

Planning Committee Agenda

22 June 2021 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor J A Sosin (Chair)

and Councillors

L Ashley, S Dobson, P Hughes, R J Hyland, J Lardge,
R Lee, G H J Pooley, R J Poulter, T E Roper,
E Sampson, C Shaw and I Wright

Local people may attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. However, numbers must necessarily be restricted owing to distancing requirements and if you wish to attend you will need to obtain an admission pass beforehand.

To apply for an admission pass or find out more about attending, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 or email brian.mayfield@chelmsford.gov.uk

PLANNING COMMITTEE

22 June 2021

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 May 2021

5. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Cabinet 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.

If social distancing requirements are still in place on the date of the meeting, it will be necessary to limit the number of members of the public attending the meeting. Any member of the public wishing to attend, whether as an observer or to ask a question or make a statement, should email committees@chelmsford.gov.uk in advance of the meeting. If space permits, they will be sent an admission pass which must be presented on arrival.

6. The Fox and Hounds, Church Road, Ramsden Heath, Billericay – 21/00482/FUL

7. Land North-West of Montpelier Villa, Blasford Hill, Little Waltham, Chelmsford – 20/01907/OUT

8. Chelmer Waterside Access, Wharf Road, Chelmsford – 21/00024/FUL

9. 117 Lady Lane, Chelmsford – 21/00316/FUL

10. Planning Appeals

MINUTES
of the
PLANNING COMMITTEE
held on 4 May 2021 at 6:00pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, S Dobson, P Hughes, R Hyland, J Lardge,
R Lee, G H J Pooley, R J Poulter, T E Roper, E Sampson, C Shaw and I Wright

Also present: Councillors D Clark, N Gulliver and R Moore

1. Chair's Announcements

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

2. Attendance and Apologies for Absence

The attendance of those present was confirmed. Apologies for absence had been received from Councillor J Frasca, who had appointed Councillor J Lardge as her substitute, and from Councillor L Millane.

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 13 April 2021 were confirmed as a correct record.

5. Public Question Time

Questions and statements were made by members of the public and ward councillors on Item 6. Details are recorded under the relevant minute number below.

6. Land North of Chelmer Village Way, Springfield, Chelmsford – 20/01813/FUL

The Committee considered an application for the erection of a new foodstore on land to the north of Chelmer Village Way, Springfield. A Green Sheet of additions and alterations to the information in the report was distributed. It included a proposed fifth reason for refusal on the grounds that the proposal would, in the absence of information and a safety audit to demonstrate otherwise, have an unacceptable impact on highway safety contrary to the objectives of the National Planning Policy Framework

Statements on the application were made by two members of the public, the applicant and all three ward councillors. Those who supported the application referred to the economic and employment benefits the development would provide and the enhancements that were planned for the remainder of the open space to the east and north-east of the development site. The applicant also argued that the principle of development had already been established by the provision of the nursery adjacent to the site, that any harm to existing listed buildings would be low and that there had been no objections by statutory consultees.

All three ward councillors for the area spoke against the application. Their opposition to the development centred on the loss of open space that would result and the reduction in the green buffer and visual relief it provided between the business park and the residential areas. They felt that no enhancement of the remaining open space could make up for the environmental and ecological harm that the loss of the open space would cause, space which would not be replaced elsewhere. It was also felt that the area was well served by supermarkets and that providing another would add to traffic congestion.

Responding to questions and points made by those who spoke at the meeting, the officers said that the Open Space Assessment submitted by the applicant had been studied but did not overcome the net loss of open space resulting from the development; the nursery approved on the adjacent site was very different in terms of massing and scale and did not set a precedent; and the concerns of the Highway Authority on the application had not been overcome. Officers also confirmed that the applicant did not own the open space to the east of the application site which it proposed to enhance.

The Committee shared the concerns of those who opposed the development, particularly the harm that would be caused by the loss of open space which members felt to be insurmountable and could not be compensated for by the proposed enhancement of the adjacent area.

RESOLVED that application 20/01813/FUL in respect of land to the north of Chelmer Village Way, Springfield, Chelmsford be refused for the reasons detailed in the report to the Committee and the additional reason 5 set out in the Green Sheet distributed at the meeting.

(6.05pm to 7.01pm)

7. Planning Appeals

RESOLVED that the information on appeal decisions between 31 March and 21 April 2021 be noted.

(7.01pm to 7.02pm)

The meeting closed at 7.02pm

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.

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

- MPSPD** The Making Places Supplementary Planning Document was adopted in January 2021 and sets out detailed guidance for the implementation of the policy requirements set out in the Local Plan. It seeks to promote and secure high-quality sustainable new development. It is aimed at all forms of development, from large strategic developments, public spaces and places, to small extensions to individual homes.
- DM1** Policy DM1 - Size & Type of Housing - The Council will protect existing housing from redevelopment to other uses and will require an appropriate mix of dwelling types that contribute to current and future housing needs and create mixed communities. For developments of 10 or more dwellings, 50% of the new dwelling shall be constructed to meet requirement M4 (2) of the Building Regulations. On sites of 30 or more dwellings 5% off the affordable units shall also be provided as wheelchair user dwellings. Sites of 100 dwellings or more will need to comply with Ai), A ii) and Bi) and provide 5 % self-build homes which can include custom housebuilding; and provision of Specialist Residential Accommodation taking account of local housing needs.
- DM6** Policy DM6 - New Buildings in the Green Belt - Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances. Planning permission will be granted for the redevelopment of previously developed land and replacement buildings subject to meeting prescribed criteria.
- DM7** Policy DM7 - New Build & Structure in the Green Wedge - Planning permission will be granted for new buildings and structures where the development does not conflict with the purposes of the Green Wedge designation and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- 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 - Archeology - 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.
- DM24** Policy DM24 - Design & Place Shaping Principles in Major Developments - The Council will require all new major development to be of high quality built form and urban design. Development should, amongst other matters, respect the historic and natural environment, be well-connected, respond positively to local character and context and create attractive, multi-functional, inclusive, overlooked and well maintained public realm. The Council will require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments.
- DM25** Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.

- DM30** Policy DM30 - Contamination & Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local groundwater or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- SPS2** Strategic Policy S2 Addressing Climate Change & Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.
- SPS3** Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.
- SPS4** Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SPS5** Strategic Policy S5 Protecting & Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.
- 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.

VILLAGE DESIGN STATEMENTS

VDS: Sets out the local community's view on the character and design of the local area. New development should respect its setting and contribute to its environment.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) was published in February 2019. It replaces the first NPPF published in March 2012 and almost all previous national Planning Policy Statements and Planning Policy Guidance, as well as other documents.

Paragraph 1 of the NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 2 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and should be read as a whole.

Paragraph 7 says that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development meant that the planning system has three overarching objectives; an economic objective; a social objective; and an environmental objective. A presumption in favour of sustainable development is at the heart of the Framework.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.



Planning Committee

Application No	:	21/00482/FUL Full Application
Location	:	The Fox And Hounds Church Road Ramsden Heath Billericay Essex CM11 1PW
Proposal	:	Retrospective planning application for garden structures comprising of 2No. marquees, timber storage area/ occasional stage and timber toilet structures comprising male urinal enclosure and 13No. unisex cubicles and hand wash facilities.
Applicant	:	Mr Mark Hood
Agent	:	Mr Daren Goldsmith
Date Valid	:	5th March 2021

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. The application is referred to planning committee at the request of the local ward member because of concerns of the impact of noise from entertainment events held at the premises and the resulting impact on the amenities of neighbours.
- 1.2. The application site is located within the Metropolitan Green Belt and is located just to the north of the Chelmsford administrative boundary.
- 1.3. The application site is a public house which is surrounded by residential dwellings which are laid out in a linear form. There is a livery yard to the rear of the site which is accessed via a road to the side of the public house. The public house has a large garden to the rear with a car park to the front. The marquees, stage and toilets subject to this application have been constructed and are all within the garden.
- 1.4. The application buildings have enabled the business to operate during the Covid-19 pandemic by providing a covered out-door sitting area within the marquee and an outdoor toilet block. The need for the buildings amount to very special circumstances in the Green Belt which would outweigh the harm that would be caused by the new buildings
- 1.5. Approval is recommended.

2. Description of site

- 2.1. The application site lies within the Metropolitan Green Belt.
- 2.2. The application property is a public house which sits within a linear run of residential development. The pub has a large garden to the rear and a parking area to the front.
- 2.3. To the rear of the site lies a livery yard, known as Chase Bungalow, which is accessed via a private access road and public footpath which runs along the northern side of the site.
- 2.4. Mature trees and shrubs are positioned along the northern boundary and adjacent to the access road.
- 2.5. There are a number of residential properties close to the site both being adjacent and on the opposite side of Church Road.

3. Details of the proposal

- 3.1. This application seeks retrospective planning permission for two marquees, a timber storage area/stage and toilet structures which are positioned within the rear garden of the public house.

4. Other relevant applications

19/01565/FUL - Approved 28th October 2019

Single storey side extension with glazed roof lantern to form new dining room and single storey rear extension to form new toilets

- 4.1. This planning permission has been commenced and when completed would provide the public house with a new dining rooms and approved toilet facilities.

5. Summary of consultations

5.1. The following were consulted as part of this application.

- Essex County Council Highways
- Ramblers Association
- South Hanningfield Parish Council
- South Essex Parking Partnership
- Public Health & Protection Services
- Local residents

5.2. Essex County Council have stated that the proposal is acceptable to the Highways Authority

5.3. South Hanningfield Parish Council have objected to the proposal on the grounds that there is no disabled access and serious health and safety concerns. They have also stated that parking along Church Road needs to be considered as this can be very busy and block the road.

5.4. Public Health and Protection Services have noted that they have previously received complaints about noise regarding the use of the outdoor area and marquee when the premises was permitted to operate. The complaints related to noise and sound from the garden. Under the terms of the premises licence the use of the outdoor area is permitted. The area is also permitted to operate under compliance with the Covid-19 regulations. They do not object to the proposal but do have concerns that future use of the outdoor area could disturb neighbours if noisy activities are proposed. Any substantiated noise complaints that are raised can be dealt with by Public Health.

5.5. No responses have been received from the Ramblers Association or from the South Essex parking Partnership.

5.6. Fifty-one letters have been received from local residents. Forty nine of these are in support of the proposal and two have objected. The objections were based on harmful noise impacts from events that have occurred within the garden and marquee. The letters of support have stated that the public house is popular and that the proposals help its survival.

5.7. Full details of the consultation responses are set out in appendix 1.

6. Planning considerations

Main Issues

6.1. The main issues for consideration are:

- The impact of the proposals on the Green Belt and its openness.
- The impact of the structures and their use on neighbouring properties.

Green Belt

Policy Position

- 6.2. Chapter 13 of the National Planning Policy Framework (NPPF) seeks to protect Green Belt land. Paragraph 133 of the NPPF states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.
- 6.3. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 144 the NPPF states that when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.4. Paragraph 145 states that local planning authorities should consider the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include buildings for agriculture and forestry, provision for outdoor sport and recreation, extensions to a building, replacement buildings, infilling in villages, affordable housing or the redevelopment of previously developed land.
- 6.5. At a local policy level Strategic Policy S11 states that the openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. Policy DM6 of the Chelmsford Local Plan states that inappropriate development will not be approved except in very special circumstances. It provides a list of exceptions that broadly reflects that set out in paragraph 145 of the NPPF.

Assessment

- 6.6. The structures for consideration in this application are a large marquee, toilet structures and a store/store. For the purposes of the NPPF and Local Plan they are considered to be buildings.
- 6.7. The buildings do not comply with any of the exceptions set out in the above policies and would therefore amount to inappropriate development that would be harmful to the Green Belt.
- 6.8. The marquee and toilet block were originally constructed about three years ago and were used for occasional events such as a New Year Eve party. Since the beginning of the COVID-19 pandemic the marquee and toilets have been retained for use as a covered outdoor seating facility. The applicants have stated that the stage/store is principally used as a storage area for the pub's furniture and has been used rarely, just for a couple of events a year.
- 6.9. The structures for consideration in this application have allowed the pub to function safely during national restrictions and will enable the pub to continue to operate in a similar manner in the coming months.
- 6.10. It is noted that the Government has introduced temporary legislation to support public houses through the pandemic. That legislation came into force on 16 April 2021 and grants temporary consent for moveable structures, such as marquees, until the end of January 2022.
- 6.11. Given the important role of the structures in helping the pub to function and survive through the pandemic it is considered that in this case the buildings amount to very special circumstances that would outweigh the harm that they would cause to the openness of the Green Belt.

- 6.12. Whilst the short-term needs of the pub are accepted as very special circumstances it would not be appropriate for the structures to be retained in the long term. It is therefore proposed that approval is granted on a temporary basis of one year. A condition will be attached to the decision notice on these grounds.

Impact on neighbours

- 6.13. An objection has been received from the neighbour at Ocho Rias which sits to the north of the public house. Concerns are that the structures are more akin to a live music venue and are not appropriate for social distancing or meeting government guidance. Concerns are also raised about the noise from live events and the dangerous parking along Church Road that occurs during the events.
- 6.14. It is relevant to note that this proposal is considering the merits of the structures themselves as proposed and not the events that may take place within them or within the pub garden. Events considered acceptable to be held at the pub are matters for the council's licensing team and any excessive noise or anti-social behaviour that occur are matters for other professional bodies. The events themselves and their potential impacts are not planning matters for consideration in this application.
- 6.15. The proposed marquee is located approximately 15m from the side boundary with the neighbour's garden. The access road to the livery sits between the two sites. The stage/store is positioned approximately 30m further to the north and is more than 34m away from the rear fence of the neighbour. The structures themselves would not increase any noise or nuisance to neighbours than any potential event that could be held in the garden in normal times. It is also noted that the number of events that can occur on the site are limited by the current licence.
- 6.16. It is considered that the proposed buildings would cause no adverse impacts to the amenities of the neighbour.

Other Matters

- 6.17. There are no parking restrictions along Church Road. It would therefore not be illegal to park along this road or possible to prevent parking on the road as part of this application.
- 6.18. Disabled toilets would be retained within the building and there would not be any impacts on health and safety.

7. Community Infrastructure Levy (CIL)

- 7.1. The proposal is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

In order to achieve satisfactory development of the site

Condition 2

The marquees, store/stage and toilet blocks hereby approved and shown on approved drawing 20.112-01A shall be used for a limited period being the period of 1 year from the date of this decision. Thereafter the buildings will be removed from the site and the land returned to grass.

Reason.

To protect the openness of the Green Belt by ensuring that the buildings are only used for a temporary period.

Positive and Proactive Statement

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

Background Papers

Case File

Essex County Council Highways

Comments
<p>20.04.2021 - As far as can be determined from the details submitted, the proposal will not alter the existing access arrangements to the local highway network. The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency, therefore:</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority</p>

Ramblers Association

Comments
No response received

South Hanningfield Parish Council

Comments
<p>Object - There does not appear to be any disabled access. Health & Safety is a serious concern for members of the public and those attending the venue. Traffic needs to be taken into consideration. Due to excess vehicles being parked in Church Road, sometimes the road can only be used one way! We fully support that this application goes to full committee.</p>

South Essex Parking Partnership

Comments
No response received

Public Health & Protection Services

Comments
<p>This Service has previously received complaints of noise regarding the use of the outdoor area and marquee when the premises was permitted to operate. These complaints related to amplified noise and amplified sound from use of the outdoor area. Visits in response to complaints had been made to the area but no nuisance has, to date, been witnessed by officers. Under the terms of the premises licence the use of the</p>

outdoor area is permitted. In terms of compliance with Covid-19 regulations, and to operate in a Covid-safe way by reducing risk of spread of infection, the use of the outdoor space is also acceptable.

While I do not object to the siting of the marquee and associated buildings in the garden area, I do have some concerns regarding the future use of the outdoor area when hospitality is permitted to reopen later this month. This clearly depends on what activities are proposed to take place in the outdoor area/marquee and if, by their nature, they cause disturbance to residents. This Service has powers to deal with any substantiated noise nuisances under the Environmental Protection Act 1990.

Local Residents

Comments

Throughout the lifetime of the application 51 letters were received from local residents. They raised the following matters:

Support comments

- Pub is fantastic for the village and brings residents together
- The outdoor toilets have been fantastic in COVID times
- The events and stage are a huge benefit to the village
- Pub is at the heart of the community
- Government has allowed temporary marquees in pubs
- Marquee and toilets have allowed for social distancing and feel safe during COVID times.
- The marquee has allowed the pub to function over the past year and is a huge asset to it in these times.
- Important to support local businesses.
- The marquee has provided a fantastic overspill area allowing for social distancing and outdoor use.
- The outside toilets are important as it prevents queues inside.

- The pub is the hub of the community and heart of the village.
- Never experienced any problems with noise or parking.
- Cannot be seen from the road or be considered unacceptable to neighbours
- The events are well organised.
- Easy to social distance within the marquee
- The large 'big loud events' events have not been happening for over a year.
- Unreasonable for one neighbour to have the majority over everyone else.
- The noise from events is no more than simple community atmosphere
- The pub supports the mental health of the community
- Customer safety and comfort is always the landlords priority
- Provides shelter in the British weather.
- Pub has gone from strength to strength under the current owners
- Field is used for overspill parking in large events

Objections/concerns raised

Noise issues

- Extensive loud music, singing and cheering generated when the garden structures have been used
- Noise given off is intrusive even when indoors and they live the other side of the railway.
- Noise nuisance notice was issued to the venue in September 2020.
- Statement says music is no longer played but this is at distinct odds with the pubs website which indicates events restarting in July.
- Should live music venues wish to be considered then this should be submitted as an application and the relevant licence sought.

Use of the buildings

- Store structure is principally used as a stage and is open to the elements on three sides
- The toilets are effectively permanent buildings and attached to mains sewage
- Marquess has been in position since 2018 and is often used for music events and an overflow restaurant.
- The proposals do not fall within the scope of the Governments COVID legislation.
- More suited to the needs of a live music venue
- Permitted development rights cannot be considered retrospectively
- As a maximum temporary permission until January 2022 should be imposed.

