

9 December 2025 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor R. Lee (Chair)

and Councillors

J. Armstrong, H. Clark, S. Dobson, J. Frasca, S. Hall, R. Hyland,
J. Lardge,
V. Pappa, E. Sampson, A. Thorpe-Apps, C. Tron, and P. Wilson

Local people are welcome to attend this meeting, 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 email committees@chelmsford.gov.uk or phone 01245 606480

PLANNING COMMITTEE

9 December 2025

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 4 November 2025.

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 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

6. 21/01961/FUL & 21/01961/OUT – Land North West of Hamberts Farm, Burnham Road, South Woodham Ferrers, Chelmsford

7. 25/01046/FUL – The Old Nursery, Butts Green Road, Sandon, Chelmsford, CM2 7RN

8. 24/00775/S73 – 10 Moulsham Chase, Chelmsford, Essex, CM2 0TB

9. Planning Appeals

MINUTES
of the
PLANNING COMMITTEE
held on 4 November 2025 at 7pm

Present:

Councillor R. Lee (Chair)
Councillor S. Dobson (Vice Chair)

Councillors H. Clark, J. Frascona, S. Hall, R. Hyland, J. Lardge, V. Pappa, E. Sampson, A. Thorpe-Apps, C. Tron and P. Wilson

1. Chair's Announcements

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

2. Apologies for Absence

No apologies for absence were received.

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 2 September 2025 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

One public question had been submitted in advance for Item 7, which is summarised under the relevant item. [The questions and statements submitted in advance can be viewed via this link.](#)

6. 25/00953/FUL – Tennis Courts South West of Changing Rooms, Oaklands Park, Moulsham Street, Chelmsford

The Committee considered an application for the installation of a fence-mounted LED floodlighting system at the Tennis Courts, including minor fencing works and associated electrical infrastructure. It was noted that the application was before the Committee, in the interests of transparency, due to a neighbour objection being received and the site being a Council owned asset. The Committee heard that the proposal was acceptable in design terms, would not impact the New London Road Conservation Area, or the setting of Oaklands House and that the impact of the floodlights on the amenity of residential neighbours was also acceptable.

The Committee heard that officers had conducted a site visit to another site using the same floodlights, and had observed minimal light spillage and noted that the site in question benefited from extra screening compared to the one visited. The Committee heard that the application had been recommended for approval, due to its acceptable design and impact and as it supported the continued use of a community sport and leisure facility in a sustainable location.

In response to questions from members of the Committee, officers confirmed that;

- The new fencing would be of the same height as the existing fencing.
- The park gates closed at earlier times during Winter and an arrangement would be put in place between the Tennis Club and the City Council's Parks Team for access.
- It was expected that the lights would only be turned on when the courts were in use.

RESOLVED that application 25/00953/FUL be approved, subject to the conditions detailed in the report.

(7.02pm to 7.08pm)

7. 24/01786/FUL – Land South of Maldon Road and East of Hyde Green, Maldon Road, Danbury, Chelmsford

Cllr Dobson declared a non registrable interest for this item and left the meeting at this point.

The Committee considered an outline application for the erection of up to 72 dwellings, with associated infrastructure and open space, sought access, with appearance, layout, landscaping and scale reserved. The Committee heard that the application proposed the development of Danbury Neighbourhood Plan Site B and that the application site partially crossed the boundary with Maldon District Council, who had devolved their decision making powers to Chelmsford for the determination of the application. The Committee were informed that the application was before them, as it had been called in by a local ward member, to consider the proposed pedestrian crossing on the A414 and the amendment of speed limits.

It was noted that the scheme would provide 35% affordable homes and a new vehicular access onto Maldon Road. The Committee were also informed that contributions would be made to sustainable transport methods, healthcare, education and open spaces, including Danbury Country Park. The Committee heard that the proposal demonstrated conformity with the Danbury Neighbourhood Plan, the Chelmsford Local Plan and Maldon Local Development

Plan and had therefore been recommended for approval subject to conditions and the completion of the legal agreement.

The Committee heard from a member of the public who spoke in support of the application. They highlighted the provision of affordable homes, compliance with neighbourhood and local plans, the tilted balance due to a five year housing land supply not being demonstrated, significant financial contributions and a 10% biodiversity net gain.

In response to questions from members of the Committee, officers confirmed that;

- The dropped kerb crossing with tactile paving had been deemed the most appropriate due to the expected levels of usage and the 40mph speed limit would be extended to the East to cover the bus stops and it was not felt necessary to extend further.
- The Highway Authority could only look at the impact of the additional 72 houses and how their impact could be mitigated, it was felt that the necessary assessments had been carried out and the proposed mitigations were deemed acceptable.
- The site was in Flood Zone 1, so the lowest risk from the Environment Agency, an original objection on surface water drainage from the Lead Local Flood Authority had been responded to and they were now content subject to conditions.
- The proposed speed limits complied with the Highway Authority's speed management policy and the 40mph limit covered the bus stops and visibility splays, a Road Safety audit had also been carried out with no concerns or issues raised as a result.
- The application would not have a 'severe' impact in terms of increased traffic onto the existing road network and therefore the Highway Authority were unable to object, it was noted that financial contributions were being made for sustainable travel options though.
- The proposed crossing would not have significant usage levels as crossing to the opposite side of the development only really led to the bus stop, with most walkable destinations on the side of the development (south of road), therefore on balance a dropped kerb crossing had been deemed sufficient.
- It was not policy of the Highway Authority to have bus stops in layby's as it caused issues with buses rejoining the Highway, so a bus stop within the lane was preferred.
- The objection from Natural England had been responded to and satisfied, with secured walking routes being provided and financial contributions towards Danbury Country Park.

RESOLVED that application 24/01786/OUT be approved, subject to the completion of a S106 agreement together with compliance with the conditions detailed in the report, the details of those items and any variations that may be considered necessary and appropriate to be delegated to the Director of Sustainable Communities (including any officer within the Directorate holding an appropriate onward delegation from him) in consultation with the Chair and Vice Chair of the Planning Committee and the amendments on the green sheet.

(7.09pm to 7.36pm)

8. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 21st August and 22nd October 2025 be noted.

The meeting closed at 7.37pm.

Chair

PLANNING POLICY BACKGROUND INFORMATION

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27th 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.

Local Plan review

The Council is currently reviewing the adopted Chelmsford Local Plan 2020. A Pre-Submission (Regulation 19) Local Plan and accompanying Integrated Impact Assessment was presented to Chelmsford Policy Board on 16th January 2025 with a recommendation to publish for public consultation. This recommendation was agreed by Chelmsford Policy Board, the content of the Pre-Submission (Regulation 19) Local Plan continues to have limited weight for the purposes of decision-making on planning applications.

Policy	Policy Description
SPS1	Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
SPS2	Strategic Policy S2 Addressing Climate Change & Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.
SPS3	Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.
SPS4	Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Policy	Policy Description
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.
SPS11	Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.
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.
DM2A	Policy DM2 (A) - Affordable Housing & Rural Exception Sites - The Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites which comprise 11 or more residential units.

Policy	Policy Description
DM10	Policy DM10 - Change of use (Land & Buildings) & Engineering operations - Planning permission will be granted for the change of use of buildings in the Green Belt, Green Wedges and Rural Area subject to the building being of permanent and substantial construction and where the building is in keeping with its surroundings. Engineering operations will be permitted within the Green Belt where they preserve openness, do not conflict with the purposes of including land in the Green Belt, and do not harm the character and appearance of the area. Changes of use of land will be permitted in the Green Wedges and Rural Area where the development would not adversely impact on the role, function and intrinsic character of the area.
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.
DM15	Policy DM15 - Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
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.
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.

Policy	Policy Description
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. The relevant standards are contained in the 2024 Essex Parking Guidance which were adopted by Chelmsford City Council in 2025.
DM29	Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
DM30	Policy DM30 - Contamination & Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local groundwater or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.
SPS6	Strategic Policy S6 Housing & Employment Requirements - In order to meet the full objectively assessed housing needs 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.
NHP	The Neighbourhood Plan sets out the local community's aspirations for the area and establishes policies for development and land use in the area. A 'made' Neighbourhood Plan forms part of the adopted Development Plan. Where a plan has been drafted and consulted on, but not yet 'made', it is a material planning consideration.

Policy	Policy Description
POSPD	The Planning Obligations Supplementary Planning Document was adopted in January 2021 and sets out the City Council's approach towards seeking planning obligations which are needed to make development proposals acceptable in planning terms.
BNG	The Environment Act 2021 makes biodiversity net gain mandatory. The Act makes provision for grants of planning permission to be subject to a condition to secure that the biodiversity gain objective is met. The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least 10%.

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 updated in December 2024. It 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 (including any neighbourhood plans that form part of the 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

9th December 2025

Application No	:	Hybrid application 21/01961/OUT and 21/01961/FUL
Location	:	Land North West Of Hamberts Farm Burnham Road South Woodham Ferrers Chelmsford
Proposal	:	Hybrid application, (part full and part outline) for: 1. Outline application with all matters reserved for residential development of: up to 1020 homes, Up to 88 bedroom units of residential care accommodation (Class C2 or Class C3 use, including retirement living/sheltered housing, and/or extra care/housing-with-care/independent living and/or care home/nursing home use), up to 1,100 sq m (GEA) neighbourhood centre (Class E) including a multi-purpose community centre, up to 1,200 (GEA) of business floorspace (Class E), a 2fe primary school and two 56 place early years facilities, 5 serviced plots for travelling showpeople, landscaping, strategic and local open space and associated buildings and structures, all associated highway infrastructure, pedestrian, cycle and bridleway routes (including partial extinguishment of Bridleway 25), vehicular and cycle parking, drainage works, ground reprofiling, demolition of existing building and all associated ancillary works including services and utilities 2. Full application for the principal means of vehicular access to the site, the initial phase of on-site highway works, strategic surface water attenuation basins and demolition of former telephone exchange buildings.
Applicant	:	Countryside Properties (UK) Ltd
Agent	:	Kevin Coleman

Date Valid	:	15th July 2022
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1. Executive summary

- 1.1. The application site relates to land allocated in the Chelmsford Local Plan as “Strategic Growth Site 10 – Land North of South Woodham Ferrers”
- 1.2. On 7th February 2023 the Planning Committee resolved to grant planning permission for the hybrid application 21/01961/OUT and 21/01961/FUL subject to a S106 agreement and the lifting of a holding objection from the Secretary of State. The proposal was for up to 1020 homes, Up to 88 bedroom units of residential care accommodation, up to 1,100 sq m (GEA) neighbourhood centre (Class E) including a multi-purpose community centre, up to 1,200 (GEA) of business floorspace (Class E), a 2fe primary school and two 56 place early years facilities, 5 serviced plots for travelling showpeople and associated supporting infrastructure. The Secretary of State lifted their holding objection in April 2023.
- 1.3. Since the resolution to grant planning permission, the scheme has been independently assessed and deemed to be unviable due to site specific costs, significant highway infrastructure costs, and lower house values.
- 1.4. In order to make the scheme viable, whilst still providing a policy compliant level of affordable housing, the proposal is to amend the heads of terms of the Section 106 Agreement that were previously agreed by the Planning Committee. The amendment would remove three elements from the heads of terms (primary and early years education contributions and commuted sum for maintenance of rugby pitches), which would instead be funded by the Community Infrastructure Levy (CIL). These elements would still be provided by the development but would be funded differently. The decision to use CIL to make the scheme viable was made by Chelmsford City Council Cabinet on 11th March 2025. This is not a decision for the Planning Committee. The proposal now is only for the alteration to the heads of terms of the S106 Agreement because CIL will fund these three items - as has been agreed by Cabinet.
- 1.5. First Homes would also be removed from the heads of terms because this is no longer required by the government as mandatory.
- 1.6. The proposal also seeks to add a public art condition to the list of previously agreed conditions.

2. Description of site

- 2.1. The application forms a large proportion of Strategic Growth Site 10 (SGS10) of the Chelmsford Local Plan 2020.

2.2. The site comprises 112.2 ha of land located to the north of South Woodham Ferrers. The majority of the land is currently in agricultural use. The application also includes some sections of existing highway, mainly parts of the B1418 and the B1012.

