b>Reference</b>	23/01318/FUL
<b>Proposal</b>	Single storey rear extension with roof lights.
<b>Appeal Decision</b>	Appeal Dismissed - 26/06/2024
<b>Key Themes</b>	Pprivate amenity space, Neighbouring amenity
<b>Agreed with CCC on</b>	Loss of private amenity space
<b>Disagreed with CCC on</b>	Harm to neighbouring amenity
<b>Costs Decision</b>	None

**1 Joseph Clibbon Drive Springfield Chelmsford Essex CM1 6AS**

<b>Reference</b>	23/01718/FUL
<b>Proposal</b>	Installation of air conditioning units
<b>Appeal Decision</b>	Appeal Allowed - 20/08/2024
<b>Key Themes</b>	Impact on the character of the area
<b>Agreed with CCC on</b>	-
<b>Disagreed with CCC on</b>	the visual impact of the development on the character of the area would be short-lived and not so incongruous to justify a refusal
<b>Costs Decision</b>	None

**25 Belfry Crescent Little Waltham Chelmsford Essex CM3 3GN**

<b>Reference</b>	23/01430/FUL
<b>Proposal</b>	This is a retrospective application for block paving to create a second driveway.
<b>Appeal Decision</b>	Appeal Allowed - 05/06/2024
<b>Key Themes</b>	Loss of landscaping would create a less attractive element of the street scene.
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	Not out of keeping, not harmful to the area.
<b>Costs Decision</b>	None

**9 Sunningdale Road Chelmsford Essex CM1 2NH**

<b>Reference</b>	24/00164/FUL
<b>Proposal</b>	Demolition of existing garage. Construction of two storey side extension. New side access.
<b>Appeal Decision</b>	Appeal Allowed - 20/08/2024

<b>Key Themes</b>	Effect of the development on the character and appearance of the host dwelling and street scene
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	The harmful effect of the proposed development on the character and appearance of the host dwelling and street scene
<b>Costs Decision</b>	None

## ENFORCEMENT APPEALS

Total Appeal Decisions Received	1	
Dismissed	1	100%
Allowed	0	0%
Split	0	0%

### Written Reps

#### The Gallops Elm Lane Roxwell Chelmsford Essex CM1 4NJ

<b>Reference</b>	21/00454/ENFB
<b>Proposal</b>	Without planning permission, the construction of a car port, a building, and a hard surface
<b>Appeal Decision</b>	Appeal Dismissed - 01/07/2024
<b>Grounds of Appeal</b>	Harm to the Green Belt. Impact on setting of the listed building.
<b>Agreed with CCC on</b>	Inappropriate development that harms the openness of the Green Belt. Harmful to the setting on the Listed Building. Development not immune from enforcement action. The requirements of the notice do not exceed what is necessary. Time for compliance is reasonable.
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

## TREES APPEALS

Total Appeal Decisions Received	1	
Dismissed	0	0%
Allowed	1	100%
Split	0	0%

### Householder

#### 11 Hay Green Danbury Chelmsford CM3 4NU

<b>Reference</b>	21/05253/TPO
<b>Proposal</b>	G1 - 3 Oak trees in no.11 and 1 oak tree in no.12 - Crown reduction by 2-3 metres in height and 2 metre spread reduction - reason- vulnerable to wind swirl - reduction in height to reduce swirl area, improve inner vitality and growth, minimise root expans
<b>Appeal Decision</b>	Appeal Allowed - 31/05/2024
<b>Key Themes</b>	the amenity value of the four oaks and the likely effect of the proposed tree works; and whether sufficient justification has been provided for the proposed works.
<b>Agreed with CCC on</b>	The oak trees form an attractive group feature contributing to amenity.
<b>Disagreed with CCC on</b>	Reducing the crown to the extent sought, would have a limited adverse effect on amenity group value. Amenity would return with regrowth. Due to nature of growth trees would experience significant wind loading and sufficient evidence has been put forward to justify the works proposed.
<b>Costs Decision</b>	None