Parking issues

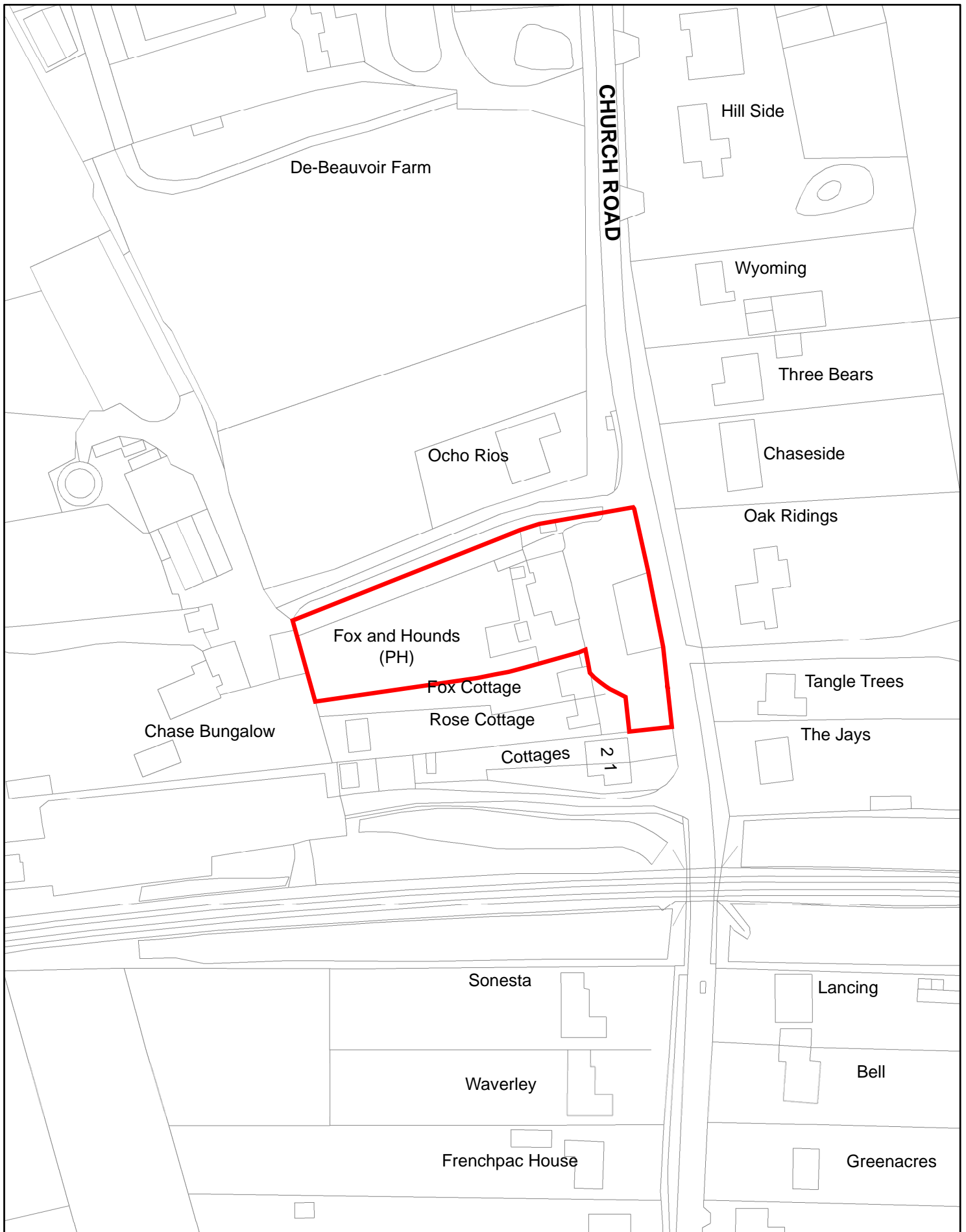
- Hundreds of people attend the events and due to insufficient on site parking end up parking along Church Road often blocking driveways.
- Insufficient onsite parking provision with only 26 spaces.

Inaccuracies in the application

- Application description on the form is clearly wrong as mentions two storey extension
- Therefore not clear what the proposal is for.

Other issues

- Inappropriate materials used in the structures
- Contravene the Disabled Discrimination Act
- Lack of safe evacuation of the area in an emergency



0 12.5 25 50 Metres

1:1,250

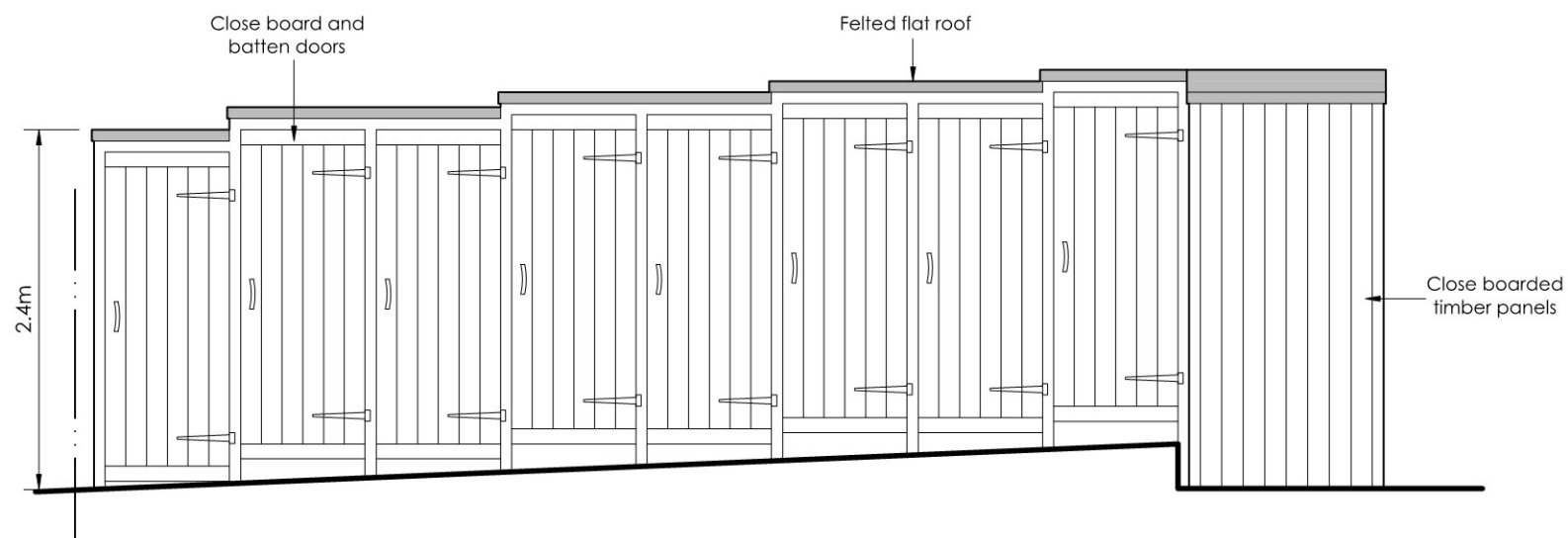


Planning Committee
21/00482/FUL

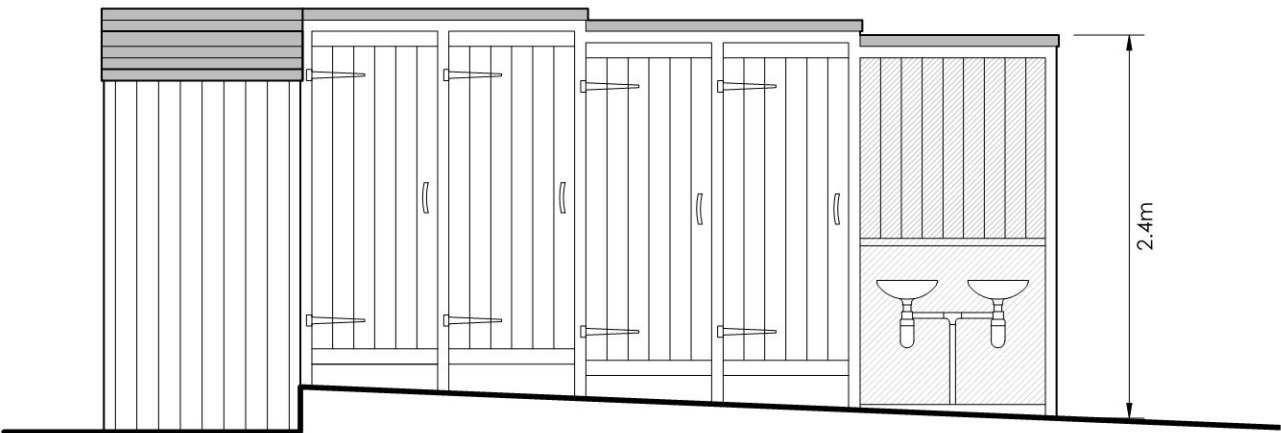
Planning & Development Management
Directorate for Sustainable Communities

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

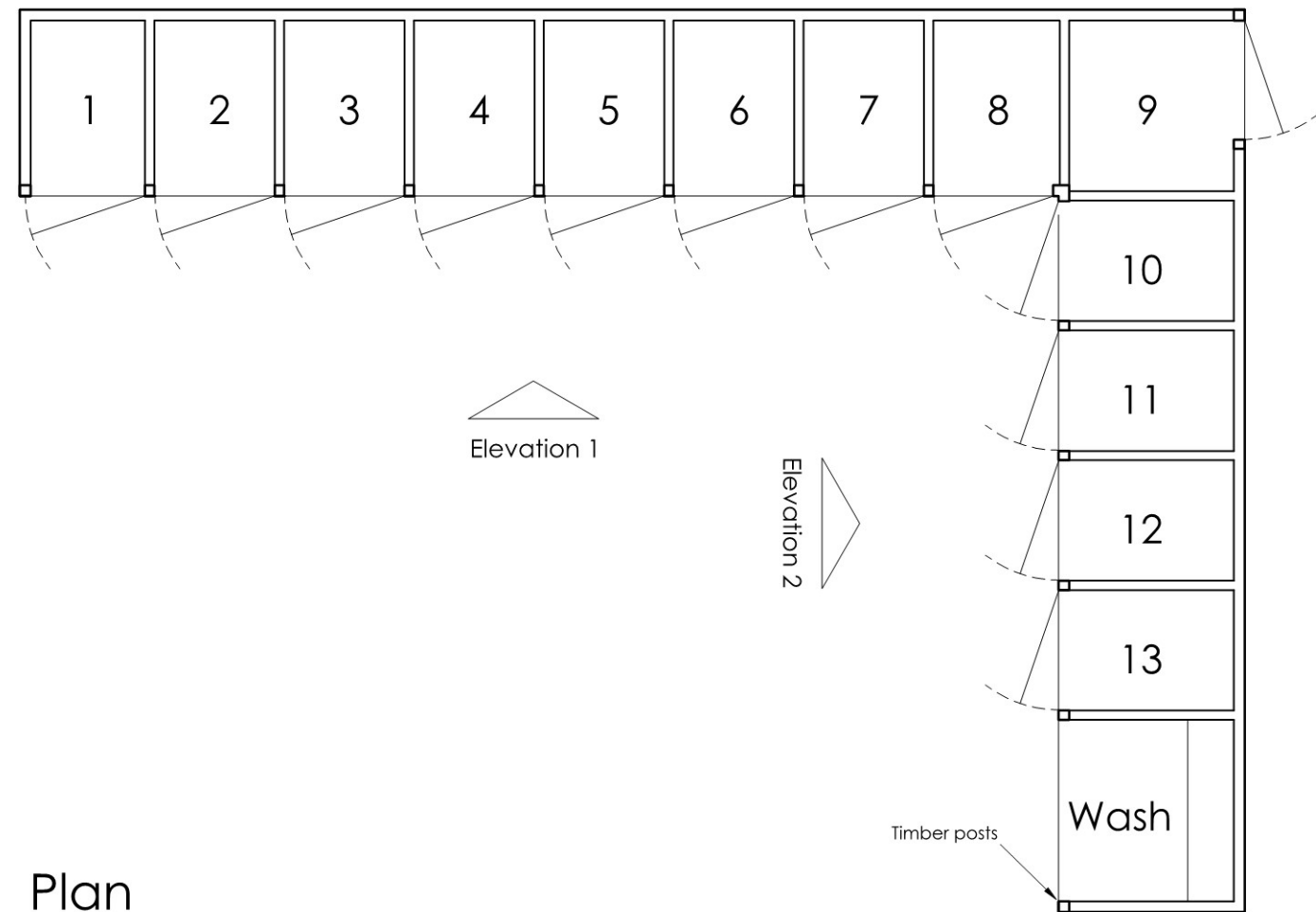
Telephone: 01245 606826



Elevation 1



Elevation 2



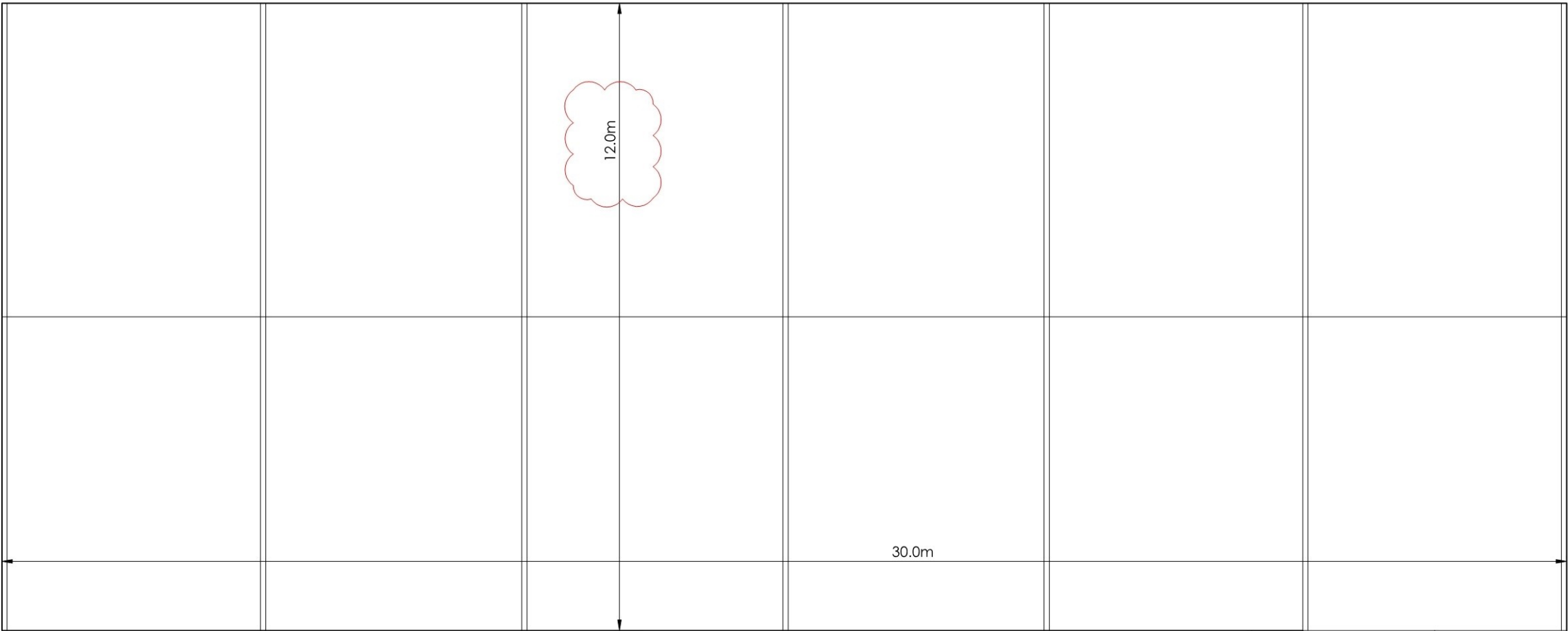
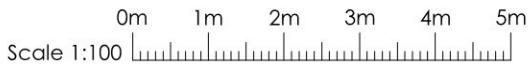
Plan



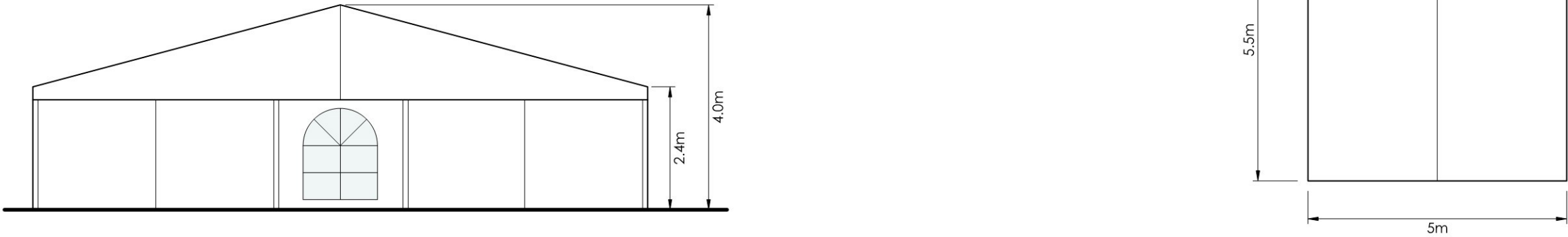
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<div><div>D. Goldsmith</div><div>Architectural Design - Building & Construction Consultancy - CAD Services Building Surveys - 3D Laser Scanning - As-Built Records & Drawings</div><div>25 Carlton Road, Wickford, Essex. SS11 7NB. Tel: 07866 422 588 / 0208 123 4956 / darengoldsmith@hotmail.com</div></div>			
CLIENT			
Mr Mark Hood			
LOCATION			
Fox and Hounds PH Church Road, Ramsden Heath Essex. CM11 1PW			
PROJECT			
Proposed garden structures comprising of 2No marquees, storage/ stage & toilet facilities Toilet Block Plans & Elevations			
DRAWN BY: DG		DATE: Jan 2021	
SCALE: 1:50 (A3)		CHECKED:	
DRG No: 20.112-03		Rev: -	