2.3. The site includes two parcels of land to the east of the B1418 and then, moving from east to west, it abuts the rear gardens of properties in Willow Grove and wraps around the existing Sainsbury's supermarket and health centre site. Edwins Hall Road is to the north, with agricultural land outside of the application site sitting between the site and this lane. The site then wraps around the bottom of Bushy Hill and stretches east to the edge of Chelmsford City Council's administrative boundary. There is also a small parcel of land included to the south of Woodham Road, adjacent to the existing Garden of Remembrance.

2.4. The field boundaries are marked by mature hedgerows, mature trees and a stream running through it from east to west.

3. Details of the proposal

3.1. On 7th February 2023, the Planning Committee resolved to grant outline planning permission subject to the completion of a S106 agreement, conditions and the lifting of a holding objection from the Secretary of State.

3.2. The heads of terms for the S106 Agreement were agreed by the Planning Committee at the February 2023 meeting. The holding objection was lifted in April 2023.

3.3. The applicants, Vistry, have since demonstrated that the scheme is unviable.

3.4. On 11th March 2025 Chelmsford City Council Cabinet agreed to ring fence the use of £9m of CIL, or 75% of Vistry's CIL contribution, whichever is the lower, to fund some elements of the draft S106 requirements. The development will continue to provide a policy compliant (35%) level of affordable housing

3.5. The planning application is brought back to Planning Committee only to amend the heads of terms of the S106, all other matters are unchanged. The amendments to the heads of terms is to allow for some of the items to be funded via CIL, as agreed by Cabinet. The items to be removed from the heads of terms and funded differently are the contributions to early years, primary education and a commuted sum for the maintenance of the rugby pitches. First Homes has also been removed as this is no longer a mandatory government requirement.

3.6. The proposal also seeks to add a public art condition to the list of previously agreed conditions.

4. Planning considerations

Background

- 4.1. Following the resolution to grant planning permission subject to a S106 agreement and lifting of the holding objection by the Secretary of State, the applicants, Vistry, advised that there were financial viability issues with the proposal in July 2023 and provided a viability report to Chelmsford City Council (CCC). This has been independently assessed by CCC's appointed viability consultant. The viability issue is due to the extent of the S106 obligations combined with CIL, and some site specific costs, for example, gross to net land usage of 50%, significant highway infrastructure costs, and lower house values.
- 4.2. When an application is agreed by the City Council to be unviable, the usual approach by developers is to lower the provision of affordable housing as this tends to be the only element that can be reduced as other items are essentially required to make the development acceptable in planning terms. Given the significant need for affordable housing provision in Chelmsford, a reduction to the level of affordable housing would be against corporate objectives. Vistry also wanted to retain the 35% affordable housing provision. It is estimated that without funding some of the infrastructure through CIL contributions the affordable housing contribution would be reduced to 19% of the total number of units.
- 4.3. On 11th March 2025 Chelmsford City Council Cabinet considered the options available to ensure that the site is developed, whilst still retaining the 35% policy compliant level of affordable housing, as this is a priority objective. It was agreed by Cabinet that £9m of strategic CIL may be used to fund elements of the draft S106, thereby enabling a policy compliant development with 35% affordable housing to be delivered. This would increase affordable home provision from 19% to 35% (194 units to 357 units).
- 4.4. The South Woodham Ferrers Town Council neighbourhood allocation of CIL of £4.6m is unaffected.

Proposal

- 4.5. The decision to use some of the CIL receipts to fund elements of the S106 obligations has already been taken by Cabinet. CIL governance is not within the remit of the Planning Committee. The reason why this application is brought back before the Committee is to agree that the heads of terms for the legal agreement may be altered. First Homes would be removed from the agreement because this is no longer a mandatory government requirement. The amendment would also result in the following items being covered by the applicant's CIL contribution rather than s106:

- Early years education
- Primary education
- Commuted sum for maintenance of the rugby pitches

4.6. The City Council is the Community Infrastructure Levy ("CIL") charging authority. Essex County Council is the local education authority responsible for the provision and delivery of education infrastructure.

4.7. A CIL funding agreement has been produced to ensure that a defined proportion of CIL receipts is ring-fenced and made available to Essex County Council for the purpose of delivering the necessary education infrastructure to serve the Strategic Growth Site 10 development. This establishes a binding framework for the allocation, transfer, and use of the CIL Funds. The funding agreement has been signed by both the City Council and Essex County Council.

4.8. The delivery of the land required for the primary school is unaffected by this alteration to the heads of terms. The S106 agreement still requires the developer to provide 2.1ha of land, which is the recommended size for a two form-entry primary school with a 56-place early years and childcare nursery.

Public Art

4.9. The proposal also seeks to add the following condition to the list of previously agreed conditions:

"Within six months of the commencement of the development, a public art statement shall be submitted to and approved in writing by the local planning authority. The statement shall include the following:

- a) Details of the artist (including an explanation of why they have been selected for this scheme),
- b) Details of the proposed public art (including an explanation of the chosen theme and medium) and its intended siting,
- c) Details for the installation including timing,
- d) Future maintenance regime.

The approved public art scheme shall be implemented in accordance with the approved statement.

Reason:

To ensure that Public Art is provided in accordance with Policy DM24 Chelmsford Local Plan."

4.10. The condition should have been included on the original Planning Committee report and its omission was simply an oversight, which is being rectified here.

Conclusion

- 4.11. The proposal is to amend the heads of terms of the S106 agreement, which were heard at the Planning Committee on 7th February 2023. The alteration to the heads of terms does not alter the level or details of the infrastructure to be provided to support the development. This would remain as previously agreed. The alteration is due to an amendment to the way in which the infrastructure is to be funded, which will now be partly funded by CIL receipts. This has already been agreed by the Chelmsford City Council Cabinet. The removal of First Homes is due to the government no longer requiring them as mandatory.

RECOMMENDATION

The Planning Committee resolve to amend the head of terms of the legal agreement for Planning Application 21/01961/OUT and 21/01961/FUL as set out within the above report for the following:

- Contributions for the construction of the school based on the child yield of the development in accordance with “ECC developers guide to infrastructure contributions”
- Contributions for the construction of the early years based on the child yield of the development in accordance with “ECC developers guide to infrastructure contributions”
- Commuted maintenance sum for four adult sized rugby pitches (SPD Planning Obligations – Table 10 - £1,013.84 per dwelling)
- Removal of the requirement for First Homes

The Planning Committee resolve to add a condition requiring Public Art provision.



Planning Committee
9th December 2025

Application No	:	25/01046/FUL Full Application
Location	:	The Old Nursery Butts Green Road Sandon Chelmsford CM2 7RN
Proposal	:	Material change of use of land for the stationing of caravans for residential purposes, the laying of hard standing and erection of a dayroom ancillary to that use.
Applicant	:	Mr Gilbert Anderson N/A
Agent	:	Mr Ethan Giles
Date Valid	:	22nd July 2025

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1. Executive summary

1. The application is referred to Planning Committee at the request of a local ward councillor on the grounds of:

- The site being agricultural;
- Concern about the impact on the character of the local area;
- The suggestion that the need for Traveller sites is adequately addressed in the Local Plan;
- Concerns about highway safety; and
- To allow the public to voice their opinions.

2. The application is for a material change of use of the land from a nominal agricultural use to one Gypsy/Traveller pitch. This would include a dayroom building. The existing access would be used.

3. The site is located within the Rural Area. The proposal includes native hedgerow and tree planting around the main part of the pitch. Subject to conditions, there would be no adverse impact on the character of the area or the intrinsic character and beauty of the countryside.

4. The proposal is acceptable to the Local Highway Authority. There would be no harm to protected species and the scheme would deliver at least a 10% biodiversity net gain. There would be no adverse impact on neighbouring properties through overlooking or noise. The scheme would also be acceptable from a flood risk perspective and would not make surface water flooding worse elsewhere.

5. The development complies with Policy DM3 of the adopted Local Plan which allows for windfall (i.e. unallocated) developments for Gypsy/Traveller pitches. The plan-led outcome is therefore the approval of planning permission, subject to conditions. There are also material considerations, such as meeting an unmet need for Gypsy/Traveller pitches, which weigh in favour of the grant of planning permission.

6. The application is recommended for approval, subject to conditions.

2. Description of site

1. The application site is within the Rural Area, situated between Sandon, Danbury and East Hanningfield. It has an existing access from Butts Green Road and a track which is currently overgrown. The application site is a long, narrow area of land approximately 231m long and 16m wide. There are two polytunnels set back from the road, and a small portacabin, all in disrepair. There is an existing area of hardstanding on the site which serves the polytunnels.

2. The southern boundary of the site is a mixture of post and rail fence and mature vegetation; the western boundary is mature vegetation. To the east of the site is Butts Green Road bounded by mature vegetation and a close boarded fence and gate. The northern boundary is a post and rail fence.

3. Two residential dwellings, Wayside and The Gatehouse, are to the north of the site. Access to both is from Mayes Lane along a track directly beside the northern boundary of the application site. The dwellings are set behind high vegetation with only an outbuilding for The Gatehouse visible from the site. There is a public footpath situated to the north of these two

dwellinghouses, Sandon 5, accessed from Mayes Lane, which provides pedestrian access to Sandon and links to footpaths to East Hanningfield.

4. To the south of the site are paddocks and to the west is agricultural land. On the opposite side of Butts Green Road there are residential dwellings. North of the dwellings is a livery at the junction of Butts Green Road, Mayes Lane and Sporhams Lane. Opposite the livery is Butts Green Garden Centre which is north of the site on the other side of Mayes Lane. Next to the Garden Centre is another residential dwelling.

3. Details of the proposal

1. The application is for a material change of use of the land from a nominal agricultural use to one Gypsy/Traveller pitch. The plans submitted with the application show the pitch to accommodate one static mobile home and one touring caravan. Associated works would include the formation of an area of loose bound permeable hardstanding at the rear of the existing hardstanding, and the construction of a dayroom for ancillary use.

2. The submitted drawings indicate that a mobile home would be set back from Butts Green Road by approximately 124.5m. Two parking spaces, a touring caravan and the dayroom would be set further back into the site. The dayroom would be approximately 3.5m in depth, 6.5m in width and 3.7m in height.

3. An area of permeable hardstanding would be laid to accommodate the development.

4. A wooden refuse store would be sited approximately 3.3m from the front boundary near to the access on Butts Green Road.

5. The front area of the site would remain mixed scrub apart from the track which would be cleared to facilitate access to the development. An area of bramble scrub would remain near to the rear of the hardstanding. Three native trees would be planted near the mobile home. There would also be native hedge and tree planting around the caravans and day room.

6. A soakaway and package treatment plant would be installed towards the rear of the site.

4. Other relevant applications

1. 96/06118/FUL – Approved June 1996

Two plastic covered tunnels for protecting nursery stock. (Each 5.5M x 19.5M & 2.5M high). (Plan nos. 1 & 2)

The above planning permission was granted subject to conditions. Condition 3 stated that there shall be no wholesale or retail sales from the application site. Condition 4 stated that the development permitted shall at all times remain and be used solely for purposes ancillary to and in connection with the horticultural business.

5. Summary of consultations

1. Consultation responses:

- Essex County Council Highways - application is acceptable to Highway Authority
- Public Health & Protection Services – no comments
- Sandon Parish Council – objects to the application for the reason summarised below:

- contrary to policy DM3 (A)
- highway safety
- BNG information not complete
- site is unsuitable for proposed use
 - Local residents – 89 responses received

2. 89 objections were received, comments relevant to this application summarised below:

- Site is not previously developed land
- Impacts rural surroundings and quality of life
- Ecology concerns
- Highway safety concerns
- Unsustainable area
- Increased congestion on roads
- Increase in surface water flooding
- Not enough information submitted to justify proposed use
- Does not comply with Policy DM3 of the Local Plan
- Applicant is already a resident on another site
- Plot size is not suitable for the proposed use
- Unsuitable boundary treatments exist on site
- Fencing on the site would not be acceptable
- Proposed Dayroom is not necessary
- Not an allocated gypsy site
- TPO trees on site
- Chelmsford GTAA has been calculated incorrectly by omitting vacant pitches on private family sites.
- Contrary to previous planning conditions
- No information to ensure package treatment plant is acceptable
- Not assessed for agricultural need
- Impact on the national cycle route
- Risk of precedent

6. Planning considerations

Main Issues

1. The main issues relate to whether the proposed use of the land accords with the Local Plan and the impacts on the countryside, neighbour amenity, highway safety and ecology.