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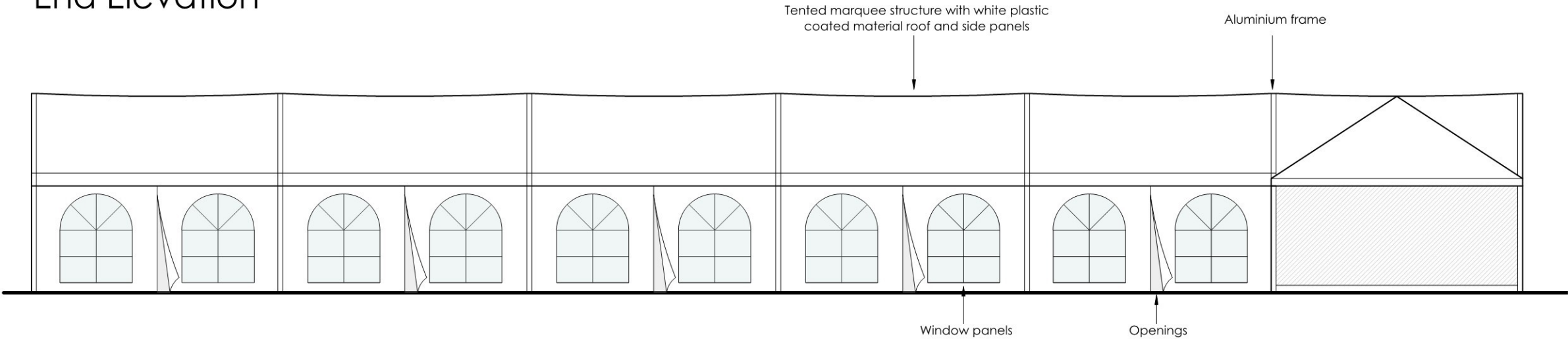
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Plan



End Elevation



Front Elevation (Rear Elevation handed without windows)

A	01.04.2021	Marquee width corrected from 10m to 12m .	DG
REV	DATE	DESCRIPTION	BY

D. Goldsmith

Architectural Design - Building & Construction Consultancy - CAD Services
Building Surveys - 3D Laser Scanning - As-Built Records & Drawings

25 Carlton Road, Wickford, Essex. SS11 7NB.
Tel: 07866 422 588 / 0208 123 4956 / darengoldsmith@hotmail.com

CLIENT

Mr Mark Hood

LOCATION

Fox and Hounds PH
Church Road,
Ramsden Heath
Essex. CM11 1PW

PROJECT

Proposed garden structures
comprising of 2No.marquees,
storage/ stage & toilet facilities

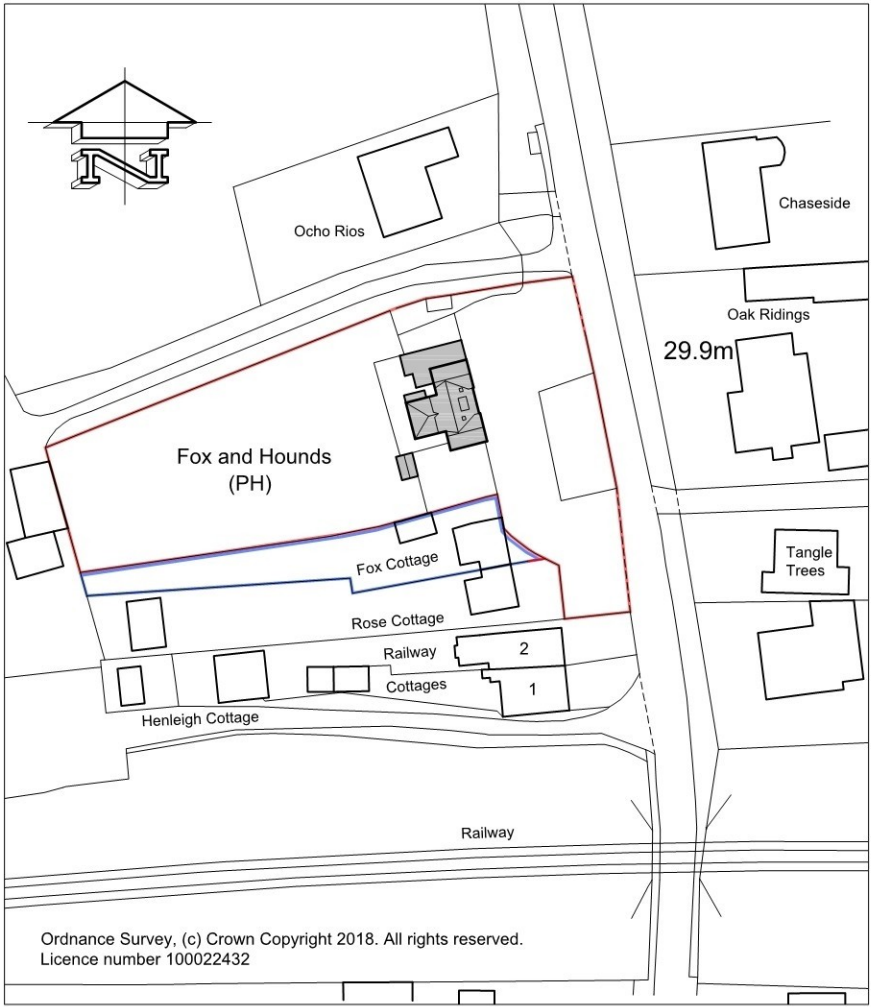
Marquee Plans & Elevations

DRAWN BY: DG	DATE: Jan 2021
SCALE: 1:100 (A3)	CHECKED:
DRG No: 20.112-02	Rev: A

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Site Plan Scale 1:500

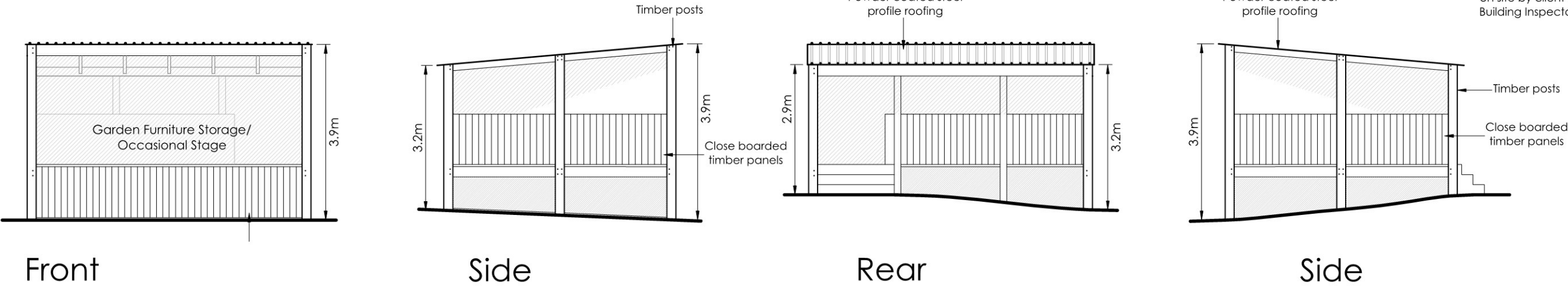


Location Plan Scale 1:1250

A	01.04.2021	Marquee dimensions corrected and position refined.	DG
REV	DATE	DESCRIPTION	BY
D. Goldsmith Architectural Design - Building & Construction Consultancy - CAD Services Building Surveys - 3D Laser Scanning - As-Built Records & Drawings 25 Carlton Road, Wickford, Essex. SS11 7NB. Tel: 07866 422 588 / 0208 123 4956 / darengoldsmith@hotmail.com			
CLIENT Mr Mark Hood			
LOCATION Fox and Hounds PH Church Road, Ramsden Heath Essex. CM11 1PW			
PROJECT Proposed garden structures comprising of 2No.marquees, storage/ stage & toilet facilities Site and Location Plans			
DRAWN BY: DG		DATE: Jan 2021	
SCALE: 1:500 1:1250 (A3)		CHECKED:	
DRG No: 20.112-01		Rev: A	

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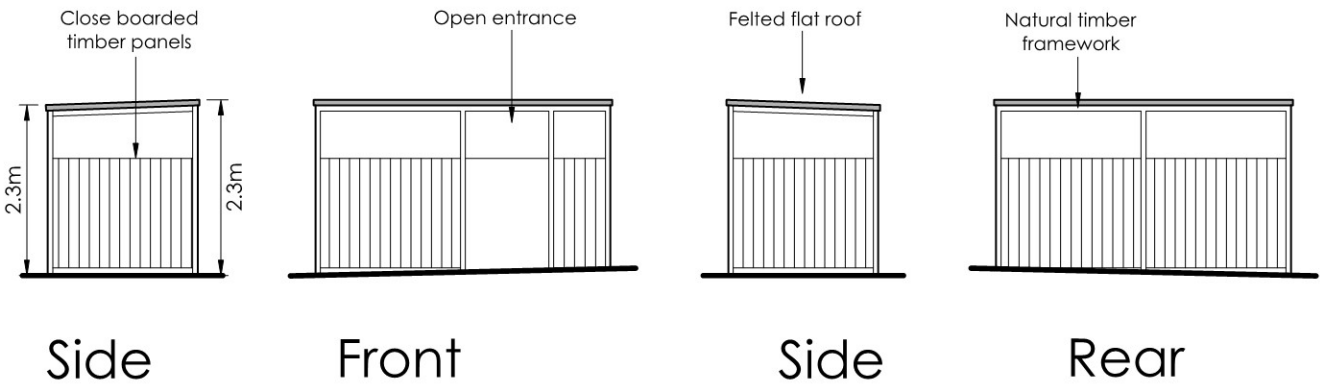
All dimensions are given in mm unless stated otherwise, all dimensions sizes, weights and loadings are to be checked on site by client and contractor and where applicable with Building Inspector before works commence.



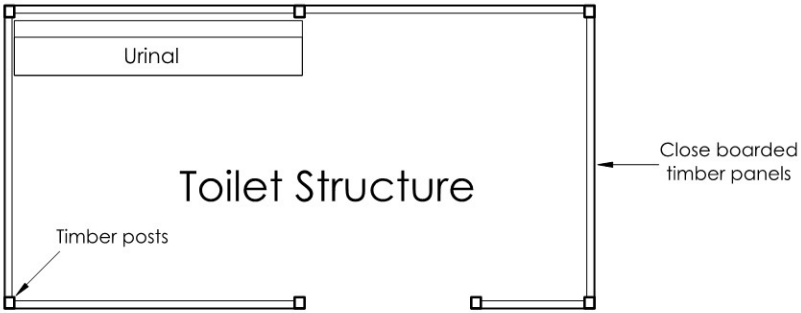
Elevations 1:100



Plan 1:50



Elevations 1:100



Plan 1:50

REV	DATE	DESCRIPTION	BY
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D. Goldsmith Architectural Design - Building & Construction Consultancy - CAD Services Building Surveys - 3D Laser Scanning - As-Built Records & Drawings 25 Carlton Road, Wickford, Essex. SS11 7NB. Tel: 07866 422 588 / 0208 123 4956 / darengoldsmith@hotmail.com			
CLIENT Mr Mark Hood			
LOCATION Fox and Hounds PH Church Road, Ramsden Heath Essex. CM11 1PW			
PROJECT Proposed garden structures comprising of 2No. marquees, storage/ stage & toilet facilities Stage & Toilet Plans			
DRAWN BY: DG		DATE: Jan 2021	
SCALE: 1:50 1:100 (A3)		CHECKED:	
DRG No: 20.112-04		Rev: -	





Planning Committee

Application No	:	20/01907/OUT Outline Application
Location	:	Land North West Of Montpelier Villa Blasford Hill Little Waltham Chelmsford Essex
Proposal	:	Outline application for the construction of 10 dwellings with associated access. (approval sought on access, appearance, layout and scale)
Applicant	:	Scion Developments Ltd
Agent	:	
Date Valid	:	8th December 2020

Contents

1. Executive summary	2
2. Description of site	2
3. Details of the proposal	3
4. Other relevant applications	3
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6. Planning considerations	4
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8. Conclusions	9

Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. This outline application is for 10 new homes to the north of Broomfield village, and is within the Parish Boundary of Little Waltham. The site is within the land allocated for housing development in the Chelmsford Local Plan (May 2020) – Strategic Growth Site Policy 8 – and there is an approved masterplan which sets a framework for future development in this area. Notwithstanding, this application is a stand-alone application because an access road (3rd party ownership) prevents this proposal site being physically connected to or taking access via the wider allocation site.
- 1.2. Objections have been received from Little Waltham and Broomfield Parish Councils and from local residents (see Appendix 1). These concerns have been considered alongside wider planning considerations, and the application is assessed to be compliant with all material requirements. This application is recommended for approval.

2. Description of site

- 2.1. This site is part of the land allocated for strategic housing growth in the adopted Chelmsford Local Plan (May 2020). Strategic Growth Site Policy 8 (North Broomfield) refers.
- 2.2. The site of approximately 0.4ha, comprises neutral grassland and dense scrub enclosed by fencing and vegetation (grouped trees – generally Leyland or Lawson Cypress). None of the vegetation on site is protected. There is a slight incline from Blasford Hill, but this is nominal by comparison to other areas along this street.
- 2.3. Directly to the north is a private access to D&B Scaffolding Limited which also provides access to another commercial site beyond. This private track is gated part way along to restrict access out of hours. It is apparent that cars park along this track, most likely employees of the scaffold business. At present the site is separated from this track by a tall line of conifers.
- 2.4. To the east is Blasford Hill from which access to the site is proposed. This is a distributor route on the local road network. The route is part of the public transport network. The speed limit on this part of the carriageway is 40mph.
- 2.5. To the south is Montpelier Villa, a bungalow. This plot is arranged with the housing sitting in the middle, with a small garden to the rear along with single storey structures providing a buffer to the scaffold business beyond and a small area of courtyard parking, then to the front is a larger garden which has been fully enclosed so as to provide a private space similar to a typical rear garden. This orientation of the neighbouring site is material.
- 2.6. Also, to the south of the site is D&B Scaffold Limited; a large open yard with a large metal shed situated up against the site boundary (south-west corner of proposal site).
- 2.7. Beyond those neighbouring considerations above, the area surrounding this site to the north and west has been allocated, along with the subject site, for strategic housing growth (see SGSP8 of the Chelmsford Local Plan – May 2020). This land is currently of mixed character open fields, but this area will be developed over the plan period. There is a formally approved masterplan for this allocation site, which outlines a strategy for the subject site.
- 2.8. The street character of Blasford Hill is mixed with varying styles, scales and placement of buildings relative to road. However, there is an apparent ribbon and the masterplan shows how

this site and the allocation would conclude that ribbon giving way to countryside beyond (north of the allocation).

- 2.9. The site benefits from very limited wildlife connections. The tall evergreen vegetation to boundaries offers habitat/foraging benefit to birds (primarily) and to a very limited extent bats but is not part of a key movement corridor due to surrounding landscape characteristics. The site may be suitable for common reptile species. In the wider area there are woodlands and the upper end of the Chelmer River Valley, both defined as Local Wildlife Sites.
- 2.10. There is a Scheduled Ancient Monument circa 700m to the north of the site. There are no listed buildings within or adjoining the site. The nearest listed building is Tudor Cottage (GII) situated circa. 180m to the south and forming part of a cluster of listed buildings.
- 2.11. As the site has been allocated for housing development in the adopted Chelmsford Local Plan (May 2020), it would fall within the Defined Settlement boundary of Broomfield (although is part of the Parish of Little Waltham). Broomfield has an emerging Neighbourhood Plan, but has not published a draft plan at this time. Whilst this will have a bearing on future development in this area, it carries limited weight in the context of this proposal.

3. Details of the proposal

- 3.1. This application seeks outline planning permission for 10 dwellings with associated access. This outline application will consider access, appearance, layout and scale – landscaping has been reserved for later consideration.
- 3.2. The properties are a mix of 2, 4 and 5 bedroom homes. The homes are all 2.5 storeys, but have been designed to limit overt presence of scale above 2 storeys to Blasford Hill. Plots 4-7 include a home office space above the garage.
- 3.3. Access to the site is from Blasford Hill via a standard bellmouth junction. A central driveway (shared surface) will provide access to the individual properties with a type 3 turning head at the end which is sufficient for larger vehicles (e.g. refuse freighter or fire tender).
- 3.4. All homes would have access to at least two parking spaces (including garages), although some homes would have access to additional spaces. In addition, four visitor parking spaces would be provided. Garages are designed to allow space for bin and cycle storage within.
- 3.5. The proposals include an on-site Sustainable Urban Drainage Scheme comprising of capture zones beneath the drive and parking areas connecting via gravity flow to two new basin zones at the front of the site within the green area. Connection would thereafter be made to the Anglian Water sewer.

4. Other relevant applications

- 4.1. The approval by the Council of Bloor Homes' masterplan at the Cabinet meeting held 8th September 2020 is a material decision taken prior to this application submission. The masterplan sets out the broad framework for structuring site layout.
- 4.2. Bloor Homes have submitted an outline application for 550 new homes which is pending consideration. Application reference is 20/02064/OUT.

5. Summary of consultations

- ECC Historic Environment Branch – no objection subject to condition
- Little Waltham Parish Council – object on various grounds
- Anglian Water Services Ltd – wastewater capacity available – SUDS recommended
- Public Health & Protection Services – noise mitigation EV charging (conditions)
- Essex County Council Highways – no objections subject to conditions
- Essex County Council (SUDS) – no objection subject to conditions
- Essex and Suffolk Water – no objections
- Police - Designing Out Crime – appropriate street lighting required – no other objections
- Essex County Fire & Rescue Service – access appears acceptable in principle
- ECC Community Infrastructure Planning (Education) – no reply
- Recycling & Waste Collection Services – no reply
- Broomfield Parish Council – traffic, proximity to Bloor site access, number of large properties
- ECC Minerals & Waste Planning – no reply
- Local residents – 2 letters of objection

5.1. A broader summary of the responses is given at Appendix 1. All of the comments made have been taken into consideration when assessing this planning application.