Windfall Gypsy/Traveller(G/T) site

2. The Council are required to identify land within the Local Plan to provide for a supply of deliverable sites to meet an identified need for Gypsy/Traveller (G/T) pitches. The adopted Chelmsford Local Plan allocates land to provide G/T pitches. This does not, however, prevent further 'windfall' applications from coming forward. The application seeks planning permission for a windfall (unallocated) G/T pitch.
3. The most relevant policy of the adopted Chelmsford Local Plan (Local Plan) is Policy DM3. This policy is criteria based with considerations ranging from environmental to design matters. There are other specific Local Plan policies relating expressly to each of these matters, therefore, overall compliance with the criteria of Policy DM3 will be considered as a final, summary step.

Rural Area policy

4. The site lies within the Rural Area. It contains the remnants of polytunnels on an area of hardstanding, a portacabin and a track up to the polytunnels. The polytunnels were erected for a previous nursery use. As such, the use of the land is considered to be agricultural land and therefore not previously developed land.
5. The application proposes a material change of use of the land to form a G/T pitch. Policy DM10 of the Chelmsford Local Plan relates to change of use of land and buildings and engineering operations. Part C relates to development in the Rural Area and states that planning permission will be granted for the change of use of land where it does not adversely impact on the identified intrinsic character, appearance and beauty of the Rural Area. Part C goes on to state that Engineering operations will be permitted within the Rural Area where they do not adversely impact upon the identified intrinsic character, appearance and beauty of the Rural Area. Whilst the proposed dayroom is a building operation in its own right, it would be ancillary to the overall use of the land.

Character and appearance of the area

6. Policy SAN D1 of the Sandon Neighbourhood Plan (SNP) seeks to ensure that proposals for development in Sandon Parish must take a design led approach that has regard to the Essex Design Guide and to the key features of each character area in the Parish. It goes on to say that proposal should respect the rural nature and open landscapes of the Parish.
7. Policies S1 and DM23 (High Quality and Inclusive Design) of the Chelmsford Local Plan require new developments to respect the character and appearance of the area in which they are located and be compatible with their surroundings.
8. The character of the surrounding area is rural. Butts Green Road is scattered with dwellings set back from the road. The wider land use is predominantly agricultural and open fields. There is a cluster of typically rural commercial uses on the junction of Butts Green Road, Mayes Lane and Sporhams Lane. The existing, dilapidated polytunnels and portacabin within the application site are largely shielded from view by boundary vegetation.
9. The proposal would remove the torn and broken polytunnels and derelict portacabin. The existing hardstanding and track would be retained. The application drawings show that two caravans would be set back from Butts Green Road and contained roughly in the centre of the site, where the existing hardstanding is sited. The application drawings also show new landscaping in the form of native hedgerows and trees around the area where the caravans and dayroom would be located.
10. The dayroom would be modest in size; approximately 6.5m by 3.5m. It would have a pitched roof, with an overall height of around 3.6m. It would be an ancillary feature to the overall use of the land. The caravans, shown to be one static and one touring caravan, would be required to meet the statutory definition of a caravan. The definition restrains the size of caravans to 20m by 6.8m with an internal height of 3.05m.
11. The proposal does not include the construction of hard boundary treatments such as high fences or walls.

12. The development would be conservative in spread and volume. It would be set back into the site and screened by existing and proposed landscaping. Subject to conditions, the pitch would not harm the character and appearance of the area.

13. The materials, boundary treatments, hard and soft landscaping, the number of caravans permitted and the use of the land could be controlled by imposing planning conditions. This would ensure the proposal would remain unintrusive within the Rural Area. Therefore, the development would conform to Policies S1, DM10 and DM23 of the Local Plan and SAN D1 of the SNP.

Neighbouring Amenity

14. Policy DM29 of the Local Plan seeks to protect living and working environments by ensuring developments safeguard against being overbearing, overlooking or overshadowing. Proposals must also avoid excessive noise, activity or vehicle movements and be compatible with neighbouring uses.

15. The dwellinghouses to the north of the site are separated from the site by an access track and a large boundary of conifer trees. The dwelling houses on the opposite side of Butts Green Road are set back and physically separated from the application site by Butts Green Road itself.

16. Due to the distances between the development and the neighbouring properties, the proposal would not harm the amenity of neighbours in terms of being overbearing or causing overlooking or overshadowing.

17. The proposed use is a residential one. This would be compatible with neighbouring residential uses and would not create excessive noise, activity or vehicle movements. Conditions are recommended to ensure that the use remains residential and limited to one pitch.

Highway safety, access and parking

18. The site has an existing hardened vehicular access which is suitable for the proposed use. There are two parking spaces proposed which complies with the adopted Essex Parking Standards. Additionally, Essex County Council as the Local Highway Authority are satisfied that the impact of the proposal is acceptable.

Flood risk

19. The site lies within flood zone 1 which has the lowest probability of river or sea flooding. Parts of the site contain areas of medium and low risk of surface water flooding. Areas of medium risk are at the very rear of the site and around the access point with Butts Green Road. The areas of low risk are also around these locations, as well as a small area towards the centre of the site where the existing polytunnels are located.

20. Policies S2 (Spatial principles) and DM18 (Flooding/SUDs) of the Local Plan seek to ensure that new development minimises the impact on all types of flooding. For surface water flooding, Policy DM18 requires that surface water run-off is managed so that the run-off rate is no greater or less than the run-off prior to development taking place. Annex 3 of the National Planning Policy Framework classes caravans as 'highly vulnerable' development in Flood Risk terms.

21. The caravan would be sited on an area of low surface water flood risk. There is little risk of surface water flooding over the rest of the site other than an area near to the rear boundary and a small area at the near to the entrance to the site which would not be occupied by caravans.

22. The proposal includes a loose bound permeable area of hardstanding at the rear of the existing hardstanding and also a soakaway at the rear of the site. A condition requiring the approval of a surface water strategy would ensure that the proposal would accord with the relevant flood risk policies. Subject to this, the proposal would not be subject to an unacceptable flood risk nor would it make flood risk worse elsewhere.

Trees, Ecology and Biodiversity Net Gain

23. Strategic Policy S1 (Spatial principles) of the Local Plan requires all new development to preserve or enhance biodiversity.

24. Policy SAN G1 (The rural environment) of the SNP also requires a development to enhance and protect the biodiversity and ecology of the natural environment.

25. Policy DM16 (Ecology and biodiversity) (D) of the Local Plan states that all development proposal should (commensurately) conserve and enhance networks of habitats, species and sites, avoid negative impact on biodiversity (or otherwise mitigate unavoidable impacts/compensate for residual impacts) and deliver a net gain in biodiversity where possible.

26. The applicant has submitted a Preliminary Ecological Report dated 3rd October 2024 and the results of a reptile presence/absence survey dated April to June 2025.

a) Trees and Ecology

27. There are no protected trees on the site. The applicant proposes to plant three new trees on site in accordance with the Local Plan Tree Planting Planning Advice Note.

28. There are no potential roost features for bats in the trees. There is small foraging and commuting habitat, but as it is not a considerable quantity and with suitable surrounding habitat, the impact is likely to be minimal. Lighting may impact the population, therefore a low impact strategy and a bat box is recommended. Both the low impact lighting and bat box could be conditioned.

29. There is low potential for nesting birds, but any removal of vegetation should be undertaken outside of the nesting season unless inspected by an ecologist. A condition could be imposed to ensure this is undertaken.

30. There is no evidence of badgers on site or opportunities for sett creation. The precautionary working methods outlined in the Arbtech Preliminary Ecological Appraisal (PEA) dated 3rd October 2024 would provide sufficient mitigation. This could be ensured by imposing a condition.

31. There are five ponds within 500m of the site. They are not suitably connected to the site to create impact to Greater Crested Newt. However, there is some site suitability and therefore precautionary practices such as staged vegetation clearance, as per the PEA and reptile presence/absence survey which could be conditioned.

32. The front of the site would be left as mixed scrub and part of the rear would be left as bramble scrub. The soft landscaping would be native trees and hedging. The applicant's PEA does not raise any significant concerns regarding potential impact on ecology. The findings of this report are accepted. A number of conditions can ensure the PEA and reptile presence/absence survey recommendations would be followed. Subject to conditions, the development would conserve and enhance networks of habitats, species and sites, and avoid negative impact on biodiversity in accordance with Policy DM16 of the Local Plan.

b) Essex RAMS (Recreational Disturbance Avoidance and Mitigation Strategy)

33. The application site lies within the Blackwater Zone of Influence, within which unmitigated increased recreational pressure is likely to have a significant effect upon the interest features of the Essex Estuaries Special Area of Conservation (SAC), and the Blackwater Estuary Special Protection Area (SPA) and Ramsar site when considered either alone or in-combination with other plans and projects.

34. To mitigate the potential increase in recreation pressure, the applicant has made an upfront financial contribution in accordance with the Essex RAMS Supplementary Planning Document (SPD).

35. With a suitable form of mitigation provided, the proposal accords with the relevant planning policies and statutory requirements.

c) Biodiversity

36. The proposal is subject to the statutory Biodiversity Net Gain regulations (BNG). These require a 10% net gain in biodiversity to be secured and provided.

37. The application is supported by a BNG metric and report. The baseline habitat includes other neutral grassland, mixed scrub, bramble scrub and urban trees. There are ample opportunities within the site to deliver at least a 10% net gain in habitat units.

38. Therefore, with the imposition of planning conditions, the net gain necessary to achieve compliance with statutory and local policy requirements can be achieved.

On site amenity

39. The layout of the site, the provision of the dayroom and refuse store would ensure that an acceptable level of amenity is provided for prospective occupants.

Windfall policy

40. Returning to policy DM3, in view of the above policy considerations the following assessment is made:

In determining all planning applications, only those who meet the PPTS definition of a Gypsy, Traveller or Travelling Showperson will have weight attributed to the need for a site.

The applicant has not provided information to confirm Gypsy or Traveller status, however, a condition can be imposed to ensure use by Gypsy/Travellers who meet the Planning Policy for Traveller Sites (PPTS) definition.

i. the site is not in the Green Belt, unless there are very special circumstances;

Complies – the site is not within the Green Belt

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

Complies – The site is approximately 1km north of a bus stop which has regular buses to Chelmsford, Witham and Southend, providing access to a range of facilities and amenities. Although the road is a country lane with no footway or lighting, it is wide, and approximately 240m south of the site there is a diversion along PROW footpath Sandon 10, which takes you off the carriageway and almost directly to the bus stops. Additionally, there is convenient access to the A12 and Park and Ride. Within the vicinity there is a garden centre with a café and a livery. Taking the above into account, the site is not considered to be so unsustainable that it fails to comply with this criteria.

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

Complies – The site is of a sufficient size to accommodate the proposed facilities.

iv. there is no significant adverse impact on the intrinsic character and beauty of the countryside;

Complies – As set out above, the proposal would not result in significant adverse impact on the intrinsic character and beauty of the countryside.

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

Complies.

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

Complies.

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

Complies.

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

Complies.

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

Complies (with the imposition of planning conditions) – there is sufficient space on-site for a bespoke solution to water supply should such be necessary and foul drainage would be by package treatment plant and soakaway.

In view of the above, the proposal complies with Policy DM3.

Plan-led outcome

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

42. The proposal complies with the policies of the adopted Local Plan. The plan-led outcome, in accordance with Section 38(6) is a grant of planning permission. It is also, however, necessary to consider any other material considerations in the overall balance.

Other material considerations

43. The National Planning Policy Framework (NPPF; 2024) is a material consideration. Paragraph 11 (d), states that where the most important policies for determining the application are out-of-date, planning permission should be granted unless: the application of policies in the framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

44. National policy is published within the 'Planning Policy for Traveller Sites' (PPTS) of December 2024. At paragraph 9, the PPTS says that local planning authorities should set pitch targets for Travellers as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area.