6. Planning considerations

Main Issues

- 6.1. This application seeks planning permission for new housing in an area allocated for strategic housing growth. There are no objections in principle.
- 6.2. Whilst all material considerations have been weighed in the assessment of this proposal, the main issues are:
- Access
 - Design and Conservation
 - Residential Amenity

Access – Policies S2, DM23 and Strategic Growth Site Policy 6

- 6.3. The application is submitted with a Transport Statement. The Local Highway Authority has undertaken an independent assessment of the application content and confirmed there are no formal objections.
- 6.4. The Transport Statement identifies that this development may generate upto 50 movements over the course of a day around 6 of which may be during the AM or PM peaks. Whilst the very limited capacity of the existing highway network is evidenced from the Local Plan Examination, there is capacity for this scheme. This development will however need to be taken into consideration when considering the wider contextual capacity for development prior to the hospital access road (policy-required mitigation – see SGSP8) being provided. That does not alter the consideration of this application.
- 6.5. The access location means there is a distance of circa. 25m between the proposed site access and scaffold yard access (measured centre line to centre line) and there would be circa. 100m to the future access serving the wider allocation (to the north). In addition, there is a shared access to two residential properties located circa. 40m to the south. The Local Highway

Authority has considered this proposal in the knowledge of those access relationships and has confirmed no objection. Key at this point in time is that there are no safety concerns with the relationships to the scaffold yard access and shared residential access as these are both the closest and are already in existence. It would be for the applicant of the wider allocation in due course to demonstrate that the design of the new junction serving that site takes into account all existing accesses including this one, but it is noted that a 90m visibility splay in both directions can be demonstrated.

- 6.6. The access is set perpendicular to Blasford Hill and is 6m wide with a clear channel (no driveway connections, etc.) for a distance of around 19m, which meets and exceeds minimum design standards. Tracking for a refuse freighter is provided within the Transport Statement and this also demonstrates that the turning head position at the opposite end of the site is adequate to facilitate turning and egress from the site in forward gear. The design of the access and related facilities within the proposals are acceptable and compatible with safe functioning of the highway network.
- 6.7. The proposals contain safe storage for cycles within the garage of each plot. At present, wider cycle networking is limited. As part of the strategic approach to supporting walking and cycling as part of the housing growth in this area there are network improvements planned in conjunction with the wider allocation, and this application will make a proportionate contribution towards those off-site improvements. In addition, the proposals have been amended to increase the width of footway to the front of the site to 2m to benefit any future tie ins.
- 6.8. The nearest bus stops are circa. 175m south (northbound) and 210m south (southbound) from the site. Both directions have frequent services. Access to public transport is therefore excellent, although strategic need for crossings along Blasford Hill have been identified and a pooled contribution will be sought.

Design and Conservation – Policies S3, DM13, DM14, DM23 and DM24

- 6.9. The block plan shows two properties addressing Blasford Hill, the remainder situated around the T shaped access driveway. All 10 units have a positive relationship to either the street or shared space within the scheme. The buildings addressing Blasford Hill are set back from the road to adhere to the masterplan for the wider site allocation. The masterplan contains an open, green setting to the site frontage widening to the north to visually conclude the ribbon-character of development along Blasford Hill and ensure it gives way to the rural character of landscape further north. The site frontage in this case will be landscaped and contain open basin areas as part of the SUDS scheme.
- 6.10. The proposals have been amended during the life of the application to give a more varied appearance of housing to Blasford Hill, better reflecting the non-uniform character of housing along that existing street. All 10 houses do contain accommodation over three levels, two full height storeys and use of the roof void (referred to as 2.5 storeys). Plots 1 and 10 addressing Blasford Hill have been modified to remove the dormers from the fronts of those buildings in response to some of the local comments.
- 6.11. Contextually, the scale of properties along Blasford Hill is varied between 1, 2 and 2.5 storeys. Visually the properties along the site frontage would present as 2 storey properties, which is considered more appropriate than 2.5 storeys given the immediate context of a bungalow next door. However, 2.5 storeys of the actual accommodation does not exceed the local scale range.

Within the site there is a visual mix of 2 and 2.5 storeys which has no adverse impact on character of the wider area.

- 6.12. The properties reflect the character of vernacular Essex housing, from shape of buildings, 47-degree roof pitch, materials and more detailed features as expressed. These are a positive reinforcement of the village character and whilst these attributes are of a more generic-vernacular nature, the design approach relates this modest development successfully back to a traditional character which is compatible with its immediate context.
- 6.13. The evergreen boundary of the site as existing does make some positive contribution to the street, but both the character and species of planting are not contextualised to the wider setting. The proposals contain an open and green character of site frontage with buildings set back from the road which is consistent with the local street character and ties into the masterplan as described above. In the context more historic development pattern, this is acceptable. There are no listed buildings in close context to this site, the nearest being Tudor Cottage, approximately 180m to the south where no tangible related impacts are foreseen.
- 6.14. The plot areas of the individual properties are generally in the order of 85 sq. metres. The layout ensures properties have direct access to gardens from the street, sometimes through the garage. The garages provide space to store cycles and bins away from the street. Relationships between units are reasonable.
- 6.15. The proposal site is in an area of known archaeological remains (prehistoric and Roman). A condition will be required to secure a programme of archaeological investigation prior to commencement of development.

Residential Amenity – Policy DM29

- 6.16. The only direct neighbour relationship with another residential property is with Montpelier Villa, which as stated earlier in the report has an uncommon plot orientation as it has an enclosed front garden which in effect provides private amenity space. Plots 1-3 are nearest that neighbouring property. Plot 1 is nearest to the enclosed front garden (private), situated around 7.6m from the site boundary and presenting a windowless flank wall towards that site. A garage (serving Plot 1) is also situated along the side boundary of Montpelier Villa. Plots 2 and 3 are around 9.6m from site boundary and present rear windowed elevations towards the side boundary of the area to the rear of Montpelier Villa which includes a parking area. It is accepted that the windows of the neighbouring properties (Plots 2 and 3) will be visible to that neighbouring property, but that in itself is not reason to resist planning permission. The relationships with private spaces that result from this proposal are considered to be acceptable in remoteness terms, site specific relationships have been evaluated and an unreasonable loss of privacy does not occur.
- 6.17. The application does indicate that planting within the rear garden of Plot 2 could be added along the shared boundary with Montpelier Villa which would provide some screening. However, the occupiers of the neighbouring property have stated in their representations that this would be undesirable for them due to concerns about future damage and maintenance. This does nonetheless remain an option and landscaping stage should suitable species be agreed. Landscaping is the one matter reserved for subsequent approval.
- 6.18. The site has a close relationship with the neighbouring scaffold yard. The Environmental Noise Assessment submitted with the application considers the results of a noise survey undertaken from the application site. This concludes that the majority of noise impact would be from HGVs

starting up and manoeuvring through the site. Recommendations for mechanical ventilation and heat recovery to bedrooms of Plots 4-7, along with a 2m high acoustic barrier to gardens adjacent the scaffold yard and along the scaffold yard access drive are given within the report. These are accepted and will be required by condition. The further recommendation for a 3.5m high acoustic fence is not acceptable due to the impact it would have on living conditions of the proposed dwellings.

Landscape and Ecology – Policies S4, DM16 and DM17

- 6.19. The application is outline with landscaping reserved. However, to build an overall understanding of both the impact of the proposed development and a picture of what is being proposed, the application is supported by a Preliminary Ecological Appraisal (aka Extended Phase 1), a Badger Survey, a Net Biodiversity Gain Assessment, an Arboricultural Impact Assessment and a Landscape Strategy.
- 6.20. The trees on site, situated around the site perimeter, are nearly all conifers. There are a handful of other species, such as Pear, Hawthorne, Ash and Apple. None of the trees is classified as being above a Grade C. The removal of these trees is reasonable on this site which is allocated for housing development given the severe constraints to housing that the existing vegetation would present. The site could not reasonably be developed for housing without removing those trees. There are opportunities for new planting as demonstrated on the block plan.
- 6.21. The line of tall conifers to the northern boundary are quite striking in the landscape in the approach from the north because of their height and visibility across an open field at present. However, the reality here is that the land directly to the north of the proposal site has been allocated for housing and so the importance of that greenery to landscape setting has already been severed. The landscape setting is fully expected to change as a result of housing development to the north and at this time an outline application (by Bloor Homes) for the wider allocation is under consideration. Whilst that is the case, the immediate environment does need to be well regarded through the planning process, and so the landscaping scheme (reserved) will need to re-soften the boundaries to a reasonable extent.
- 6.22. The dense boundary vegetation of the conifers is not well suited to bat roosting or foraging and the site is poorly connected to legible commuting corridors. There is a potential for birds to be nesting within the site, so appropriate seasonal constraints and working practices will need to be ensured. Presence of badgers in the wider area is known and there is some evidence of latrines on this site, but no setts. Invertebrates, reptiles and hedgehogs may also be present although the principle of development, as already set, would mean no reasonable prospect of retaining part of this modest site as a natural wildlife zone. As such, considerations are limited to precautionary approach to construction activities to mitigate potential harm to individual creatures. This will be conditioned.
- 6.23. The Biodiversity Net Gain assessment provided for this application demonstrates that it is feasible to achieve more than 10% net gain which is generally regarded as the industry minimum target. This is welcome, but the calculation can only be considered indicative at this time since landscaping is a reserved matter.
- 6.24. Nearly all housing development has an overall impact on strategic wildlife sites through increased pressure for natural recreation facilities. An Essex Coast Recreational Avoidance Mitigation (RAMS) contribution will be secured by s.106 agreement to be used towards preventative, reparatory or alternative measures aimed at limiting this human impact on sites along the natural coastlines.

Sustainable Construction – Policies S2, DM18 and DM25

- 6.25. The proposals include a SUDS scheme which contains both enclosed and natural/open features. This scheme, in principle, has been agreed with the Lead Local Flood Authority which has considered storage capacity, capture and flow rates and other environmental attributes. Although the landscaping to the front of the site around the two SUDS ponds (referred to as swales) is to be considered via a reserved matters application, the proposals do give a profile of the ponds which is considered to represent a maximum. To avoid a scenario where the depth of the ponds requires other mitigation such as enclosure, a condition will require the final design of that area to be agreed with the Local Planning Authority.
- 6.26. The development will be required meet the optional standard of water efficiency as stipulated under Part G of the Building Regulations. This will limit consumption to 110 litres/person/day.
- 6.27. The development will be required to ensure each dwelling has provision for electric vehicle charging.
- 6.28. Housing development is required to meet sustainable construction standards as set out in Parts L and F of the Building Regulations.

Minerals

- 6.29. Whilst this site falls within a Minerals Safeguarding Area, this individual site which is in independent ownership does not meet the minimum size requirement for minerals safeguarding policy to apply.

7. Planning Obligations and Community Infrastructure Levy (CIL)

- 7.1. This development is CIL liable.
- 7.2. This site was allocated as part of Strategic Growth Site Policy 8 (North Broomfield), but has come forward independently because it is physically divorced from that wider allocation by a private commercial access road which is not being made available for development by that landowner. The application site, which is in separate ownership from the main allocation parcel, is not suitable to deliver more than 10 units, which means in line with Planning Practice Guidance and Policy DM2 of the adopted Chelmsford Local Plan (May 2020) that it would not be appropriate to provide affordable housing.
- 7.3. Policies S9 and S10 of the adopted Chelmsford Local Plan (May 2020) require that new development be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs.
- 7.4. In accordance with National Planning Policy Framework, a planning obligation may only be applied and constitute a reason for granting planning permission for the development if the obligation is:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development

- 7.5. In the event that Members resolve to grant planning permission, the application will be subject to a Section 106 agreement to capture the following:

Obligation	Scheme Total
North East Bypass	£55,555.60
Hospital Access Road	£24,444.40
Road Junctions	£25,000.00
Strategic Walking/Cycling	£8,888.90
Healthcare	£15,000
Local Open Space	£10,630
RAMS	£1,273.00
TOTAL	£140,791.90 (or £14,079.19 per dwelling)

8. Conclusions

- 8.1. The proposals are compliant with the objectives of the National Planning Policy Framework and Chelmsford Local Plan (May 2020). The scheme is proposed in an area identified through the Local Plan as an area for residential growth.
- 8.2. Whilst amendments have been made to the application during the lifetime of the application there remain local objections. The matters raised through the consultation have been considered, but would not amount to sustainable grounds for refusal.
- 8.3. The development demonstrates compliance with the adopted policies and standards that are material to the consideration of this application and planning permission is recommended, subject to conditions and s.106 agreement.

RECOMMENDATION

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

Condition 1

Application for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.

Reason:

In order to comply with Section 92(2) 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 take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason:

In order to comply with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 3

Approval of the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the local planning authority in writing before the development is begun.

Reason:

The particulars submitted are insufficient for consideration of the details mentioned.

Condition 4

The development hereby permitted shall not be carried out other than in complete accordance with the approved plans listed on the decision notice or with respect to any reserved matter or condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval.

Reason:

In order to achieve satisfactory development of the site.

Condition 5

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

b) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

Reason:

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

Condition 6

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

Reason:

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

Condition 7

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

- i. Arboricultural Impact Assessment Report - November 2020
- ii. Environmental Noise Assessment - November 2020
- iii. Preliminary Ecology Appraisal - November 2020
- iv. Surface Water Management Assessment - November 2020
- v. Badger Walkover Survey Report - March 2021

Reason:

In order to achieve satisfactory development of the site in accordance with Policies DM16, DM17, DM18 and DM29 of the adopted Chelmsford Local Plan (May 2020).

Condition 8

No development shall take place including any ground works or demolition until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide details of:

- i. construction access design
- ii. provision for the parking of vehicles of site operatives and visitors clear of the highway
- iii. means and location of loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities
- vi. hoarding positions
- vii. before and after condition survey to identify any defects in the highway
- viii. working hours, including delivery hours

Reason:

To ensure that on-site construction setup is confirmed, on-street parking of vehicles in the adjoining roads does not occur, to ensure that loose materials and spoil are not brought out onto the highway and to prevent other hindrance to the highway in the interests of highway safety. This must be agreed prior to the commencement of construction-related works to ensure adequate measures are put in place before they give rise to impacts.

Condition 9

No part of the development hereby approved shall be occupied until all soft landscaping has been planted in accordance with the specification given on the detailed planting plan as to be approved by way of the reserved matters application. If within a period of 5 years from the date of planting any part of that scheme, or any replacement planting, is removed, uprooted, destroyed/critically damaged, dies or becomes, in the opinion of the local planning authority, seriously defective, replacement planting of the same size and species as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason:

In order to add character to the development and to integrate the development into the area in accordance with Policy DM17 of the adopted Chelmsford Local Plan (May 2020).

Condition 10

Prior to their use samples of the materials to be used in the construction of the development (external elevations, door/window finishes, dormers, roofs, hard groundscape surfaces) hereby permitted shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the wider settlement in accordance with Policies DM23 and DM24 of the adopted Chelmsford Local Plan (May 2020).

Condition 11

- i. Prior to the commencement of development a detailed lighting plan showing locations, appearance and specification(s) of external lighting to shared spaces (e.g. estate access road) shall have been submitted to and approved in writing by the local planning authority.

- ii. prior to the first occupation of any development the detailed specification of lighting shall have been installed and be operational.

Reason:

To ensure that the proposed development provides adequate lighting to make the development safe for people using it and to ensure it is visually satisfactory in accordance with Policies DM23 and DM24 of the adopted Chelmsford Local Plan (May 2020).

Condition 12

- i. Prior to their installation details of all boundary treatments shall have been submitted to and approved in writing by the local planning authority.
- ii. prior to the first occupation of any development the boundary treatments as agreed shall have been completed.

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policies DM23 and DM24 of the adopted Chelmsford Local Plan (May 2020).

Condition 13

With the exception of preliminary site preparation and foundation works, no development above ground level shall take place until large scale drawings have been submitted to and approved in writing by the local planning authority showing typical details of the following:

- i. Fenestration, including elevations showing header and lower ledge detail, the setback from face brickwork, sections through the head, jamb and cill, and details of stiles, mullions, meeting rails and glazing bars;
- ii. Doors, door casings and surrounds, including elevations showing header and threshold detail;
- iii. Eaves, verges fascias and soffits;
- iv. Jettied projecting gable;
- v. Decorative ridge tiles and finials;
- vi. Chimneys;
- vii. Flues, vents and meter housing;
- viii. Dormer windows, including details of their finishing, flashings, adjacent tile detailing;
- ix. Electric vehicle charging infrastructure (including location, specification and appearance);
- x. Ecological enhancements (number, location, height and design details) to include 2no. bat boxes, cluster of 4 nest boxes for Swifts, a bug box and reptile loggia

The development shall be built in accordance with the approved details.

Reason:

The particulars submitted are insufficient for consideration of these specific details and are needed to confirm the proposals are in accordance with Policies DM23 and DM24 of the adopted Chelmsford Local Plan (May 2020). This information is needed prior to commencement of development because it will be used to establish the full scope of the development before it commences.

Condition 14

All waste & recycling facilities and cycle storage facilities (i.e. garages) shall be made available to each respective dwelling prior to its first occupation and in perpetuity no refuse containers shall be left outside of those defined storage areas except on the day(s) of collection.

Reason:

To provide adequate storage provision and ensure the quality of the environment is maintained in accordance with Policy DM26 of the adopted Chelmsford Local Plan (May 2020).

Condition 15

Prior to the first occupation of the dwellings hereby permitted 10 electric vehicle charging points (1 per dwelling) shall be installed and retained in accordance with details that that shall have been previously submitted to and agreed in writing by the local planning authority.

Reason:

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the adopted Chelmsford Local Plan (May 2020).

Condition 16

All new dwelling units as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).

Reason:

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

Condition 17

No fewer than 5 of the dwelling units as approved shall be constructed to comply with Building Regulations Approved Document Part M4(2) Category 2 (2010 - as amended).

Reason:

To ensure the development provides sufficiently adaptable homes to meet current and future needs of residents in accordance with Policy DM1 of the adopted Chelmsford Local Plan (May 2020).

Condition 18

i. No vegetation clearance, development or preliminary ground works shall take place until an Ecological Management Strategy detailing the measures to offer adequate protection to ecological interests during construction has been submitted to and agreed in writing by the local planning authority.

ii. All actions identified in the EMS shall be undertaken accordingly.

Reason:

To ensure the ecological interests of this site are adequately well managed as part of the construction process in accordance with Policy DM16 of the adopted Chelmsford Local Plan (May 2020).

Condition 19

No part of the development shall be occupied until all ecological enhancements (as per Condition 13(x)) have been installed.

Reason:

To compensate for loss of on-site natural habitat in accordance with Policy DM16 of the adopted Chelmsford Local Plan (May 2020).

Condition 20

i. Prior to the commencement of development details of proposed noise attenuation consisting of Mechanical Ventilation and Heat Recovery (MVHR) to the bedrooms of Plots 4-7 shall have been submitted to and approved in writing by the Local Planning Authority.

ii. Plots 4-7 shall not be occupied until such time as the noise attenuation as approved has been installed.

Reason:

To ensure those properties that require noise mitigation are provided with appropriate protection in accordance with Policy DM29 of the adopted Chelmsford Local Plan (May 2020).

Condition 21

No part of the development hereby approved shall be occupied until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SuDS approval body or other suitably qualified person(s). The certificate and a copy of drawings/specification depicting the approved scheme shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No part of the development hereby approved shall be occupied until the detailed scheme has been approved in writing by the Local Planning Authority and implemented. Subject to such minor variations as may be agreed in writing by the local planning authority, the scheme should include but not be limited to:

- i. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Infiltration and ground water monitoring should be undertaken in all locations that infiltration is proposed. If found to be viable the drainage scheme should be updated accordingly.
- ii. If infiltration is found not to be viable then the site should be limiting discharge rates to no more than 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. The outfall diameter should be no smaller than 22mm and should include the Contraflow SuDS Basket or similar, as outlined in the document from Cannon Consulting Engineers dated 18th March 2021. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- iii. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- iv. Final detailed modelling and detailed calculations for all areas of the drainage system.
- v. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- vi. Detailed engineering drawings of each component of the drainage scheme.
- vii. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- viii. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

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

Condition 22

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

Reason:

The National Planning Policy Framework paragraph 163 and 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to unacceptable levels of water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development.

Condition 23

Prior to first occupation of the dwellings a SuDS Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies (which shall include the need to maintain a yearly log of maintenance), shall have been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a Maintenance Company, details of long term funding arrangements should be provided.

Reason:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy DM18 of the adopted Chelmsford Local Plan (May 2020).

Condition 24

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

Reason:

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

Condition 25

The effective means to prevent the discharge of surface water from the development (including construction phase) onto the public highway shall be installed from the outset of development and shall be retained in an effective, operational state at all times thereafter.

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway.

Condition 26

Prior to the first occupation of the development the following highway related works as shown in principle on drawing 19/40/02 Rev C shall have been carried out to the satisfaction of the local highway authority:

- i. The vehicular access to the development shall be constructed at right angles to the highway boundary and to the existing carriageway as shown;

- ii. The developer will upgrade (at their expense) the existing footway on the western side of Blasford Hill (B1008) along the entire site frontage to include a 2 metre wide footway continuing into the site to both sides of the principle access;
- iii. Provision of all signing and lining in association with the highway works;
- v. A pedestrian crossing with tactile paving either side at the site access junction.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner and for the additional pedestrian traffic generated within the highway as a result of the proposed development in the interest of highway safety.

Condition 27

No dwelling unit shall be occupied until the approved parking spaces relating to the unit as expressed on drawing 19/40/02 Rev C have been surfaced and made available for use and in the case of the four visitor parking spaces they shall be provided prior to occupation of the last dwelling unit. The spaces shall not thereafter be used for any purpose other than the parking of motor vehicles in conjunction with the residential use of the site.

Reason:

To ensure adequate parking provision is available in the interests of highway safety.

Condition 28

No dwelling unit shall be occupied until the content of Residential Travel Information Packs, to be supplied to each of the 10 units within the scheme, has been approved by Essex County Council and provided to that dwelling unit. The Residential Travel Information Packs shall include guidance on walking, cycling, bus and rail routes and shall each include 6 one day travel vouchers for use with a relevant public transport operator. Prior to the occupation of each residential unit, the approved Residential Travel Information Pack and travel vouchers shall be provided to that unit.

Reason:

In the interests of reducing the need to travel by car and promoting sustainable development and transport within the city in accordance with Policies S9 and S10 of adopted Chelmsford Local Plan (May 2020).

Condition 29

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

Reason:

To ensure that adequate private amenity space is retained for the dwellings and in the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policies DM26 and DM29 of the adopted Chelmsford Local Plan (May 2020).

Condition 30

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 31

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 area(s) of soft landscaping (with the exception of rear gardens) shall be replaced with hard surfacing without the written consent of the local planning authority.

Reason:

To prevent surface water benefits achieved through the SUDS scheme being eroded on a piecemeal basis and in the interests of the visual amenity of the scheme and area by ensuring that front/side gardens or shared green spaces are retained as attractive landscape elements in accordance with Policies DM18, DM 23 and DM24 of the adopted Chelmsford Local Plan (May 2020).

Notes to Applicant

- 1 With reference to the requirements under Condition 5, you are advised to liaise with Essex County Council Historic Environment Branch.
- 2 In relation to Condition 9 - the soft landscaping details shall, within the wider scope of that work, provide details as follows:
 - a) Details of SUDS ponds including depth, final shape and planting
 - b) Means to soften boundary treatments to external site edges
 - c) Demonstrate integration with the open space to the north fronting onto Blasford Hill as shown in the approved masterplan for this area
- 3 In relation to Condition 12 - the boundary treatments shall include provision for hedgehogs to commute between gardens and effective noise attenuation along boundaries shared with the scaffold yard and its access (to a maximum of 2m height) - details to be provided.
- 4 In relation to Condition 16 - the EMS shall detail as follows:
 - a) Presence/absence surveys for reptiles and badgers within 48 hours of commencement of works
 - b) Translocation methodology should wildlife be present within the site
 - c) Boundary treatments to avoid re-population (where needed)
 - d) Considerate vegetation clearance (e.g. reptile sensitive clearance)
 - e) Seasonal works restrictions (e.g. no tree clearance between beginning of March - end of September)
 - f) Content of 'toolbox talk' to be given to all site personnel re. protection of badgers
 - g) How to leave excavations and open pipework
 - h) Stopping of works in event of discovering suspected badger sett and appropriate next actions
 - i) Storage of chemicals/liquids on site
 - j) Rules for fires
 - k) Rules for food and litter
- 5 In relation to Condition 21 - the requirement is that you agree the final detailed SUDS scheme direct with the Lead Local Flood Authority, achieve scheme certification and then submit that certificate

along with the final agreed SUDS scheme content to the Local Planning Authority to discharge the condition. It is preferable and most time efficient to manage the process as described rather than have the SUDS scheme submitted to the LPA before it has been formally agreed with the LLFA.

- 6 In relation to Condition 26 - the developer shall meet the costs of all necessary traffic regulation orders and legal processes associated with the highway works and any related works to make the final scheme technically acceptable. The developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.
- 7 With reference to the requirements under Condition 26, it will be necessary to obtain separate approvals from the Local Highway Authority (Essex County Council) for any works within the public highway. Prior to any works in the public highway, affecting the public highway or in areas intended to become public highway, you will be required to enter into an appropriate agreement with Essex County Council as the Local Highway Authority to regulate construction works. This may include the submission of detailed engineering drawings for safety audit and approval. As part of those future discussions with the Local Highway Authority you are required to ensure there is no discrepancy between the planning and highway approvals.
- 8 With reference to the requirements under Condition 28, you are encouraged to contact Essex County Council Travel Plan Team to arrange production of the Residential Travel Information Packs.
- 9 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 or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

The Highway Authority cannot accept any liability for costs associated with a developer's scheme. In addition to physical works, this includes the preparation and consideration of Traffic Regulation Orders, legal processes, safety audits, site supervision, maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973 (to protect the Highway Authority against such compensation claims a cash deposit or bond may be required).

- 10 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 11 Your attention is drawn to the consultation responses received from Anglian Water and Essex County Council SUDS Team which both provide guidance on surface water drainage and further actions required.
- 12 Essex Police have invited further discussion should you want to achieve a Secure By Design Homes accreditation.

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

- 14 Hours of work during construction

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

Noisy work:

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

Light work:

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

In some circumstance further restrictions may be necessary.

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

Party Wall Act

The Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

- 15 You are reminded that this permission is also subject to a legal agreement, and that the terms of this agreement must be complied with.
- 16 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.chelmsford.gov.uk/cil, and further information can be requested by emailing cilenquiries@chelmsford.gov.uk. If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 17 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

Positive and Proactive Statement

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

Background Papers

Case File

Little Waltham Parish Council

Comments
<p>Object to the development for the following reasons:</p> <ol style="list-style-type: none"> 1. Development does not relate to the agreed masterplan 2. Represents ribbon development 3. Ribbon development will cause more cars to travel through Little Waltham 4. Scale of development out of keeping with area 5. Density of development out of keeping with area and listed buildings along Blasford Hill 6. Density would result in adverse visual impact on street scene and parking issues 7. Blasford Hill is already over 90% capacity – proposal adds more traffic 8. May adversely affect the new estate junction/new access to hospital

Broomfield Parish Council

Comments
<p>Object to this application for the following reasons:</p> <ol style="list-style-type: none"> 1. Proximity of access to the new estate junction 2. Blasford Hill is already over 90% capacity – proposal adds more traffic 3. Size of properties proposed on a small site – out of character

Essex County Council Highways

Comments
<p>The Highway Authority comments that the proposal is not detrimental to highway safety, capacity or efficiency. No objection is raised subject to the following:</p> <ol style="list-style-type: none"> 1. Planning obligations 2. Construction Management Plan 3. No unbound materials within 6m of the highway 4. Access/footway requirements 5. No discharge of water from the site onto the highway 6. Provision of parking and cycle parking 7. Travel information packs and travel vouchers

Parks & Open Spaces

Comments
<p>No response received</p>

Leisure & Heritage Services

Comments
No response received

Anglian Water Services Ltd

Comments
No assets within the site. Adequate drainage capacity for foul water from this development. Applicant to follow standard notification procedures. SUDS is the preferred method to deal with surface water drainage. Anglian Water will need to be involved should connection to sewer be necessary.

Essex and Suffolk Water

Comments
No assets within the site. No objection subject to connection being made to supply the development with water and compliance with E&SW requirements.

Essex County Council (SUDS)

Comments
No objection subject to the following: <ol style="list-style-type: none">1. Detailed SUDS scheme approval (based on submitted parameters)2. Scheme to prevent run-off during construction3. Maintenance plan4. Yearly maintenance logs

NHS Mid & South Essex Sustainability & Transformation Partner

Comments
No response received

Police - Designing Out Crime

Comments
Comments – neither objecting to or supporting the application.

Bollard lighting may not provide sufficient lighting. Insufficient lighting has been shown to increase the fear of crime and can be inefficient compared to a well designed lighting plan using column lighting.

Welcome the opportunity to discuss proposals further with the developer and work towards a Secured By Design Homes award.

Essex County Fire & Rescue Service

Comments

Access for Fire Service purposes has been considered - no comments made. More detailed observations on access will apply to the Building Regulations stage.

Water supplies for fire fighting – contact information provided for further discussion.

Recommend use of sprinkler systems in all settings.

Public Health & Protection Services

Comments

The acoustic report indicates that noise mitigation can be put in place.

EV charging point at a rate of 1 charging point per unit.

ECC Historic Environment Branch

Comments

Site lies close to known prehistoric and Roman features.

A written scheme of investigation to be agreed and carried out prior to the commencement of development.

Local Residents

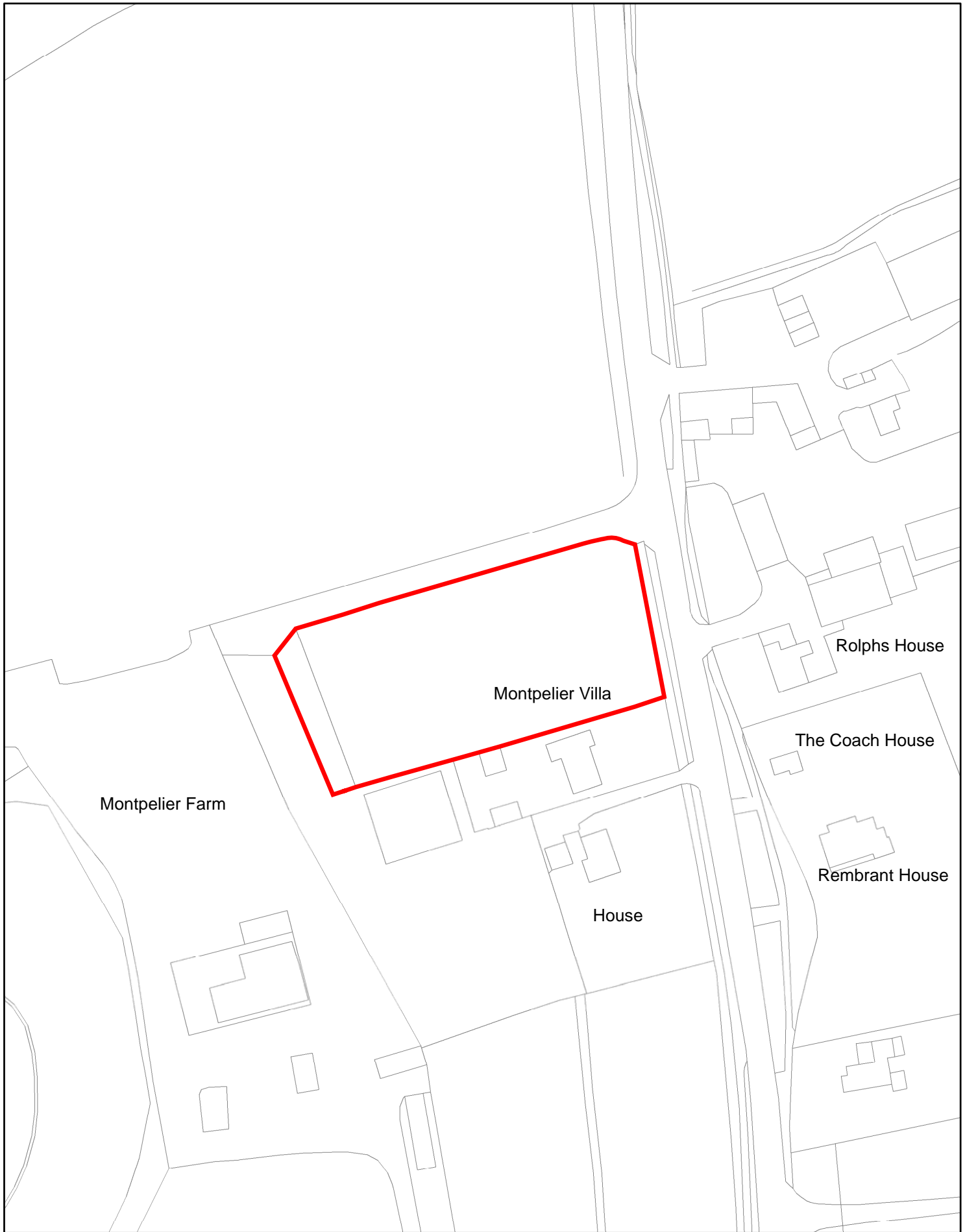
Comments

2 letters received – one from the adjacent neighbour and the other on Behalf of Bloor Homes:

Comments raised:

1. Access – proximity to existing accesses – highway safety and efficiency concerns
2. Access – proximity to proposed estate access (c. 100m north) – highway safety concerns
3. Loss of privacy to Montpelier Villa
4. Out of character – scale relationship with Montpelier Villa
5. Building line transgression to front – overbearing on private amenity area of Montpelier Villa
6. Removal of boundary trees will increase noise impact to Montpelier Villa

7. Removal of mature trees will cause damage to foundations of Montpelier Villa
8. Staff parking will create noise for new residents
9. Masterplan compliance in terms of
 - a. No affordable housing
 - b. No contribution towards other infrastructure
 - c. Understanding of holistic issues such as access, drainage and ecology



0 12.5 25 50 Metres

1:1,250

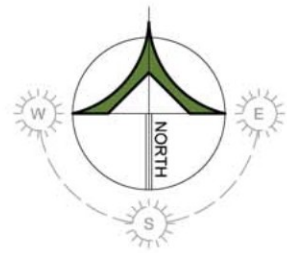


**Planning Committee
20/01907/OUT**

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

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

Telephone: 01245 606826



Do not scale from this drawing.
All information shown is to be checked on site
for accuracy and fit. Any discrepancies or omissions
to be reported to Arcady Architects immediately.