45. At the time of the preparation of the adopted Local Plan (2013-2036), the Gypsy, Traveler and Travelling Showpeople Accommodation Assessment Need Summary Report (GTAA 2017) identified (by extrapolation) a need of nine pitches by 2036. This need was incorporated into the Local Plan in Strategic Policy S6 which sets out the housing requirements for the district. Accordingly, Strategic Policy S7 allocated land for nine pitches to be delivered at Drakes Lane. Since the adoption of the Local Plan, nine gypsy/traveller pitches have been delivered on the Drakes Lane site, meeting the needs identified in the GTAA 2017 in full.

46. In September 2024, a new gypsy and traveller accommodation assessment ('GTAA 2024') was published, forming part of the evidence base for the ongoing local plan review. The GTAA 2024 identifies an unmet need for households who meet the definition of a gypsy/traveller (as per Annex 1 of the PPTS). In December 2024, the PPTS Annex 1 definition was updated. As such, the need reported in the September 2024 GTAA is adjusted to reflect the revised definition in Annex 1 of the PPTS December 2024. For the overall plan period of 2023-2042, the need for those that meet the Annex 1 definition, is 44 pitches. For the initial five-year period (2023-2037) this is 24 pitches.

47. In April 2024, a new gypsy/traveller delivery trajectory was published for the period 2013 - 2026. The 2024 trajectory does not forecast any delivery beyond 2023/24.

48. The Council are reviewing the adopted Local Plan. Consultation on the Chelmsford Local Plan: Pre-Submission (Regulation 19) Document ('The CLP Reg. 19') closed on Tuesday 18 March 2025.

49. Strategic Policy S6 of The CLP Reg. 19 allocates sites for 30 pitches within major development schemes. Policy S7 (The Spatial Strategy) again states that windfall sites, such as that subject of this application, are further expected to be a reliable source of housing supply during the plan period.

50. Notwithstanding the provisions of the Reg 19 CLP, it remains the case at present that the Council is unable to demonstrate an adequate supply of sites to meet identified needs for gypsy/traveller pitches.

51. Paragraph 28 of the PPTS engages where applicable the provisions of paragraph 11 (d) of the NPPF to proposals for Gypsy/Traveller sites. In this case, as the Council is unable to demonstrate an up-to-date five-year supply of deliverable sites, the provisions of paragraph 11 (d), known as the 'tilted balance', are engaged.

52. Further to the Local Plan assessment, additional considerations carrying weight within the context of the NPPF – which in turn extends to the PPTS – includes the very minor economic benefit of employment opportunities during construction, the moderate benefit of supporting the G/T way of life, and the moderate improvement to the Council's 5-year land supply position.

53. Paragraph 8 of the NPPF, which forms a material consideration in the determination of this application, sets out three constituent elements of sustainable development: an economic objective, a social objective, and an environmental objective. These are considered in turn below:

54. Economic objective: the proposal would add a residential use into the local area and would therefore bring a minor increase in spending to the local community. There would also be a very minor economic benefit of employment opportunities during construction. The economic impact carries minor positive weight.

55. Social objective: the proposal would provide for an unmet need for gypsy/traveller sites and would support the gypsy/traveller way of life. The site is approximately 1km north of a bus stop which has regular buses to Chelmsford, Witham and Southend, providing access to a range of facilities and amenities. The social impact of the development, particularly the provision of a G/T pitch in the context of a lack of deliverable sites and the facilitative nature of the G/T way of life, carries moderate weight in favour of the development.

56. Environmental objective: The site is within the Rural Area and would not adversely affect the intrinsic character and beauty of the countryside. With the implementation of the Biodiversity Net Gain Plan, there would be a net gain to biodiversity, as well as new native planting. Taking the above into account there would be a positive environmental impact.

Conclusion

57. Taking into account the above assessment, it is considered that there are no adverse impacts in granting planning permission for this proposal. The scheme complies with the adopted Local Plan policies and there are further material considerations which indicate that planning permission should be granted.

58. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable and in accordance with the adopted Local Plan Policies.

7. Residual matters

1. Concern has been raised that the calculation of the Council's Gypsy and Traveller Accommodation needs in the GTAA was not correct because it did not include private family sites. The GTAA forming part of the adopted plan has been found sound by an Inspector in examining the Local Plan, as well as found to accurately assess needs through many planning appeals. There is no evidence to suggest taking a different approach.
2. The application stands alone from the previous planning conditions imposed on the 1996 approved application for the polytunnels. They were imposed 29 years ago and different planning policies were in place at that time.
3. Assessing the site for agricultural need is not a requirement given the scale and shape of the application site.
4. The setting of a precedent is not a material consideration in this application. All applications are considered on their merits.
5. The application site is over 2.5km south of National Cycle Route 1. The proposal would not impact this route.

8. Community Infrastructure Levy (CIL)

1. This application may be CIL liable and there may be a CIL charge payable

9. 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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason:

Planning permission has only been granted on the basis that it will meet an identified need for Gypsy and Traveller accommodation in accordance with Policy DM3 of the Chelmsford Local Plan.

Condition 4

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There shall be no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 as amended, or in any statutory modification or re-enactment thereof) (of which no more than one shall be a static caravan or mobile home) sited on the land at any one time.

Reason:

To mitigate impacts on the character and appearance of the area and to safeguard the living environment for occupants in accordance with Policies S1, DM3 and DM23 of the Chelmsford Local Plan.

Condition 5

There shall be no residential occupation of the development hereby permitted until such time as an essential services strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the following:

- i. means of supplying potable water to the permitted caravans and day room;
- ii. means of disposing of foul water from the permitted caravan and day room.

In the event that the strategy does not include on-site solutions (e.g. a package treatment plant), detailed justification shall be provided as to why, and a sustainable point of connection to the public foul network shall be identified.

Thereafter, there shall be no occupation of the development hereby permitted until such time as the approved strategy has been implemented in full in accordance with the approved details.

Reason: to prevent pollution and ensure that the site is supplied by adequate and sustainable services in accordance with Policies S1, S4, S9, S10, DM3, and DM16.

Condition 6

There shall be no residential occupation of the development hereby permitted until such time as a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, details of the following:

- i. a drainage plan highlighting final conveyance and exceedance routes;
- ii. location and sizing of surface water storage features;
- iii. discharge/infiltration rates;
- iv. outfalls from the site;
- v. rainwater harvesting features.

Thereafter, there shall be no occupation of the development hereby permitted until such time as the approved scheme has been implemented in full in accordance with the approved details.

Reason:

To ensure that surface water run-off is adequately addressed in accordance with Policies S1, S2, and DM18 of the Chelmsford Local Plan.

Condition 7

No trees or hedges within the site shall be felled, uprooted, damaged, disturbed, or removed for a period of 5 years beginning on the date of this decision.

If any such tree is removed, uprooted, or destroyed, or otherwise dies within a period of 5 years beginning on the date of this decision, another tree shall be planted within the next available planting season. The location, size, and species of replacement planting shall be as agreed in writing by the Local Planning Authority.

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Reason:

To safeguard the existing trees which are of amenity and ecological value and which add character to the development in accordance with Policies S4, DM3, DM16, and DM23 of the Chelmsford Local Plan.

Condition 8

There shall be no residential occupation of the development hereby permitted until such time as the recommendations set out in the approved Preliminary Ecological Appraisal (20 December 2024) have been implemented in full. All recommended enhancement features shall thereafter be retained.

All recommended precautionary measures shall be strictly adhered to during the construction of the development hereby permitted.

Reason:

To safeguard protected and priority species and habitats and compensate for impacts already occasioned in accordance with Policies S4 and DM16 of the Chelmsford Local Plan.

Condition 9

No external lighting shall be installed at the site until such time as a sensitive lighting strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify areas/features on the site that are sensitive to protected and priority species and that are likely to cause disturbance in or around their breeding sites and resting places or along important territory routes used to access key areas of their territory, for example, foraging; and
- b) show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent the above species using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without the prior written consent from the Local Planning Authority.

Reason:

To ensure there is no disturbance or harm caused to protected or priority species, and to mitigate visual impacts in accordance with Policies S4, S11, DM3, DM6, DM10, DM16, and DM23 of the Chelmsford Local Plan.

Condition 10

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.

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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 11

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:

- o details setting out how the onsite or off-site gains will be managed;
- o Details of the persons responsible for the implementation, management and monitoring;
- o details of how habitats will be monitored (including specific details for each type of habitat);
- o details, including a schedule, of monitoring reports to be submitted to the local planning authority over at least a 30 year period;
- o details of how management will be reviewed;
- o 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 12

Prior to their use, details of the materials to be used in the construction of the day room and refuse store hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure that the development is visually acceptable in accordance with Policies DM3 and DM23 of the Chelmsford Local Plan.

Condition 13

There shall be no residential occupation of the development hereby permitted until such time as a site development scheme has been submitted to and approved in writing by the Local Planning Authority. The site development scheme shall include details of the following:

- i. details of the proposed treatment of all boundaries, including gates, fences, walls, railings or piers;
- ii. hard surfacing including pathways and driveways and other hard landscape features;
- iii. planting plans for proposed and replacement hedgerows, trees, and other vegetation including specifications of species, sizes, planting centres, number, and percentage mix;
- iv. details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife, including all recommended enhancements set out in the approved Preliminary Ecological Appraisal (20 December 2024);
- v. management details and a five-year maintenance plan.

Planting plans shall include native species only and shall propose a replacement hedgerow along the frontage of the site.

Thereafter, there shall be no residential occupation of the development hereby permitted until such time as parts i), and ii) of the approved site development scheme has been implemented in full in accordance with the details approved. The remainder of the approved site development scheme shall have been

implemented in full in accordance with the details approved by the end of the first available planting season follow their approval.

Reason:

To add character to the development, to integrate the development into the area, to promote biodiversity, and to provide a satisfactory living environment for occupants in accordance with Policies S1, S4, S11, DM3, DM16, and DM23 of the Chelmsford Local Plan.

Condition 14

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) no wall, gate or other means of enclosure other than hereby approved shall be constructed within or along the boundaries of the site without the written consent of the local planning authority.

Reason:

To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

Condition 15

No vehicles over 3.5 tonnes shall be stored or parked on the site, and no commercial activities shall take place on the land, including the storage of materials, plant, and/or waste.

Reason:

To ensure the proposed development does not detract from the character and appearance of the area or harm nearby residential amenity in accordance with Policies S1, DM3, DM23, and DM29 of the Chelmsford Local Plan.

Positive and Proactive Statement

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

Plans to be listed on any Decision Notice:

24_1329-007/P01

24_1329-006/P01

24_1329-001/P01

24_1329-002/P02

24_1329-003/P02

Appendix 2 – Consultations

Public Health & Protection Services

Comments
05.08.2025 - No PH&PS comments.

Sandon Parish Council

Comments
29.09.2025 - Sandon Parish Council strongly objects to this application and supports the letter from the consultant. The application does not make clear for what use the whole plot would be used for and does not meet ALL the criteria required by policy DM3 part A. This application is not for a specific family or and lifestyle, see para 26 of ppts. Policies must be supported by sustainable transport...there is none nearby. The required access splay is non-existent and would take up a lot of the plot. Entry onto a 60mph road needs good visibility. The BNG metric needs to be completed. So, in conclusion for a FUL application more details are required as on the basis shown approval should not be given. After three village meetings local parishioners suggest that this site is unsuitable and should be refused.

Essex County Council Highways

Comments
18.08.2025 - ' The site has: o Existing Agricultural planning use: o Retains existing 2no. parking spaces for the proposed use. o Existing and satisfactory gated and hardened vehicular access suitable for the proposed use; From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions: 1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of

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the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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

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

3. Prior to first occupation of the proposed development, the 2no. vehicle parking space area shall be appropriately hard surfaced, constructed ready for use laid out in accordance with the Parking Standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

4. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

Note

It is strongly suggested that the foliage overgrowth to each side of the vehicular access is cut down/faced back to re-provide inter-visibility between users of the access and the public highway in the interests of highway safety.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and NPPF 2024.