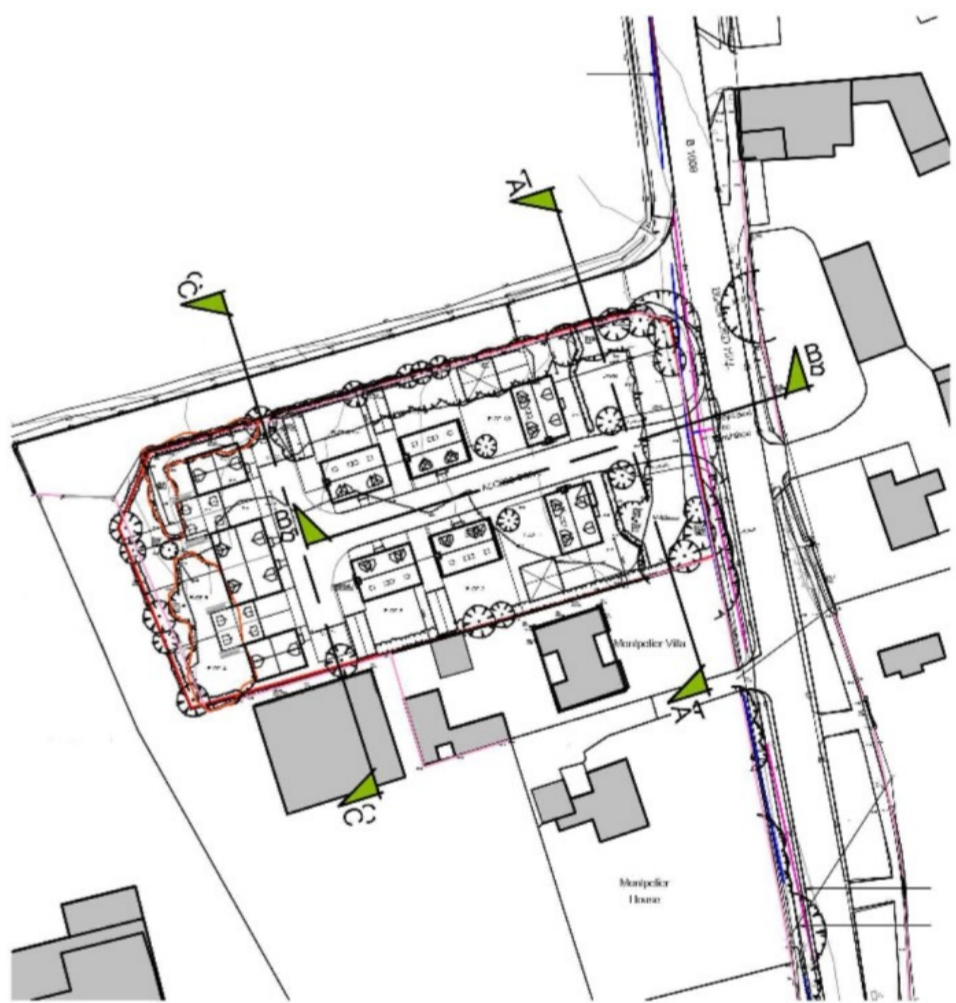
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PROPOSED STREET SCENE A-A
1:150

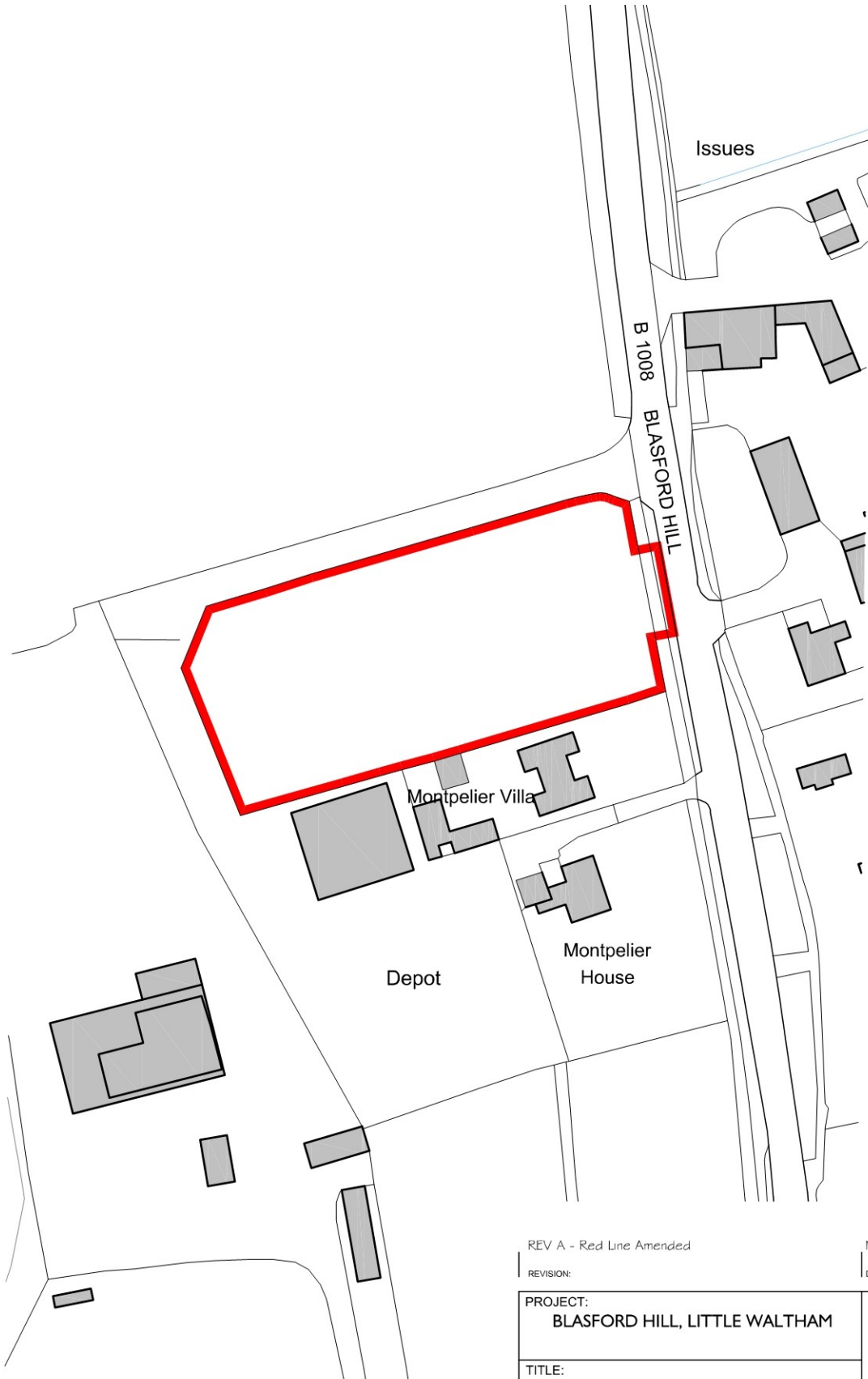


PROPOSED STREET SCENE B-B
1:150



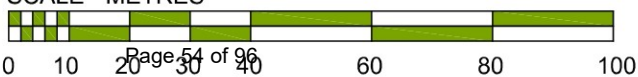


Do not scale from this drawing.
All information shown is to be checked on site
for accuracy and fit. Any discrepancies or omissions
to be reported to Arcady Architects immediately.



SITE LOCATION PLAN

SCALE - METRES



REV A - Red Line Amended

REVISION:

NOV 20

DATE:

CW

DRAWN:

PROJECT:

BLASFORD HILL, LITTLE WALTHAM

TITLE:

SITE LOCATION PLAN

SCALE:

1:1250 (A4)

DATE:

JUN 20

DRAWN:

CW

CHKD:

No.

19/40/01

REV.

A

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ARCADY

ARCHITECTS



Planning Committee

Application No	:	21/00024/FUL Full Application
Location	:	Chelmer Waterside Access Wharf Road Chelmsford
Proposal	:	Full application for a single carriageway road, bridge and associated works, from Wharf Road to Baddow Road to provide access to the emerging Chelmer Waterside neighbourhood
Applicant	:	Chelmsford City Council
Agent	:	Miss Delyth Owen
Date Valid	:	14th January 2021

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. This application is for a new multi-user access road to serve Chelmer Waterside sites as allocated through the Chelmsford Local Plan (May 2020). The strategic growth allocated at Chelmer Waterside will see the previously developed urban land regenerated to provide around 1,100 new high-quality homes within a waterside setting. The proposed access is designed to serve those development parcels south of the canal navigation, and means vehicular demand overall is spread over two access points rather than relying purely on the existing junction at Springfield Road/Navigation Road. Traffic management is used as an effective means to control use.
- 1.2. The highway infrastructure scheme has been designed by Jacobs, which is part of the Essex Highways group and has been developed in liaison with the Local Highway Authority. The proposals have been designed in compliance with all relevant technical guidance and standards.
- 1.3. In the context of the wider Chelmer Waterside development, this access represents an initial phase of a strategic vision for creating a network of positive walking and cycling routes through the area which are safe, convenient and desirable and in the most part will limit interactions with vehicles. Whilst there are some short-term minor disadvantages to pedestrians and cyclists at this stage of the works, that is unavoidable and is necessary to enable the Council to unlock development on the peninsula to fund those wider network improvements.
- 1.4. All application content has been reviewed and all material objections have been considered. There are no sustainable grounds on which to resist this proposal and the application is recommended for approval.

2. Description of site

- 2.1. The site boundary is an irregular shape owing to the nature of the project. It spans between Parkway, Wharf Road and the foot/cycle route at Springfield Lock. A large area of the former gasworks land is also included as that is required for related works and site compound. The site extends east along the River Chelmer to facilitate flood compensation works forming part of this proposal. The site transects an operational public car park.
- 2.2. Near to the application site are various existing uses. Parkview House on Baddow Road is a relatively recent residential-conversion, B&M and City Carpets are commercial uses fronting Baddow Road and Parkway, Essex Record Office is situated on the waterside peninsula and there are water related uses nearby. Further along Baddow Road and Wharf Road are a mix of residential and commercial uses.
- 2.3. The Chelmer Waterside area has been allocated for strategic-scale, housing-led development in the adopted Local Plan (May 2020 – see Strategic Growth Site Policy 1a). In support of that development, access infrastructure, including this bridge, has been identified as being required.
- 2.4. The area forms part of the Chelmer and Blackwater Navigation Conservation Area.
- 2.5. Currently a Bailey bridge spans the river at this point. Given the age and dimensions of the bridge it is not a suitable access to serve the Chelmer Waterside area going forward. This existing bridge is considered a non-designated heritage asset due to its own local story, but the bridge does not contribute positively to the Conservation Area or setting of nearby designated heritage assets. The Bailey bridge has been closed to vehicles for many years on safety grounds.

- 2.6. There are no listed buildings (designated heritage assets) in the direct vicinity of the proposed access works. Nearby are the Grade II listed Moulsham Mill complex (over 200m away from the main access works and 25m from flood compensation works) and the Grade II listed Springfield Lock/Bridge (over 300m away from the main access works).
- 2.7. The river corridor itself is Flood Zone 3b with areas beyond classified as 3a or 2. This application site spans all of those flood zone classifications.
- 2.8. There are many trees located within the river corridor and on the former gasworks land. Many of these are self seeded and are not of particularly high quality; others have more merit for arboreal or visual reasons. Most trees will have some ecological value. No trees affected by these works are subject to a TPO, but protection is more generally afforded as a material consideration by virtue of the Conservation Area status of the land.
- 2.9. The river corridor is part of a local wildlife designation (CH68 transitioning to CH87). The river corridor and adjacent open areas are designated Green Wedge.
- 2.10. Historic sources of ground contamination are present, although these are predominantly related to the former use of the land as a gasworks.
- 2.11. An Air Quality Management Area exists along Parkway and Baddow Road.
- 2.12. There is a high-pressure gas main within the waterside peninsula which runs parallel to the proposed road alongside Essex Record Office for a short distance.

3. Details of the proposal

- 3.1. This application seeks full planning permission for a single carriageway road, bridge and associated works, between Wharf Road and Baddow Road (with connection to Parkway) to provide access to the allocated Chelmer Waterside strategic development parcels.
- 3.2. The proposals include ramped road sections either side of the bridge span to set the bridge at a height which achieves clearance to both the river, to support navigation, and foot/cycle routes beneath the structure to both north and south banks of the River Chelmer to provide the necessary connections to wider network.
- 3.3. The bridge design is an arched bow-string frame spanning the water. The design of the bridge and supporting structure has an intended soft-industrial look and is based on the use of high-quality materials. The design is intended to add interest to the landscape, add to high-quality local place-making in support of the positive regeneration of the area, and relate to the earlier industrial character of the Chelmer and Blackwater Navigation Conservation Area.
- 3.4. The road is intended as access to waterside parcels only. Vehicles will need to navigate several carriageway constrictions which are designed to deter rat-running and keep vehicle speed below 20mph. Final design of traffic calming features within the carriageway will be subject to a formal highways approval process (that stage follows planning approval).
- 3.5. Cyclists will be able to use the carriageway over this bridge owing to the low traffic and low traffic speed. Cyclists will then be able to join the National Cycle Network Route 1 (NCNR1) via the Taylor Wimpey development which allows straight connection running parallel to the canal next to Springfield Lock/Bridge. Cyclists wanting to access the city centre via NCNR1 will initially

be required to use the existing footbridge over to the Meadows peninsula which will be replaced as part of the Chelmer Waterside regeneration (see emerging Chelmer Waterside Development Framework).

- 3.6. Flood compensation is being provided in the form of capture cells alongside Essex Record Office and a new natural floodable basin to the south of the River Chelmer. These measures have been modelled based on up-to-date flood data and show an overall betterment to flood depths in this area can be achieved and that this will not worsen upstream or downstream flooding.
- 3.7. This scheme is being delivered with the assistance of advance funding provided by Homes England, which is to be repaid through the development it serves (i.e. via s.106 agreements relating to the Waterside developments). A s.106 contribution has already been secured from the Taylor Wimpey development at the head of the peninsula.
- 3.8. The access is necessary to support the planned housing growth at Chelmer Waterside. In conjunction with works to improve the capacity of the Springfield Road/Navigation Road junction to provide sufficient capacity to serve parcels to the north of the canal (this stage of works has been approved and will be delivered 2021/22), the proposed access provides the necessary vehicular access for allocated sites south of the canal to come forward. This access strategy has been set out within Strategic Growth Site Policy 1a of the adopted Chelmsford Local Plan (May 2020).
- 3.9. Various technical reports are submitted with the application which will be referenced within the Planning Considerations section of this report.

4. Other relevant applications

- 4.1. As referenced above, the waterside developments as defined by Strategic Growth Site Policy 1a of the Chelmsford Local Plan (2020) share a relationship with this access either in terms of its use and/or its funding. Of these sites only the Taylor Wimpey scheme (Aspyre) at the head of the peninsula has come forward to date – this development is for 446 new homes (16/01630/MAT/3).
- 4.2. An Environmental Impact Assessment Screening Opinion has been issued for this application under reference 21/00199/EIASO. This concluded that this development is not EIA development.
- 4.3. An emerging Development Framework for Chelmer Waterside has been put on public consultation between February and March this year. This document provides practical understanding of the site and its potential with recommendations for site content and configuration including the access provisions. This document is not yet approved so the weight that it carries in the consideration of this application has been judged accordingly.

5. Summary of consultations

- ECC Historic Environment Branch – no objection subject to historic building recording survey
- Public Health & Protection Services – contaminated land, negligible air quality change
- Environment Agency – final response to be reported at the Committee meeting
- One Chelmsford BID Ltd – No reply
- Leisure & Heritage Services – No reply
- Essex County Council Highways – no objection subject to conditions, future maintenance inf.

- Economic Development & Implementation – No reply
- Parks & Open Spaces – No reply
- Anglian Water Services Ltd – standard asset/apparatus checks to be carried out
- Highways England – No objection
- H.S.E East Anglia Area – No reply
- Historic England – No comment
- Essex County Council (SUDS) – No objection subject to conditions
- Ramblers Association – No reply
- Essex and Suffolk Water – No reply
- Property Services – No reply
- Police - Designing Out Crime – No reply
- Essex County Fire & Rescue Service – traffic calming design considerations, vehicle weight
- NHS Mid & South Essex Sustainability & Transformation Partner – No reply
- South Essex Parking Partnership – No reply
- Chelmer Canal Trust – design considerations, future relationship with the lock, flood measures
- Inland Waterways Association – No reply
- Essex Waterways Ltd – design considerations, drainage, cycling
- Local residents – varied, see Appendix 1

- 5.1. Prior to submitting the application, a separate public consultation has taken place overseen by the Council's client team for the project. The parameters and results of this are provided in the submitted Public Engagement Summary of Responses document.
- 5.2. The pre-application public consultation took place between 3-25 August 2020. More than 700 letters were sent out to properties within a radius of the access scheme, over 30 known stakeholders were sent emails, the Council's social media accounts provided links to the consultation, a dedicated webpage was set up on the Council's website alongside other direct and indirect methods of notification for Councillors and other potentially interested parties.
- 5.3. A total of 91 responses were received. The key themes of the replies were around water navigation, cycling, traffic, bridge aesthetics, retention/re-use of the Bailey bridge, and the environment. The client team at Chelmsford City Council has considered these comments and responded through the document, providing reassurance that the issues raised have been taken into account and with rationale given where the proposals have not changed as a result.