Informatives:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Recycling & Waste Collection Services

Comments
No response received

Police - Designing Out Crime

Comments
No response received

Essex County Fire & Rescue Service

Comments
18.11.2025 - The application has been considered and I draw your attention to the following comments: Access Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

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Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. Your attention is drawn to ADB B5, Volume 1, Section 13.

It must be noted that any new roads or surfaces being developed are compliant with the table below, it is not currently confirmed whether the newly built road or parking area can withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

For the provision of Fire Service Access Approved Documents B, B5 compliance is required. Also, when referring to ADB V1 Table 13.1, please refer to note 1, (Referring to not all fire appliances are standardised). More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Building Regulations

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.

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".

Approved Inspectors will consult with the Authority in accordance with The Building (Registered Building Control Approvers etc.) (England) Regs 2024.

Water Supplies

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.

Sprinkler Systems

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 & 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.

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 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 Gypsy Traveller Services Manager

Comments

No response received

Essex County Council (SUDS)

Comments

13.11.2025 -

Having reviewed the information that has been provided, it is considered that the application is a minor change of use development (0.37 ha). However, whilst we do not wish to provide formal comment on this application, we recommend that any new areas of hardstanding (including the car parking areas) are of permeable construction. The incorporation of permeable paving would also provide a level of treatment for

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the runoff from any roofs or parking areas. Water butts are also recommended to capture rainwater which could be re-used to water the landscaped areas.

As foul water is outside of our typical remit, we would recommend that the Environment Agency is consulted on the proposed method of disposal of the foul water and that any necessary permits/consents are obtained. As the western site boundary has an existing flow route, it would be advised to position any drainage infrastructure outside of the existing surface water flow path.



Line/Hatch Key

- Red Line Boundary
- Existing buildings/structures
- Existing Hardstanding
- Bramble Scrub
- Post & Rail Timber Fence
- Existing Gate
- Existing Tree (Indicative)
- Existing Boundary Tree/Hedge Planting
- Mixed Scrub

P02	Initial Transmittal	P02	EG	09/09/2025
P01	Initial Transmittal	P01	EG	08/07/2025
Issue ID	Issue Name	Current Revision	Initials	Date

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Client
Gilbert Anderson

Project
24_1329 The Old Nursery - Land Use
The Old Nursery,
Butts Green Road,
Sandon,
Chelmsford,
CM2 7RN

Drawing Title Existing Site and Block Plan		
Scale @A2 1:500	Date 09/09/2025	Drawn EG
Case No 24_1329		Status Initial Status
DRAWING No 24_1329-002		Rev P02

ISO 19650 No:
24_1329-GPS-ZZ-GF-DR-A-002

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Existing Site Plan

1:500



Line/Hatch Key

- Red Line Boundary
- Existing buildings/structures
- Existing Hardstanding
- Bramble Scrub
- Post & Rail Timber Fence
- Proposed loose bound permeable hardstanding
- Proposed native hedge & tree planting
- Proposed Refuse Store
- Proposed Package Treatment Plant
- Existing Gate
- Existing Tree (Indicative)
- Existing Boundary Tree/ Hedge Planting (Canopy)
- Mixed Scrub
- Proposed Dayroom
- Proposed Native Tree
- Proposed Mobile Home
- Proposed Touring Caravan
- Proposed Soakaway

P02	Initial Transmittal	P02	EG	09/09/2025
P01	Initial Transmittal	P01	EG	08/07/2025
Issue ID	Issue Name	Current Revision	Initials	Date

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Client
Gilbert Anderson

Project
24_1329 The Old Nursery - Land Use
The Old Nursery,
Butts Green Road,
Sandon,
Chelmsford,
CM2 7RN

Drawing Title Proposed Site Plan		
Scale @A2 1:500	Date 09/09/2025	Drawn EG
Case No 24_1329		Status Initial Status
DRAWING No 24_1329-003		Rev P02

ISO 19650 No:
24_1329-GPS-ZZ-GF-DR-A-003

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Proposed Site Plan

1:500



Planning Committee
9th December 2025

Application No	:	24/00775/S73 Section 73
Location	:	10 Moulsham Chase Chelmsford Essex CM2 0TB
Proposal	:	Variation of condition 2 to approved application 24/00775/FUL (Outbuilding for office, games room and garden storage) Increase height and addition of solar panels
Applicant	:	Goldman
Agent	:	Mr Isaak Jackson
Date Valid	:	10th October 2025

Contents

1. Executive summary	2
2. Description of site	2
3. Details of the proposal	2
4. Other relevant applications	3
5. Summary of consultations	3
6. Planning considerations	3
7. Community Infrastructure Levy (CIL)	5

Appendices:

Appendix 1	Drawings
Appendix 2	Consultations

1. Executive summary

- 1.1. The application has been referred to the Planning Committee because the applicant is a Chelmsford City Councillor and representations have been received on the application.
- 1.2. The proposal seeks retrospective planning permission to vary Condition 2 attached to planning permission reference 24/00775/FUL which relates to a detached outbuilding that has been built taller than originally approved.
- 1.3. The enlarged outbuilding would retain a design, form and appearance that would remain in character with the local area and other similar outbuildings in the locality. The enlarged outbuilding would not, by virtue of its size or siting, adversely affect the residential amenity of any neighbouring properties.
- 1.4. The application is recommended for approval.

2. Description of site

- 2.1. The application property is a recently constructed two storey detached house located on the eastern side of Moulsham Chase. It is set back from the road and served by a front garden and an area of hardstanding.
- 2.2. The property is situated in a predominantly residential area which consists of dwellings with a mix of sizes, styles and ages. Many houses have been enlarged and benefit from ancillary outbuildings located within their garden spaces.
- 2.3. The boundary of the site is marked by 1.8m tall close boarded timber fencing. The rear boundary adjoins the western side boundary of No. 2 Fraser Close. The northern side garden boundary adjoins the rear garden boundary of No 9 Moulsham Chase.
- 2.4. Dwellings along the eastern side of Moulsham Chase and along Fraser Close generally benefit from large gardens.
- 2.5. The property lies within the Urban Area of Chelmsford where development is acceptable in principle.

3. Details of the proposal

- 3.1. Planning application 24/00775/FUL granted planning permission for the construction of a single storey outbuilding for use as an office, games room and garden storage located at the end of the garden.
- 3.2. The outbuilding permitted had a height of 2.5m with a flat roof. A Non-Material Amendment application was subsequently approved under reference 24/00775/NMAT/1. This permitted a height increase to 2.8m.
- 3.3. This proposal now seeks to vary Condition 2 of the governing planning permission to increase the height of the roof of the outbuilding to 3.1m, as well as the addition of solar panels. The outbuilding has been constructed at this greater height and solar panels have been installed.

3.4. No other changes have been made or are proposed. The footprint of the outbuilding is unchanged.

4. Other relevant applications

- 4.1. The main application for the outbuilding was approved under 24/00775/FUL on the 12th July 2025.
- 4.2. An application for the replacement of the dwelling was approved 23rd July 2025 under reference 24/00774/FUL.
- 4.3. The non-material amendment application 24/00775/NMAT/1 to increase the height of the outbuilding from 2.5m to 2.8m was approved on the 4th April 2025.

5. Summary of consultations

5.1. Consultees:

Public Health & Protection Services – No Public Health comments with regard to this application.

5.2. Local Residents:

Three comments have been received from local residents raising the following issues:

- The building is tall and unsightly.
- Proximity of the building to the rear boundary fence.
- Overbearing.
- Loss of light.
- Devaluation of properties.
- Location of building on a shared waste drain.
- Loss of privacy.

6. Planning considerations

Main Issues

- 6.1. The principle of a flat roofed outbuilding at the end of the garden has been previously accepted. The main issues for consideration with this application is the impact of the development on neighbour amenity.
- 6.2. Policy DM29 of the 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.
- 6.3. Relationship with No 2 Fraser Close
- 6.4. The building is located to the south west of the rear elevation and patio of No. 2 Fraser Close. The neighbours garage is positioned closest to the outbuilding. This orientation would not lead to any

reduction in the reception of natural light during the morning or the middle of the day, where the amount of light is at its peak.

- 6.5. Some minor reduction of light would be experienced during the afternoon, though this is already when levels of light are diminishing and would not lead to a level of harm that would warrant a refusal of planning permission.
- 6.6. The outbuilding has a width of 9.8m and is located 0.5m away from the shared boundary with No. 2 Fraser Close. The top part of the outbuilding is visible above the neighbour's fence and as such it does have a visible presence in views from the patio and rear facing windows of No. 2 Fraser Close.
- 6.7. Despite its visibility above the fence line, the outbuilding would only occupy peripheral views within the context of No. 2 Fraser Close's garden. This is because this neighbour has a large garden that extends beyond the width of the outbuilding towards the south, and views rearwards down the garden would be largely unobstructed by the outbuilding.
- 6.8. The nearest habitable room of No. 2 to the outbuilding is the kitchen, which is approximately 5.6m away. Views from this room are directed rearward down the garden and due to the separation between this room and the outbuilding, it would only be visible in peripheral views.
- 6.9. The screening provided by the boundary fence provides some softening of the outbuilding and there is ample space within the garden of No. 2 Fraser Close that can be enjoyed that is unaffected by the development. This provides sufficient escapism from the proximity of the outbuilding.
- 6.10. There are no new windows within the rear facing elevation of the outbuilding facing No 2 Fraser Close and the neighbour's garden would not be overlooked by the development.
- 6.11. Relationship with No 9 Moulsham Chase
- 6.12. The narrow end of the outbuilding sits adjacent the bottom corner of No. 9's rear garden and does not extend across the rear facing elevation of this neighbour. The fencing along the shared boundary provides some screening. The outbuilding is clearly visible from this neighbouring garden and property but is not so overbearing or dominating to result in a harmful relationship.
- 6.13. The development would not lead to harmful levels of overbearing, overlooking or loss of light that would justify a refusal of planning permission.
- 6.14. The proposal would have a satisfactory relationship with all neighbouring properties and complies with the requirements of Policy DM29 of the Chelmsford Local Plan.

Other matters

- 6.15. Concern that has been raised regarding the construction of the building on a shared waste water drain. However, this is not a planning matter and is a building control matter. It cannot be considered against the merits of the application.
- 6.16. Concern has been raised that a clear glazed side facing window located within the northern side elevation of the main dwelling has led to a loss of privacy of some neighbouring houses. The application does not relate to the main dwelling and this is not a matter relevant to this planning application.

7. Community Infrastructure Levy (CIL)

7.1. This application is not CIL liable.

8. Biodiversity Net Gain

8.1. This application is exempt due to its nature as a Section 73 planning application.

RECOMMENDATION

The Application be APPROVED.

Notes to Applicant

- 1 Many planning permissions are required by The Environment Act 2021 to provide Biodiversity Net Gain (BNG) and are subject to a statutory condition that requires a Final BNG plan to be submitted and approved by the local planning authority before work commences.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions apply.