6. Planning considerations

Main Issues

- 6.1. This application seeks permission for highway infrastructure in support of allocated housing growth. There are no objections in principle.
- 6.2. Whilst all material considerations have been weighed in the assessment of this proposal, the main issues are:
 - ☐ Movement and Highway Impacts
 - ☐ Design, Conservation and Landscape Setting
 - ☐ Impact on Riverine Environment and Ecology
 - ☐ Flooding and Drainage

Movement and Highway Impacts – Policies S2, DM23 and Strategic Growth Site Policy 1a

- 6.3. These proposals have been designed by Jacobs, which is part of Essex Highways and have been subject to detailed consideration by Essex County Council as the Local Highway Authority (LHA). The LHA has confirmed there are no formal objections to the proposals, which is important as the highway design will be subject to further formal assessment by the LHA prior to the access construction – the role of these current proposals in highways terms is to agree the broad principles. Supporting the consideration of the application are several documents including a Highway Design Strategy, Walking and Cycling Strategy and Traffic Modelling.
- 6.4. Although not referenced by a specific report, these proposals have been designed to allow a minimum of 2.5m clearance below the bridge span to the river surface to allow the majority of canal boats to pass under. This would benefit future extended navigation via a new lock and is part of the wider ambition to develop the Chelmer Waterside environs around the function of the water.
- 6.5. The proposals adequately demonstrate how vehicle, cycle and pedestrian movements have been considered and incorporated. Development within Chelmer Waterside, which this access will serve, will seek to prioritise sustainable travel, but there remains a need to accommodate some residential vehicular traffic and in addition refuse freighters, emergency vehicles and other service vehicles. In terms of vehicle networking, this proposal is designed to balance demand/capacity at the two entrances to Chelmer Waterside areas; northern sites served via Springfield Road/Navigation Road and, southern sites served via Baddow Road. The two access points will mitigate the demands of related housing growth on this part of the network by spreading that demand across both access points and effectively limiting demand on the Springfield Road/Navigation Road junction.
- 6.6. The National Cycle Network Route 1 (NCNR1) currently brings cyclists over the Bailey bridge from the waterside peninsula with continuation onto city centre via Kings Head Walk on the south side of the River Can. This new bridge cannot directly re-provide that foot/cycle route because of levels as this bridge needs to be set higher than the current Bailey bridge and gradient requirements for equal access meaning ramping conflicts with surrounding functions. Therefore, the cycle route will divert a short distance (circa 80m) to the existing foot bridge across the River Chelmer to Meadow Walk (dismount over the bridge currently) and then would pick up the existing local cycle network – the submitted document also shows a longer diversion of the NCNR1 in the interim for continuous cycling, but in reality it is unlikely that any cyclist would opt to take that route in preference to the minor inconvenience of having to dismount over a pedestrian bridge. Additionally, during construction the existing foot/cycle path north of the river will be diverted through the Taylor Wimpey development (allocation site CW1b) between Wharf Road and Springfield Bridge/Lock. This diversion is unavoidable.
- 6.7. As part of the regeneration of the Chelmer Waterside area there is a strategy (as described in Local Plan policy and emerging Development Framework for Chelmer Waterside) to replace the existing footbridges over Rivers Can and Chelmer here with cycle bridges to allow more opportunities for continuous cycling and open up more of the local cycle network. This will be done to meet policy objectives of increasing sustainable travel opportunities in conjunction with new housing development. This however cannot be secured by this current application and hence the temporary provisions have been put in place.
- 6.8. Foot and cycle movement east-west on both sides of the river are successfully managed by these proposals, with routes continuing under the structure on both sides. On the south side of the river the existing routing is indirect and somewhat confusing owing to the car park environs. The proposals would generally improve the routing, but there is one key connection between

the south side of the River Chelmer and Baddow Road which will need to be agreed between CCC and the LHA post-decision – this is the part of the route through site allocation CW1d (Baddow Road car park), but at present this is part of an active car park so a phased approach to this section of the route is likely to be necessary to maintain safety.

- 6.9. The new carriageway will connect with Wharf Road via a new junction. From Wharf Road allocated sites CW1a and CW1b will be accessed. The new access will connect with Parkway via the existing junction which can be improved with minor works to improve visibility. There will be a physical road connection between Navigation Road and Parkway, but a series of traffic calming measures are to be used as deterrent to motorists using this route as a rat run. These mitigation measures together with a 20mph enforcement have been chosen based on traffic modelling and are expected to manage the risk effectively. Impact on wider network has been factored into earlier modelling carried out at the Local Plan stage (as this road itself does not generate traffic) and modelling provided with the application shows that wider network capacity factors limit growth in vehicle movements to large extent. There will be more movements experienced along Baddow Road, which is to be expected with this being the route to the new access, but the reduction in public car parking at Baddow Road as a result of being allocated for development does significantly mitigate this.
- 6.10. The development in transport terms is a positive scheme providing the necessary infrastructure support for the allocated housing development at Chelmer Waterside and the wider area.

Design, Conservation and Landscape Setting – Policies S3, DM13, DM14, DM23 and DM24

- 6.11. The application is submitted with a Heritage Statement and Landscape and Visual Impact Assessment. Historic England has confirmed there are no formal objections to the proposals. The Council's Heritage Advisor has confirmed there is no harm to heritage caused by these proposals and that the design approach is contextually relevant.
- 6.12. The position and layout of the access have been set by movement strategy and technical highway considerations in the most part. However, the resulting scheme does relate positively to the formal development allocations of the Local Plan and planning framework, both of which require high-quality regeneration of the area. The access will provide legible routes to serve the developed area and will ultimately improve networking by all means, but in particular the new access is a foundation for creating a network of pedestrian and cycle routes with very minimal contact with vehicles.
- 6.13. The bridge span over the water will be an overt visual feature within the landscape. This is intentional as a bridge is a unifying feature and should contribute to wider townscape setting in a positive manner. The design of the bridge is a tied-arch bow-string frame which will be finished in weathering steel giving it an aged look. The design and materials of the bridge reflect the industrial heritage of the location.
- 6.14. The elevated road, ramps and public routes beneath the structure have been designed in keeping with the main bridge span. The use of weathering steel and gabion baskets to screen the visually undesirable concrete supporting structure are directly related to the main bridge span and attributes of the local foot/cycle route (e.g. the Taylor Wimpey scheme at CW1b). This is important since the elevated structure would (in principle and by virtue of quality of material finishes) otherwise create a negative segregation of east/west extents of the peninsula, but by making those supporting elements a positive part of the street experience by way of high-quality and contextually coherent finishes they are not seen as harmful obstructions or undesirable visual content. The LHA has raised some future maintenance requirements which may conflict

with the chosen approach, but they relate to cost of maintenance and adoption of maintenance responsibilities. These matters can and will be further considered at the next stage of detailed highway consideration and should it be necessary to change approach with an equally high-quality and contextually appropriate design solution, that would need to be agreed with the Local Planning Authority.

- 6.15. Although larger and therefore more prominent in the wider landscape setting than the existing Bailey bridge, the generally open-frame structure does not impede or diminish medium or longer range views, where they are available – the tree cover to river margins and other intervening vegetation tends to limit view paths from the wider area in the main. In any event those views which are available would be contextualised, either with the urban attributes of the immediate environs as existing or with the allocated development in the future.
- 6.16. The removal of the existing Bailey bridge, which is considered a non-designated heritage asset, is acceptable given the intended temporary use of these structures – they were deployed for a temporary period and then moved. This particular Bailey bridge was relocated to this site in 1992 and before that had been situated in another part of Chelmsford. The principle that the bridge will be removed with an intention of finding it a new purpose is fully supported. In any case, the removal of the bridge should be weighed in the planning balance in accordance with Paragraph 197 of the National Planning Policy Framework which means taking account of the wider benefits to the planned regeneration of the area facilitated by the new access.
- 6.17. As a consequence of the new bridge access or related works there would be no adverse impact on the character or appearance of the Conservation Area nor the setting of nearby heritage assets.
- 6.18. The attenuation works to the south of the River Chelmer are an opportunity to create an attractive and functional area of wetland. This is a positive feature to have in context with a river environment and has no adverse visual consequence. Historically the water channel would have been in this area to connect Moulsham Mill, but was redirected presumably as part of the canalisation of the waterways.
- 6.19. The development in design, conservation and landscape terms is a positive scheme providing the necessary quality of architecture and relevance to local heritage and character.

Impact on Riverine Environment and Ecology – Policies S4, DM7, DM16 and DM17

- 6.20. The application is submitted with an Extended Phase 1 Habitat Survey and Arboricultural Impact Assessment and Method Statement.
- 6.21. The site is situated within two designated local wildlife sites which relate to the river corridor and water meadows. These designations are to recognise the attributes and value of this natural environment – in wildlife terms this relates to riverine species and also bats and birds which use the open meadows and arboreal margins of the rivers to nest, commute and forage. Wider connections to other designated sites have been discounted based on distance and lack of intermediate habitat connectivity. The areas further inland are previously developed and do not have the same natural attributes as those designated wildlife environs and areas west (city centre) are dramatically more urban.
- 6.22. The mix of trees, scrub and other marginal vegetation are an important part of the biodiversity of the area. To protect these the Extended Phase 1 Habitat Survey (February 2021) sets out several recommendations including restricting clearance to that which is absolutely necessary,

setting routes for plant and other machinery, and appointing an Ecological Clerk of Works to review the construction methodology and oversee works on site. Where it is necessary to remove existing vegetation the proposals include provision for replacement planting.

- 6.23. It is necessary to remove 11 individual trees, two tree groups and two partial tree groups to facilitate works. Some of these however relate to trees already in decline or previously removed. The removals are limited to those which are necessary to support the works. A tree protection plan is included to demonstrate how retained trees and tree groups would be offered protection during construction works.
- 6.24. The river corridors are designated as Green Wedges. This is to maintain their open and natural character. This proposal does not undermine that policy objective and all development in Chelmer Waterside has been allocated through the adopted Chelmsford Local Plan (May 2020).
- 6.25. The area of the proposed flood attenuation on the southern side of the River Chelmer is classified as semi-improved grassland in poor condition. As part of the proposals this area will provide opportunity for net biodiversity gain. In addition, the margins of the new road are intended to be green and tree-lined which will allow for net increase in tree presence and also net biodiversity gain since these areas are currently poor quality made ground. Areas along the water will be planted, but consideration of wider development changes in this area need to be borne in mind to avoid conflicts. Therefore, a final landscaping scheme will need to be agreed with the Local Planning Authority.
- 6.26. Bat sensitive lighting has been designed as per the submitted Lighting Assessment.
- 6.27. The development demonstrates an appropriate level of understanding and protection of the existing natural environment and sets out practical ways that mitigation or in some cases compensation should be incorporated to ensure the proposals have a neutral impact on the natural environment. It is reasonable to conclude that net biodiversity gain can be achieved.

Flooding and Drainage – Policies S2 and DM18

- 6.28. The application is submitted with a Flood Risk Assessment Baseline, Fluvial Flood Risk Hydraulic Modelling, Flood Risk Assessment, Flood Risk Assessment Addendum Note and Drainage Design Strategy 3a.
- 6.29. At the time of report writing the final consultation response from the EA is still outstanding, but there has been discussion with the EA during the life of the application which has justified the approach of making this recommendation in advance of receiving that consultation response.
- 6.30. The Flood Risk Assessment analyses the flood modelling and concludes that the proposals would reduce floodplain storage in Flood Zone 3a by 118m³ without mitigation. There would be no loss of Flood Zone storage in Flood Zone 3b (functional floodplain). Because direct like-for-like flood water storage cannot be provided due to the topography constraints of the site, the amount of storage has been increased to achieve an equivalent benefit and has been sited circa 100m downstream. In total 756m³ of compensatory floodplain storage is being provided on the southern bank of the River Chelmer which is a significant net increase of flood storage capacity.
- 6.31. Further detailed analysis of flows and depths of flooding across various scenarios of risk have been considered in the FRA and FRA Addendum. In considering wider flood risk outside of the development site it has been confirmed that this scheme would result in a wide net benefit or nominal adverse change to depths in flood events which means an increase below 15mm in

depth. The only instances above a nominal adverse change (representing minimal adverse change) are three instances of less than 20mm change and detailed review has been undertaken to confirm that modelled maximum flood depths would remain below threshold levels.

- 6.32. The Environment Agency's statutory consultation response is expected to be reported to the Committee via the green sheet. Condition 23 of this recommendation stipulates compliance with the Flood Risk Assessment and implementation of the flood compensation scheme before opening of the new road. Should the EA require additional controls, they can be added to the recommendation.

Residential Amenity (including Noise, Light, Vibration) – Policy DM29

- 6.33. The application is submitted with a Noise and Vibration Assessment and Lighting Assessment.
- 6.34. The new access road will route close to Parkway House, 2 Parkway (B&M and City Carpets) and Essex Record Office. There are also properties within the wider vicinity of the works, including properties along Baddow Road and Wharf Road. The flood attenuation works are situated near to Moulsham Mill.
- 6.35. To the south and in general, the relationships existing to proposed are consistent. The new access will use the existing car park access from Baddow Road. There will be increased use of that access, but that in itself does not make the relationship harmful or unacceptable. To the north, a road will continue from the bridge to Wharf Road. This is the alignment of a historic road which once served a circa. 400 space car park (Site CW1b). The operational use of the access given the modelled attributes and contextual urban environment will not give rise to unreasonable adverse impact to any nearby receptor.
- 6.36. In relation to noise and vibration impacts during the construction stage, as with any construction project, there will be some short-lived impacts over the duration of specific works. These have been modelled, but no significant adverse impacts would arise. There are ways to lessen some noise and vibration impacts through on-site construction measures and methodology. These should be set out through the construction Environmental Management Plan, which will be required by condition.
- 6.37. Through directional lighting and modern light fittings the horizontal spill of light towards sensitive receptors, such as residential properties, is avoided. The existing light columns in Baddow Road Car Park already spread light quite evenly across wider areas of the car park and onto adjacent land. The foot/cycle routes beneath the new structure would receive more light to maintain a safe environment – this is a welcome proposal as it encourages greater use of public walking and cycling routes and deters crime and anti-social activity.
- 6.38. To avoid impact on bats using the river corridor the design includes shielded LED lanterns (no UV output) with dimming capability and these are installed at a lower height (5m) where possible and with no upward tilt.
- 6.39. The development has objectively considered the impacts that may result at both construction and operational stages of the project. Whilst there will be some more significant impacts which cannot be mitigated, they will relate to construction period and not beyond and construction environmental management will be used to lessen those effects as much as is possible. Where design mitigation can be incorporated it has been.

Air Quality – Policy DM30

- 6.40. The application is submitted with an Air Quality Assessment. There is a nearby Air Quality Management Area with a direct relationship with this site. Baseline air quality modelling is undertaken by Chelmsford City Council as part of its monitoring of the AQMA – this has provided a baseline for the application assessment.
- 6.41. Construction-related risk of adverse air quality or perceived adverse air quality from works specific or general are low to medium. With appropriate ‘standard good practice’ mitigation agreed through the Construction Environmental Management Plan these impacts can be managed and largely if not wholly remedied.
- 6.42. The modelled changes of NO₂ arising from the new access once operational are so minimal as to be classified as imperceptible. This assessment has considered both NO₂ and particulate matter which are known pollutants of risk to human health and the natural environment. The Council’s Public Health and Protection Service has reviewed these results and following some areas of further enquiry has confirmed there is no objection.

Ground Contamination – Policy DM30

- 6.43. The application is submitted with a Ground Investigation Report.
- 6.44. Borehole and trial pit sampling have informed the study of ground condition and ground contamination of this site. As expected, the areas north of the River Chelmer, those areas belonging the former gasworks, do indicate soil contamination from that historic use. The contaminants can be managed as part of the construction methodology, but in addition care must be taken not to allow contaminants to leach into the rivers and to responsibly manage any soil arisings from the construction works where there is identified contamination.
- 6.45. The Council’s Public Health and Protection Service has reviewed this document and accepted its findings with a recommendation for further controls to be agreed by condition.
- 6.46. A high pressure gas main is situated within the peninsula. This gas main has a ‘safety zone’ around it set by the Health and Safety Executive with three zones of risk based on proximity to the pipeline. For considering development within that ‘safety zone’ a set of rules are published by the Health and Safety Executive outlining whether they would allow or resist the proposals based on risk posed by the type of development and risk posed by zone of proximity to the pipeline. With reference to those rules (PADHI – Planning Advice for Developments near Hazardous Installations) estate roads and single carriageway roads are defined as a Level 1 risk which means the Health and Safety Executive will not advise against the development proceeding even if within the closest zone of risk. For clarity, this access road and bridge structure remain entirely outside of the ‘safety zone’ except for the northern-most section of road which joins with Wharf Road. In conclusion, this proposal does not pose a risk to safety such that it would be contrary to HSE guidelines. This assessment is consistent with related development approach on Chelmer Waterside. The Health and Safety Executive were invited to add comment to this assessment, but did not respond. There remains a need for the contractor to liaise with the pipeline operator (Cadent) to ensure all necessary safety precautions are undertaken for works near to a gas pipeline – this will be raised on the decision as an informative.

7. Community Infrastructure Levy (CIL)

- 7.1. This application is not CIL liable.

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

- a) No demolition/dismantling/removal, development or preliminary ground works shall take place within the site until a Written Scheme of Investigation for a programme of historic building recording work in relation to the Bailey bridge has been submitted to and approved in writing by the local planning authority.
- b) No demolition/dismantling/removal, development or preliminary ground works shall take place until such time that the programme of historic building recording work has been carried out in accordance with the approved Written Scheme of Investigation.

Reason:

To provide a historical record of the Bailey bridge in this current location for the benefit of future reference and interpretation before it is removed in accordance with Policy DM15 of the adopted Chelmsford Local Plan (May 2020). This matter requires action prior to the commencement of construction-related works to ensure adequate record can be made beforehand

Condition 4

The Bailey bridge shall be removed/dismantled with reasonable due care and stored in a location and condition to be previously agreed in writing with the Local Planning Authority to facilitate the re-use of the Bailey bridge in the future. The bridge shall be kept in storage for a period of not less than 36 months pending its re-use (or sale/gift to 3rd party to facilitate re-use), after which time the applicant shall not be bound by the terms of this decision to continue storing the Bailey bridge.

Reason:

To use best endeavours to allow for the re-use of this non-designated heritage asset in the future, which owing to its intrinsically ephemeral nature can be re-used in a different context without adverse heritage impact. A time limit must be set for maximum duration of the terms of this condition as there is an inherent cost, site availability and condition liability for the applicant to manage.

Condition 5

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

- i. Air Quality Assessment - February 2021
- ii. Drainage Design Strategy 3A - February 2021
- iii. Ground Investigation Report - February 2021

- iv. Heritage Statement - February 2021
- v. Highway Design Strategy - February 2021
- vi. Lighting Assessment - February 2021
- vii. Landscape and Visual Impact Assessment - February 2021
- viii. Noise and Vibration Assessment - February 2021
- ix. Extended Phase 1 Habitat Survey - February 2021
- x. Arboricultural Impact Assessment and Method Statement - February 2021
- xi. Flood Risk Assessment - February 2021
- xii. Fluvial Flood Risk Hydraulic Modelling

Reason:

In order to achieve satisfactory development of the site in accordance with Policies DM13, DM14, DM16, DM17, DM18, DM29 and DM30 of the adopted Chelmsford Local Plan (May 2020).