Positive and Proactive Statement

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

Plans to be listed on any Decision Notice:

0318 050/P3
0318 110/P4
0318 113/P4
0318 210/P7
0318 211/P5

Appendix 2 – Consultations**Public Health & Protection Services**

Comments
16.10.2025 - No PH&PS comments with regard to this application

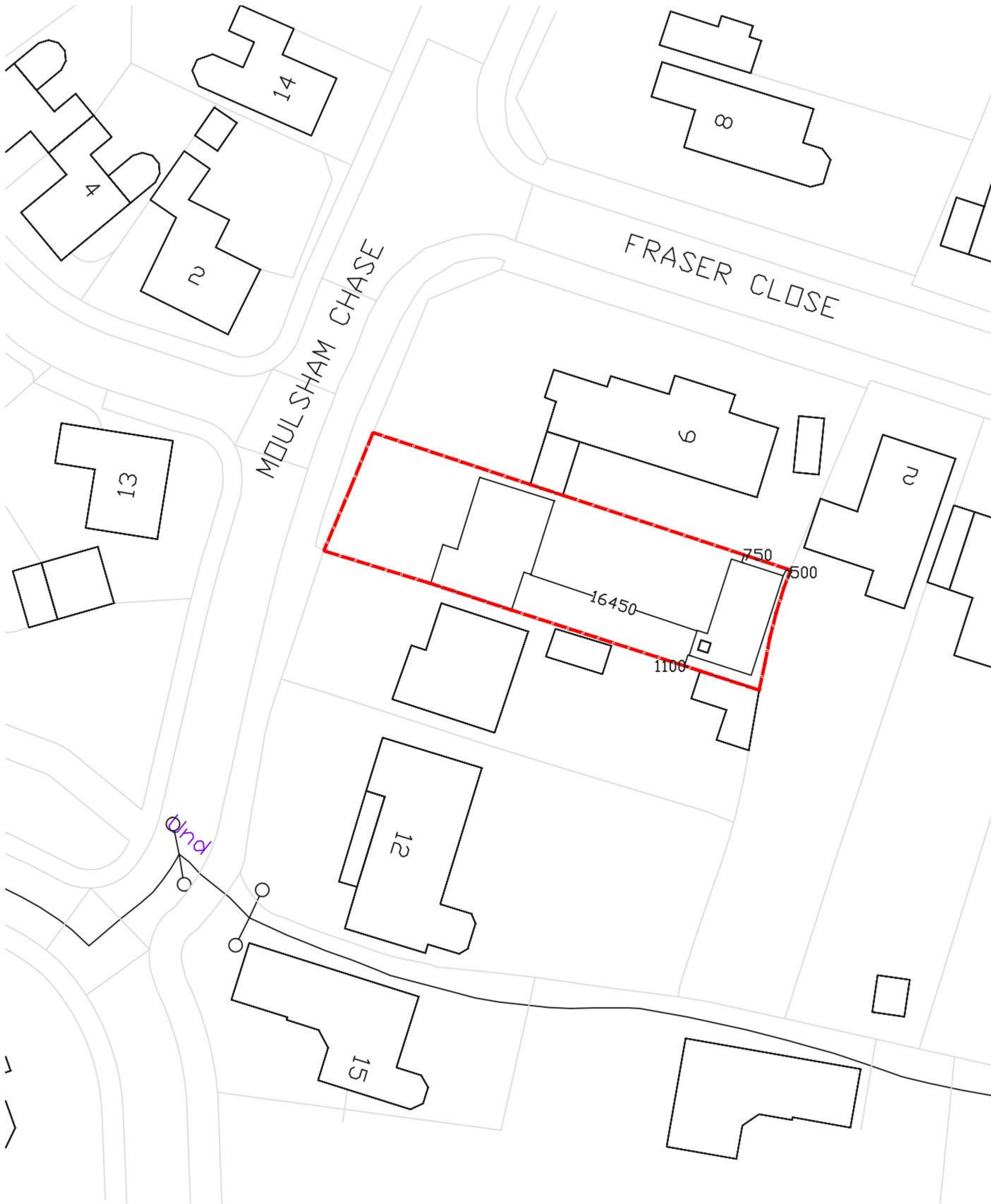
Local Residents

Comments
<p>Representations received – 3 comments have been received by local residents. A summary of these comments follows:</p> <ul style="list-style-type: none">• The building is too tall and unsightly. Too high above back fence• Too large a building to be an office and store• Proximity of the building to the rear boundary fence.• Overbearing.• Loss of light.• Devaluation of properties.• Location of building on a shared waste drain.• Loss of privacy.• First floor window within the side elevation of the main house causes overlooking.• Reconstruction of dwelling was unnecessary.• Whole building not in keeping with surrounding homes



EXISTING LOCATION PLAN

1:1250 0 10 20 30 40 50 m



PROPOSED SITE PLAN

1:500 0 2 4 6 8 10 20 m



PLANNING

REV	DESCRIPTION	DATE
P3	TC - Openings Update	29.01.24
P2	TC - General Update	10.01.24
P1	First Issue	23.11.23

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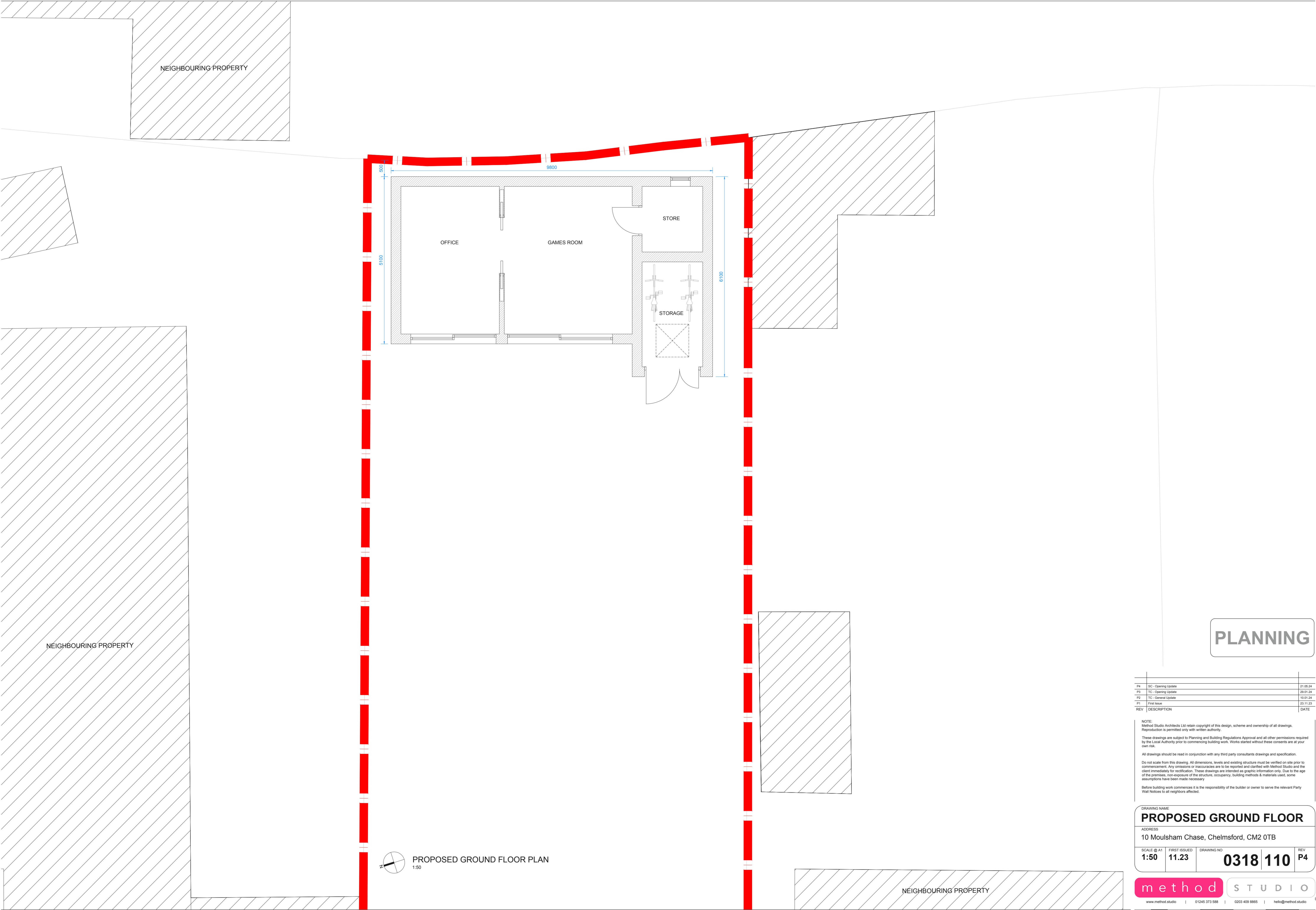
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Before building work commences it is the responsibility of the builder or owner to serve the relevant Party Wall Notices to all neighbors affected.

DRAWING NAME			
SITE LOCATION PLAN			
ADDRESS			
10 Moulsham Chase, Chelmsford, CM2 0TB			
SCALE @ A3	FIRST ISSUED	DRAWING NO	REV
VAR.	11.23	0318 050	P3

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PLANNING

REV	DESCRIPTION	DATE
P4	SC - Opening Update	21.05.24
P3	TC - Opening Update	26.01.24
P2	TC - General Update	10.01.24
P1	First Issue	23.11.23

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Before building work commences it is the responsibility of the builder or owner to serve the relevant Party Wall Notices to all neighbors affected.

DRAWING NAME

PROPOSED GROUND FLOOR

ADDRESS

10 Moulsham Chase, Chelmsford, CM2 0TB

SCALE @ A1

1:50

FIRST ISSUED

11.23

DRAWING NO

0318 110

REV

P4

method

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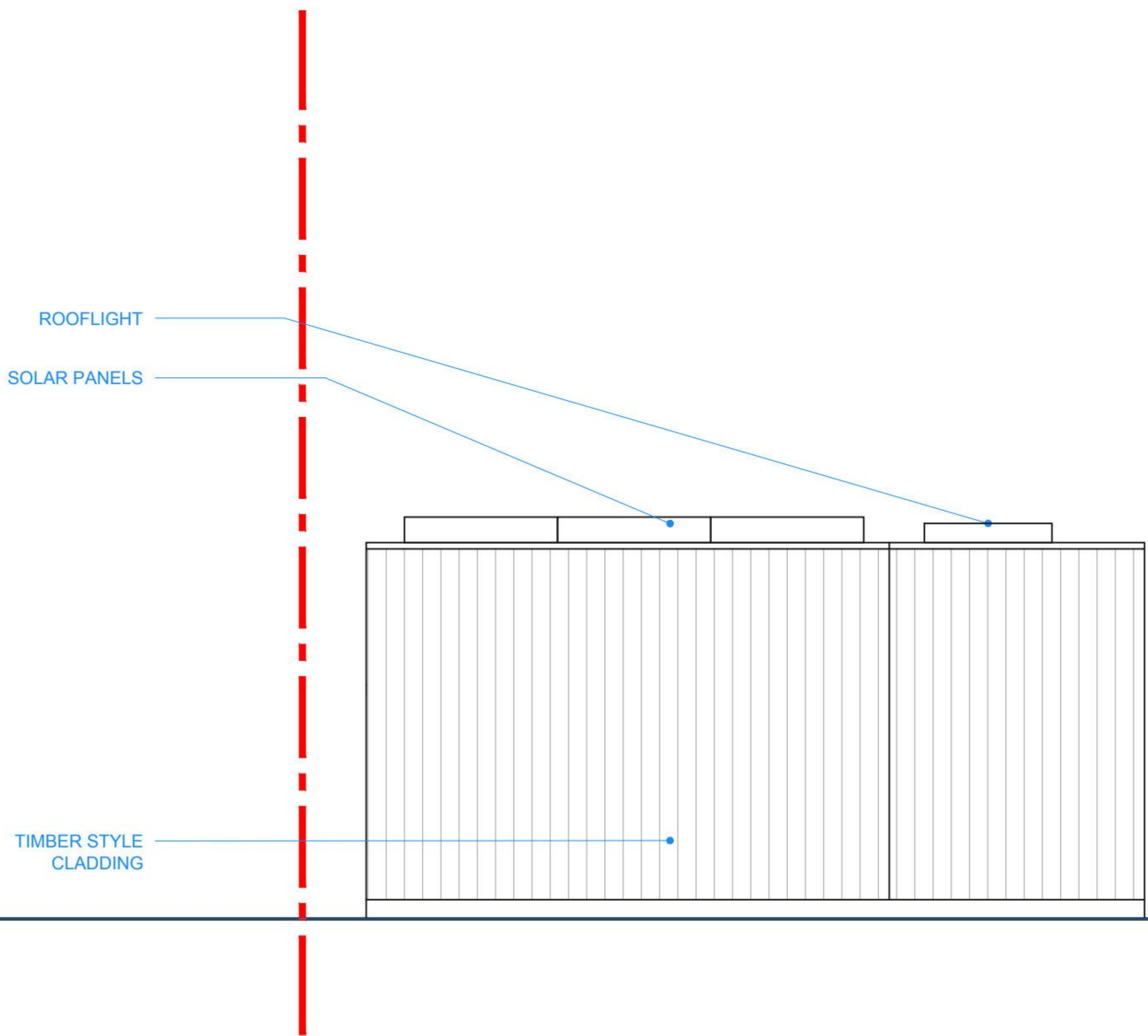
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01245 373 588

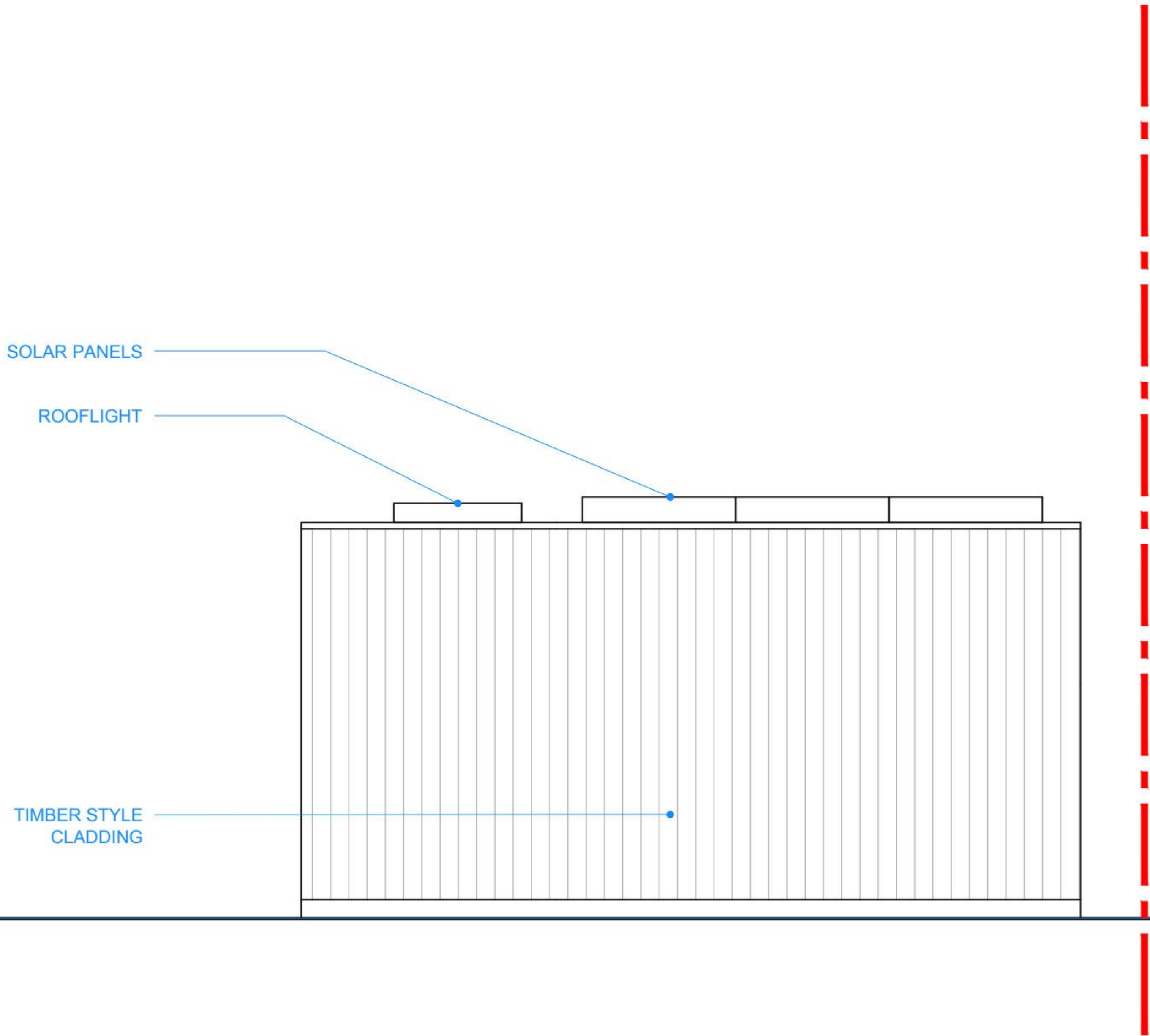
0203 409 8865

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PROPOSED LEFT ELEVATION
1:50



PROPOSED RIGHT ELEVATION
1:50

PLANNING

PS	U - Solar Panels added	29.09.25
P4	U - Height change	14.03.25
PS	TC - Covering Update	26.07.24
P2	TC - General Update	10.01.24
P1	First Issue	17.11.23
REV	DESCRIPTION	DATE

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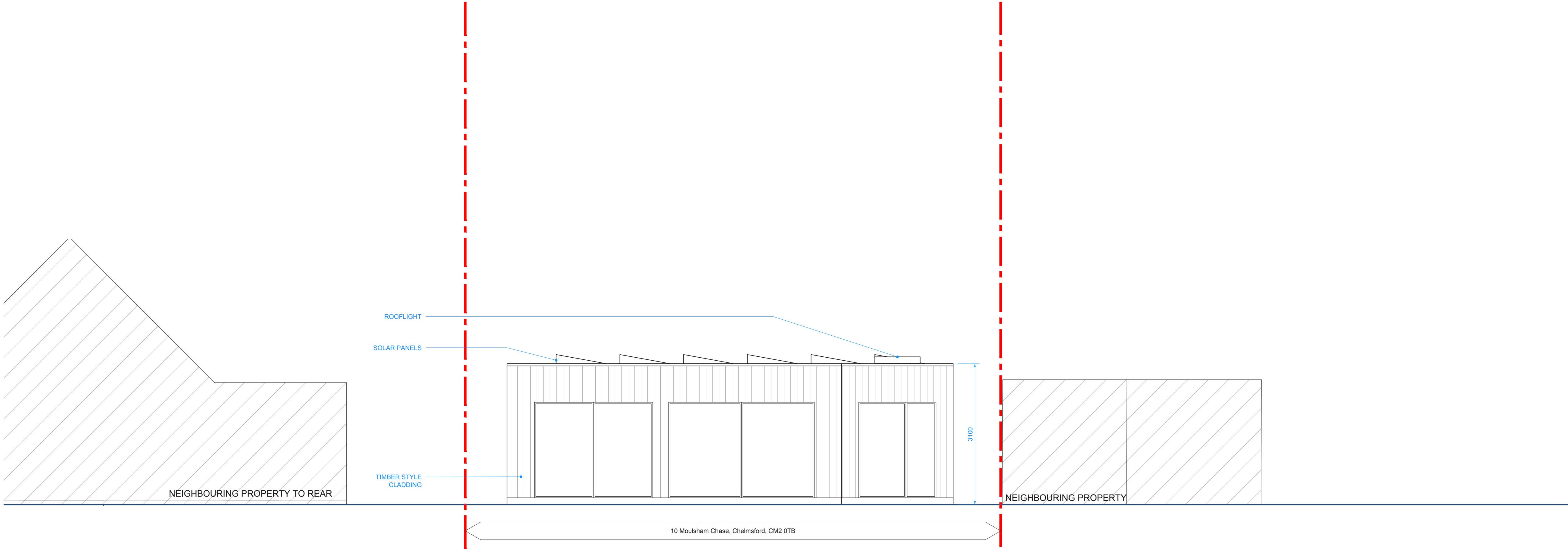
Before building work commences it is the responsibility of the builder or owner to serve the relevant Party Wall Notices to all neighbors affected.

DRAWING NAME: PROPOSED LEFT AND RIGHT ELEVATIONS			
ADDRESS 10 Moulsham Chase, Chelmsford, CM2 0TB			
SCALE @ A1 1:50	FIRST ISSUED 11.23	DRAWING NO 0318 211	REV P5

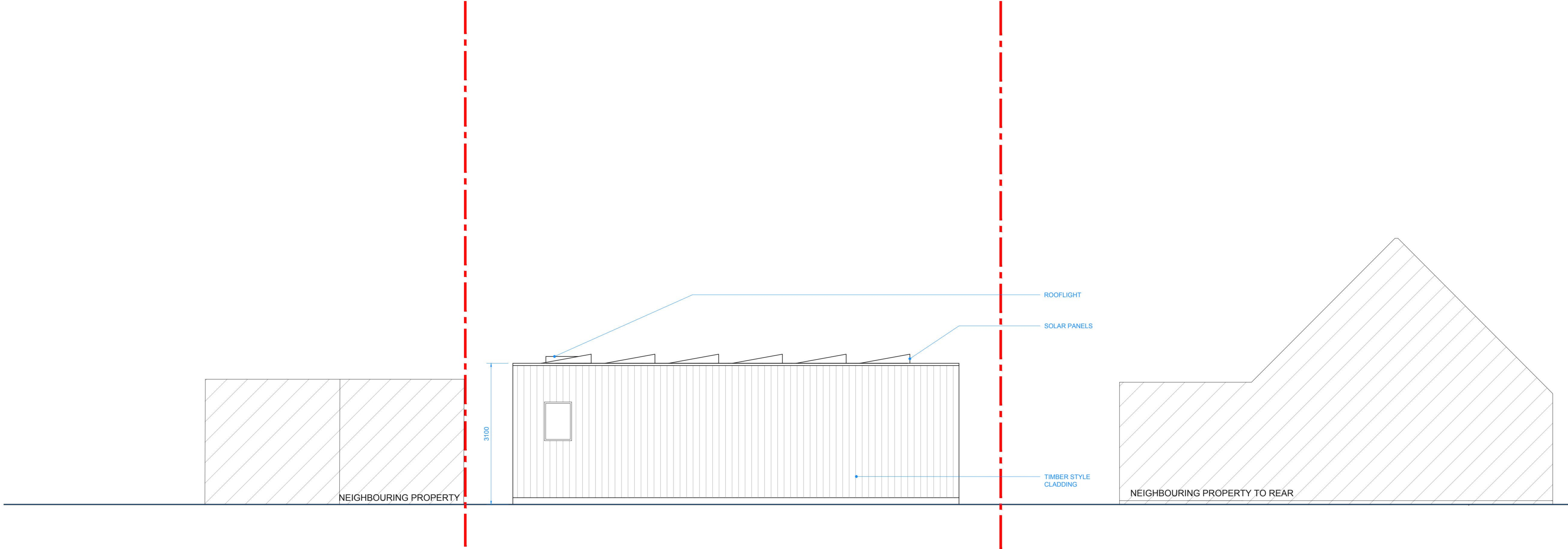
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PROPOSED FRONT ELEVATION
1:50



PROPOSED REAR ELEVATION
1:50

PLANNING

P7	U - Solar Panels added	26.09.25
P6	U - Height change	14.03.25
P5	SC - Opening Update	21.05.24
P4	TC - General Update	06.02.24
P3	TC - Opening Update	29.01.24
P2	TC - General Update	10.01.24
REV	DESCRIPTION	DATE

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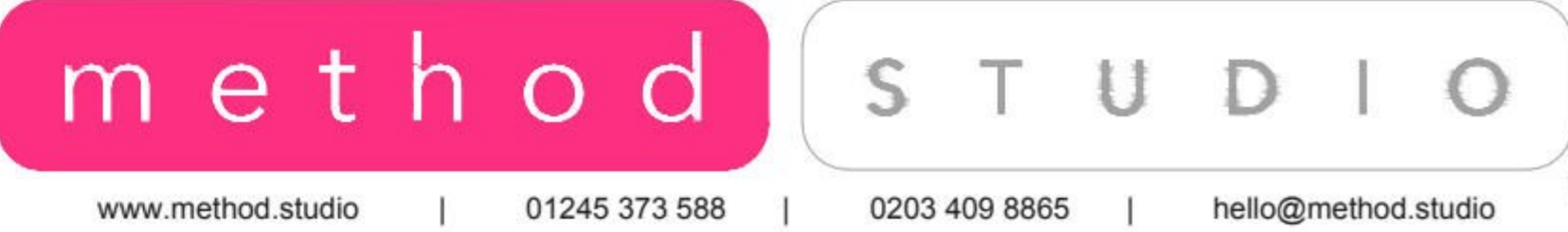
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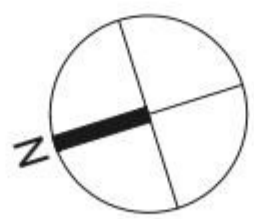
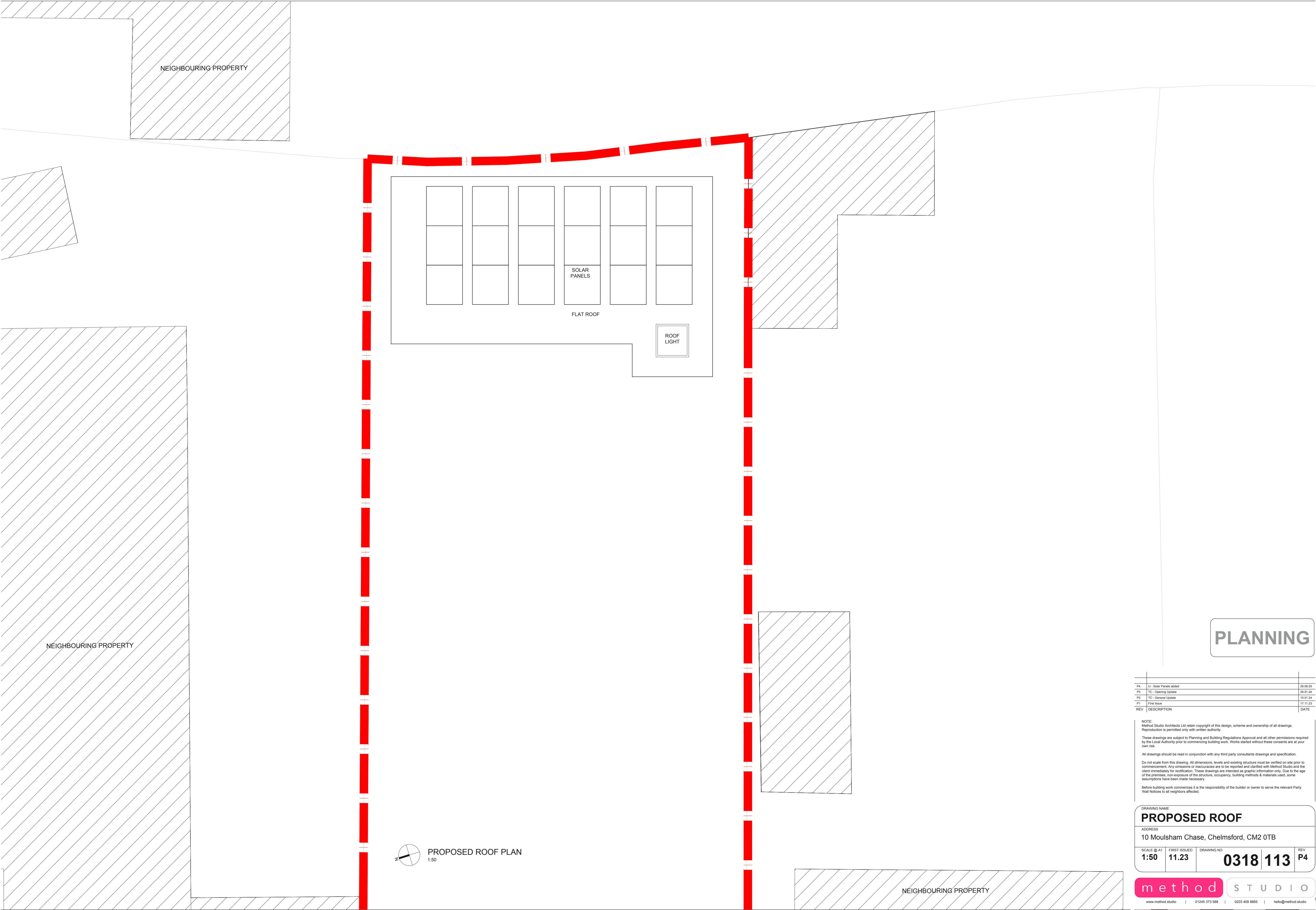
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Before building work commences it is the responsibility of the builder or owner to serve the relevant Party Wall Notices to all neighbors affected.

DRAWING NAME: PROPOSED FRONT AND REAR ELEVATIONS			
ADDRESS: 10 Moulsham Chase, Chelmsford, CM2 0TB			
SCALE @ A1 1:50	FIRST ISSUED 11.23	DRAWING NO 0318 210	REV P7



1:50 0 0.5 1 2 3 4 5 m



PROPOSED ROOF PLAN
1:50

PLANNING

REV	DESCRIPTION	DATE
P4	U - Solar Panels added	29/09/25
P3	TC - Covering Update	26/07/24
P2	TC - General Update	10/01/24
P1	First Issue	17/11/23

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DRAWING NAME

PROPOSED ROOF

ADDRESS

10 Moulsham Chase, Chelmsford, CM2 0TB

SCALE @ A1

1:50

FIRST ISSUED

11.23

DRAWING NO

0318 113

REV

P4

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Appeals Report

Appeal Decisions received between 23/10/2025 and 24/11/2025

PLANNING APPEALS

Total Appeal Decisions Received	9	
Dismissed	4	44%
Allowed	5	56%
Split	0	0%

Written Reps

Oak Cottages Chalk Street Rettendon Chelmsford Essex

Reference	23/00820/CLOPUD
Proposal	Outbuilding with swimming pool, gym and bar.
Appeal Decision	Appeal Allowed - 20/11/2025
Key Themes	Definition of curtilage
Agreed with CCC on	
Disagreed with CCC on	definition of curtilage
Costs Decision	None

Land South West Of Brooklands Sheepcotes Lane Little Waltham Chelmsford Essex

Reference	24/01373/FUL
Proposal	Demolition of domestic storage building and replacement with single residential dwelling including bin store.
Appeal Decision	Appeal Allowed - 27/10/2025
Key Themes	Rural AreaGreen Wedge
Agreed with CCC on	Transitional strip between distinctly urban form of Great Waltham and the bucolic hinterland within which it liesPreviously developed landBuilding volume would be enlarged significantlyThe presence of a permanent, separate household within the site would be likely to lead to the introduction of more domestic paraphernalia than at present
Disagreed with CCC on	The presence of dwellings backing onto the lane undermines the ruralitySite well enclosed and contribution to wider area is limited by thisDwelling would retain, to a very great extent, its current appearance from the laneNot appear incongruous in its settingTreatment and structures to front could be controlled through conditionsMinimal change from parked carsAny residual visual effects would be very limited the proposal accords with the aims of Policies DM7 and DM8 of the Local Plan
Costs Decision	None

Land Adjacent Fairbanks School Lane Great Leighs Chelmsford Essex

Reference	24/01787/FUL
Proposal	Demolition of outbuildings and proposed construction of one new detached dwelling (Use Class C3), with retention of access, provision of driveway and parking, a shed, landscaping and associated works.
Appeal Decision	Appeal Allowed - 20/11/2025

Key Themes	Suitable locationCharacter and appearance of the Rural AreaEuropean designated site impact
Agreed with CCC on	Outside settlement boundaryAgreed conflict with aims of Policy S7 as seeks to focus development to locations set out in settlement hierarchyAgreed that with the funding for the proposed mitigation measures, the proposal would not have an adverse effect on the SPA and Ramsar sites.
Disagreed with CCC on	Great Leighs walkable, as only a short stretch would rely on grass vergesLocation of Strategic Growth Site with pedestrian and cycle access weighs in favour of site being sustainable, although not extant permissionProvides infill development and would not be harmful to character and appearance of the surrounding countrysideAccord with aims of Policies S1, S11 (c), DM8 and DM9.Benefits of the scheme outweigh the limited harm arising from conflict with S7.
Costs Decision	None

Land North West Of Oakview The Ridge Little Baddow Chelmsford Essex

Reference	24/01702/FUL
Proposal	New dwelling to north of existing house. New access way and drive to existing house (Oak View)
Appeal Decision	Appeal Allowed - 17/11/2025
Key Themes	- whether the proposal is an infill development in otherwise built up frontage and would comply with the NPPF and Policy DM8 of the Local Plan;- whether there be any adverse impact on biodiversity;- whether the proposal results in a sustainable development;- noted by the Inspector that the Council is unable to demonstrate 5y housing supply and para 11 of the NPPF applies in this instance;
Agreed with CCC on	- the proposal does not meet the definition of an infill development within a built up frontage due to the loose position of houses on this side of the road (but it still infills space between two houses);- the proposal would not result in harm to protected wildlife sites; appropriate mitigation measures are in place;
Disagreed with CCC on	- the proposal will not harm the character of the area and the street and would be an infill development (although not in a built up frontage);- the proposed self build condition is not legally sound so cannot be applied to the development;- due to the Council's inability to demonstrate 5 y housing supply the conflict with policy DM8 is demonstrably outweighed by the benefits of a new house;
Costs Decision	None

Bridleway Cottage Broomwood Lane Stock Billericay CM11 1JR

Reference	24/01627/FUL
Proposal	Demolition of existing dwelling and construction of replacement dwelling
Appeal Decision	Appeal Dismissed - 19/11/2025
Key Themes	Green belt - replacement dwelling, substantially bigger - substantial harm
Agreed with CCC on	Green belt - replacement dwelling, substantially bigger - substantial harm
Disagreed with CCC on	
Costs Decision	None

52 - 52A Maldon Road Great Baddow Chelmsford Essex CM2 7DL

Reference	25/00288/CUPAMA
Proposal	Determination as to whether prior approval from the local planning authority is required for the proposed change of use from Salon (Class E) to Residential (Class C3) two new dwellinghouses. No exterior changes are proposed.
Appeal Decision	Appeal Allowed - 11/11/2025

Key Themes	effect on the character or sustainability of Great Baddow Conservation Area.
Agreed with CCC on	
Disagreed with CCC on	effect on the character or sustainability of Great Baddow Conservation Area.
Costs Decision	None

Householder

7 Joseph Clibbon Drive Chelmsford Garden Community Chelmsford CM1 6AS

Reference	25/00506/FUL
Proposal	First floor rear extension
Appeal Decision	Appeal Dismissed - 10/11/2025
Key Themes	Effect on the character and appearance of the area
Agreed with CCC on	Effect on the character and appearance of the area
Disagreed with CCC on	N/A
Costs Decision	None

Deshmukh Cottage Cherry Garden Lane Danbury Chelmsford Essex CM3 4QP

Reference	25/01049/FUL
Proposal	Erection of front porch with overhang roof and the replacement of existing flat-roofed dormers with pitched.
Appeal Decision	Appeal Dismissed - 21/11/2025
Key Themes	Design change of dormers from flat to pitch. Impact of proposal on character of property and surrounding area.
Agreed with CCC on	Dormers poorly designed.
Disagreed with CCC on	
Costs Decision	None

10 Souther Cross Road Good Easter Chelmsford Essex CM1 4RX

Reference	25/01032/FUL
Proposal	Construction of open sided car port
Appeal Decision	Appeal Dismissed - 21/11/2025
Key Themes	Impact on street scene
Agreed with CCC on	Harmful impact on street sceneDesign does not overcome harm Conflicts with Policy DM23
Disagreed with CCC on	
Costs Decision	None

ENFORCEMENT APPEALS

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

Written Reps

Land South Of Hobbits Hole South Hanningfield Road Rettendon Chelmsford Essex

Reference	21/00233/ENFB
Proposal	Without planning permission, the change of use of the land for sale and storage of motor vehicles with associated development, comprising the construction of a hard surface, concrete pad, fencing and the siting of a portacabin and storage containers
Appeal Decision	Appeal Dismissed - 24/11/2025
Grounds of Appeal	whether copies of the enforcement notice were served as required by section 172; whether the matters alleged constituted a breach of planning control; whether the development was immune from enforcement action; whether planning permission should be granted; whether the steps required by the notice are excessive; whether the time for compliance falls short of what is reasonable.
Agreed with CCC on	the notice was served as required by section 172; the matters alleged constitute a breach of planning control; the alleged use is not immune from enforcement action; the alleged development constitutes inappropriate development in the Green Belt. There is conflict with CLP policies SPS1, SPS11, DM6 and DM10, and therefore planning permission should not be granted; the steps required achieve the purpose of remedying the breach of planning control and are not excessive nor are they disproportionate;
Disagreed with CCC on	The fence along the eastern boundary is immune from enforcement action due to the passage of time, so this element was removed from section 5 sub-paragraph (4). The time period for compliance (of 6 months) was too short, and this was extended to 8 months.
Costs Decision	None