Condition 6

No demolition/dismantling/removal, development or preliminary ground works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and shall include the following details:

- i. likely site compound layout, large vehicle manoeuvring, vehicle routing and entrance/exit locations
- ii. details of any temporary traffic management and/or highway related signage
- iii. details of any particular highway safety considerations
- iv. the parking provision for vehicles of site operatives and visitors, clear of the highway
- v. provision for loading and unloading of plant and materials, clear of the highway
- vi. storage of plant and materials associated with the development within the site
- vii. wheel and underbody washing facilities
- viii. noise and vibration abatement methodologies - as referenced in the Noise and Vibration Assessment
- ix. air quality mitigation measures - as referenced in the Air Quality Assessment
- x. working hours, including delivery hours

Reason:

To ensure that identified environmental risks not otherwise addressed under separate conditions of this decision are satisfactorily and responsibly mitigated during the construction phase. This must be agreed prior to the commencement of construction-related works to ensure adequate measures are put in place before they give rise to environmental impacts.

Condition 7

In relation to tree protection, tree surgery and construction methods, where relevant, the development shall only be carried out in accordance with the Arboricultural Impact Assessment and Method Statement (February 2021) wherein the Tree Protection Plan (CH_WA_TPP_220620 Rev A) is contained unless the local planning authority gives its written consent to specific variation.

If any existing tree indicated to be retained is removed, uprooted or destroyed or dies, prior to commencement of development or within a period of 5 years following commencement another tree shall be planted at the same place, or as otherwise specified by the local planning authority, in accordance with BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations (or its successor) and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason:

To safeguard the existing trees in accordance with Policy DM17 of the adopted Chelmsford Local Plan (May 2020).

Condition 8

- a) Notwithstanding the information presented within the application including the Preliminary Landscape Design Sheets 1 and 2 (drawing references B3553T72-30-007 Rev B and B3553T72-30-007 Rev A) within 1 month of the commencement of development a final detailed design and specification of landscaping and a timetable for its implementation shall be submitted to and approved in writing by the local planning authority.
- b) The agreed final detailed design and specification of landscaping shall be implemented within the agreed timetable.
- c) If any landscaping planted under that approved final detailed design and specification is removed, uprooted or destroyed or dies within a period of 5 years from the agreed date of implementation it shall be replaced with the same specification of planting and at the same place within 21 days, or as otherwise specified by the local planning authority.

Reason:

The current proposals, whilst generally acceptable are likely to present some conflicts with the development of allocated site CW1a and some revisions will be needed to avoid constraining the development of that land and to avoid or reduce the need for this planting to be removed later to facilitate development on that land in the future. Otherwise, this condition is necessary to control the content of soft landscaping, its implementation in a timely manner and a period of establishment to ensure good quality of landscaping is achieved as required in mitigation of the development proposals in accordance with Policy DM17 of the adopted Chelmsford Local Plan (May 2020).

Condition 9

Within 1 month of the commencement of the development a Landscape Management Plan containing the typical minimum management regime and undertakings, and by whom, for initial 6 months, first year and from end of first year onwards, and as adjusted for seasonal conditions, shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure the approved landscaping is adequately well managed to better ensure its establishment and good future health for the betterment of the environment in accordance with Policy DM17 of the adopted Chelmsford Local Plan (May 2020).

Condition 10

No demolition/dismantling/removal, development or preliminary ground works shall take place until:

- a) A competent and appropriately experienced Ecological Clerk of Works has been appointed and their role/functions submitted to and agreed in writing by the local planning authority.
- b) A Framework Environmental Management Strategy detailing the measures identified to offer adequate protection to ecological interests during construction has been submitted to and agreed in writing by the local planning authority.
- c) Any pre-start actions identified in the FEMS have been undertaken.

Reason:

To ensure the ecological interests of this important riverine and wider environment are adequately well managed as part of the construction process for the sake of the natural environment in accordance with Policy DM16 of the adopted Chelmsford Local Plan (May 2020).

Condition 11

- a) No development shall take place until a scheme to assess and deal with any contamination of the site has been submitted to and approved in writing by the local planning authority.
- b) Prior to the first operational use of the new road any remediation of the site found necessary shall have been carried out and a validation report to that effect submitted to the local planning authority for written approval.

Reason:

This is to ensure the development does not give rise to problems of pollution or contamination in accordance with Policy DM30 of the adopted Chelmsford Local Plan (May 2020). This information is required prior to the commencement of the development because this is the only opportunity for contamination to be accurately assessed.

Condition 12

Prior to their use samples of the facing materials to be used in the construction of the development and samples of the hard ground surface material(s) 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 the proposed development is visually coherent, contextualized and of acceptably high-quality and to ensure the structure does not detract from the character or appearance of the Conservation Area in accordance with Policies DM13, DM23 and DM24 of the adopted Chelmsford Local Plan (May 2020).

Condition 13

No development shall take place until large scale drawings of the bridge and ramped sections of the new road have been submitted to and approved in writing by the Local Planning Authority showing details of the following:

- a) Detailing of materials applied to the reinforced concrete supports;
- b) Detailing of the tied arch bridge;
- c) Treatment of the underside of structure exposed to views from foot and cycle path.

Reason:

To ensure the specific detailing of the development is of sufficiently high-quality and does not detract from the character or appearance of the Conservation Area in accordance with Policies DM13, DM23 and DM24 of the adopted Chelmsford Local Plan (May 2020).

Condition 14

No development shall take place until the final detailed design of the weathering steel screens enclosing the underside of the ramped structure on the southern river bank within the Baddow Road Car Park have been submitted to and approved in writing by the local planning authority. Notwithstanding the design as shown on drawing reference B3553T72-18-00-002 the screens shall be a stand alone component not attached to the overall structure and shall contain at least one gate to facilitate access to the underside of the structure for future inspection and maintenance.

Reason:

To ensure the specific detailing of the development is of sufficiently high-quality in accordance with Policy DM23 of the adopted Chelmsford Local Plan (May 2020), to ensure that that the screen does not adversely affect the structure and facilitates a good standard of future management and maintenance.

Condition 15

No development shall take place until a signed cycle and pedestrian route diversion has been formally agreed and put in place to the satisfaction of the Local Highway Authority and that diversion shall remain in place for the duration of construction or such alternative period as stipulated in the formal agreement of that route.

Reason:

In the interest of highway safety and to maintain legible and accessible walking and cycling routes in the interests of sustainable travel within the city centre.

Condition 16

Prior to the first operational use of the new road a traffic calming scheme to the satisfaction of the Local Highway Authority shall be implemented on Wharf Road and the new road.

Reason:

To ensure the parameters of this new access as set out in the application are achieved.

Condition 17

Prior to the first operational use of the new road the junction of Baddow Road with Parkway shall be improved to provide a visibility splay of 2.4 x 120m to the west as shown in principle within the approved Highway Design Strategy (February 2021).

Reason:

In the interest of highway safety.

Condition 18

Prior to the first operational use of the new road details of a temporary foot and cycle route from the existing foot/cycle route on the south side of the River Chelmer, which will be extended under the bridge structure by this proposal, to provide a connection to Baddow Road via the Baddow Road Car Park shall be submitted to and approved in writing by the Local Planning Authority. The route as agreed shall be made available prior to the first operational use of the new road or such other date agreed with the Local Planning Authority.

Reason:

In the interest of highway safety and to maintain legible and accessible walking and cycling routes in the interests of sustainable travel within the city centre.

Condition 19

Prior to the first operational use of the new road all artificial lighting as shown in the approved Lighting Assessment (February 2021), including the installation of bat sensitive lighting and adequate lighting of pedestrian/cycle routes, shall be installed and operational.

Reason:

In the interest of highway safety.

Condition 20

No development shall take place until a plan and cross section showing the treatment of river bank edges in the vicinity of these works has been submitted to and approved in writing.

Reason:

To confirm the treatment of those river banks to ensure the attributes maintain attractive river environs, do not undermine the relationships between public areas and the water, do not undermine ecology, do not undermine river navigation and do not detract from the character or appearance of the Conservation Area in accordance with Policies DM13, DM16, DM23 and DM24 of the adopted Chelmsford Local Plan (May 2020).

Condition 21

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and certified as technically acceptable in writing by the SuDS approval body (Essex County Council) or other suitably qualified person(s). The certificate and a copy of drawings/specification depicting the approved scheme shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. Prior to the first operational use of the new road the detailed scheme shall have been approved in writing by the Local Planning Authority and implemented. The scheme should include but not be limited to:

- i. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- ii. Limiting discharge rates to 10l/s (north catchment) and 8.55l/s (south catchment) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- iii. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- iv. Final modelling and calculations for all areas of the drainage system.
- v. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- vi. Detailed engineering drawings of each component of the drainage scheme.
- vii. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- viii. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with Policy DM18 of the adopted Chelmsford Local Plan (May 2020).

Condition 22

Prior to the first operational use of the new road a SuDS Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies (which shall include the need to maintain a yearly log of maintenance), shall have been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a Maintenance Company, details of long term funding arrangements should be provided.

Reason:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy DM DM18 of the adopted Chelmsford Local Plan (May 2020).

Condition 23

The flood risk attenuation and compensation shall be carried out as contained within the Flood Risk Assessment and the identified area of flood compensation shall be created and available prior to the first operational use of the new road.

Reason:

To mitigate flood risk in accordance with Police DM18 of the adopted Chelmsford Local Plan (May 2020).

Notes to Applicant

- 1 In relation to Condition 3 - a professional team of building recording specialists should undertake the work. This work will consist of an enhanced Level 2 or Level 3 historic building survey to be undertaken prior to the dismantling of the bridge. The applicant shall meet the cost of this work. A design brief detailing the requirements can be produced by Essex County Council Place Services (Historic Environment Branch).
- 2 In relation to Condition 8 - the final detailed design and specific of landscaping should include:
 - a) Planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - b) Details and cross sections of integrated tree pits and soil cells in hard and soft areas with locations to receive tree pits shown on an accompanying plan;
 - c) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- 3 In relation to Condition 10 - the Framework Ecology Management Strategy (FEMS) should confirm
 - a) the baseline condition, including any further pre-work surveys that are required. This part of the strategy should ensure that any pre-commencement recommendations and good working practices for the duration of construction works (or duration of specific construction works) are clearly identified and will be put in place to offer ecological protections during construction. This may include setting up an exclusionary barrier to prevent wildlife straying into the construction site at a later date. All actions should follow a clear timeline and responsibility for those actions should be clearly identified.
 - b) Whilst the development is in progress the FEMS should make clear what protections and working practices need to be adhered to, including working practices to prevent accidental pollution of the river. This will also include reference to seasonal constraints for certain works (e.g. tree works) which are specific to this site. There should also be periodic monitoring by the Ecological Clerk of Works.
 - c) Actions required towards the end of construction or after to provide the agreed compensation or betterment.
- 4 In relation to Condition 12 - the foot/cycleways within Chelmer Waterside are to be clearly defined by surface material to differentiate those routes from vehicular routes within the wider highway network and to enhance the appearance of pathways alongside the water courses. The intention is to use a buff/light colour surface material similar to what has been used adjacent to the Riverside Leisure Centre development further upstream on the River Chelmer. The materials for the bridge and related structure have been set out within the application proposal, but it is noted that the Local Highway Authority have requested further consideration of materials in the content of ease of maintenance - provided the result is a commensurate high-quality of finish, there can be some adjustment applied to materials post-decision.

- 5 In relation to Condition 14 - the Local Highway Authority has indicated that they will not adopt the maintenance or management of the screens.
- 6 In relation to Condition 15 - the foot/cycle path diversion requires agreement with the Local Highway Authority as a separate formal process.
- 7 In relation to Condition 16 - the final design of traffic calming must be formally agreed with the Local Highway Authority. Should changes be required to secure that agreement, provided they do not undermine the spirit of the scheme hereby approved, they can be made without requiring a formal revision to the planning approval. However, you are hereby required to submit a copy of the drawings depicting any revised traffic calming measures to the Local Planning Authority to maintain an accurate record of the final scheme.
- 8 In relation to Condition 17 - the final detailed/technical design of the junction requires agreed with the Local Highway Authority as a separate formal process. It is standard practice to require a Road Safety Audit as part of that approval process.
- 9 In relation to Condition 20 - the plan shall show the extent and locations of sheet piling or other treatments to retain the bank edges and the cross section shall confirm the relative height to land/water levels of those features.
- 10 In relation to Condition 21 - the requirement is that you agree the final detailed SUDS scheme direct with the Lead Local Flood Authority, achieve scheme certification and then submit that certificate along with the final agreed SUDS scheme content to the Local Planning Authority to discharge the condition. It is preferable and most time efficient to manage the process as described rather than have the SUDS scheme submitted to the LPA before it has been formally agreed with the LLFA.
- 11 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SUDS which may form part of the future register, a copy of the SUDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 12 The Local Highway Authority has advised that as part of their adoption of the bridge a maintenance sum should be agreed.
- 13 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 Local Highway Authority, details to be agreed before the commencement of works. The developer to pay the costs of all necessary traffic regulation orders and legal processes associated with the highway works as well as paying the costs of all necessary traffic regulation orders and legal processes associated with the highway works.

The applicant should contact the Development Management Team by email at:
development.management@essexhighways.org

or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

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

- 14 The applicant is reminded that there are high, medium and low pressure gas pipelines situated in close proximity to these works and that the pipeline operator must be contacted and formally advised of the works. Any guidance provided by the pipeline operator in relation to working practices or precautionary measures to safeguard the integrity of the pipelines must be adhered to.

Positive and Proactive Statement

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

Background Papers

Case File

Essex County Council Highways

Comments
<p>The Highway Authority does not raise an objection subject to the following:</p> <ol style="list-style-type: none"> 1. Construction Method Statement 2. Changes to materials to allow ease of inspection and maintenance 3. Metal screens to be stand alone 4. Gates in metal screens for maintenance 5. Traffic calming to be in place prior to access being opened 6. Signed foot and cycle route diversions in place prior to construction 7. Improvements to Parkway junction to be in place prior to access being opened 8. Commuted sum for maintenance <p>The Highway Authority has identified that the cladding for this structure results in an increased maintenance liability and have advised that there would be an increased cost to the Council as a result. It is the preference of the Highway Authority to review cladding options for the supporting structure.</p>

Parks & Open Spaces

Comments
No response received

Leisure & Heritage Services

Comments
No response received

Anglian Water Services Ltd

Comments
The applicant should check for any Anglian Water assets which cross or are within close proximity to the site.

Essex and Suffolk Water

Comments
No response received

Essex County Council (SUDS)

Comments

No objection subject to the following:

1. Detailed SUDS scheme approval (based on submitted parameters)
2. Maintenance plan
3. Yearly maintenance logs

NHS Mid & South Essex Sustainability & Transformation Partner

Comments

No response received

Inland Waterways Association

Comments

No response received

Essex Waterways Limited

Comments

Disappointed that the new access would mean the Council cannot pursue the previously suggested navigation 'cut' but supportive of more recent proposals to install a new lock alongside the automatic weir to increase boat activity within the city.

1. Welcome headroom clearance beneath new bridge.
2. Bow string bridge design is appropriate – lower profile deck not visually dominant and adds character.
3. Support recording of Bailey bridge and its re-use. Suggested location – Sandford Mill. Condition.
4. Flood risk needs to be fully considered. Surprised by lack of FRA in initial submission.
5. Note bridge position is fixed.
6. Revetement to north needs to be removed – sheet piling instead to allow boats to successfully manoeuvre out of lock.
7. Future modifications to banks near the lock could be made now and remove the need for flood attenuation on the south bank as proposed.
8. Surface water drainage outfall would need to be removed for the lock. This could be redirected at this stage to avoid it needing to be moved later.
9. Welcome cycle route over pedestrian bridge (replacement to be provided) and would recommend the pedestrian bridge over the River Can is also replaced and relocated to the same point as the existing River Chelmer footbridge. Clearance below bridge spans to allow navigation along the water needs to be sufficient.

Police - Designing Out Crime

Comments

No response received.

Essex County Fire & Rescue Service

Comments
<ol style="list-style-type: none"> 1. Road humps delay a fire appliance by approximately 10 seconds 2. 3.7m width (straight line) or 5m (where angled) carriageway width is needed. Physical obstructions must be avoided where the design makes it necessary for a fire appliance to mount the pavement. 3. A pumping appliance has a max gross vehicle weight of 15 tonnes.

Chelmer Canal Trust

Comments
<ol style="list-style-type: none"> 1. Important to have a landmark structure in this location and design aesthetics achieve this. 2. Welcome clearance under bridge for navigation. Clearance is not sufficient for full navigation. 3. Bridge abutment locations may frustrate the future lock. 4. Object to revetements on north side of river. Sheet piling instead to allow boats to successfully manoeuvre out of lock. 5. Surface water drainage outfall would need to be removed for the lock. This could be redirected at this stage to avoid it needing to be moved later. 6. Object to tree group G67 being designated with a root protection area – this may frustrate future works for the lock. 7. Flood compensation on the south side of the river could be moved to the north side and lay some ground work for the new lock. 8. Surprised by lack of FRA in initial submission.

Environment Agency

Comments
RESPONSE TO BE REPORTED TO MEETING VIA GREEN SHEET

Public Health & Protection Services

Comments
Contaminated land condition (standard)

ECC Historic Environment Branch

Comments
Important that the existing Bailey bridge is recorded by means of a historic building survey prior to being dismantled (condition).

Highways England

Comments
No objection.
We have reviewed the submitted material including the results of modelling work carried out by the County Council which we have discussed with them. We are convinced that any traffic reassignment as a result of this proposal will be confined to the town centre.

Historic England

Comments

No comments – appropriate to rely on advice from Council's historic environment advisors.

Local Residents

Comments

19 letters from local residents have been received:

13 objecting (although not all object to the principle)

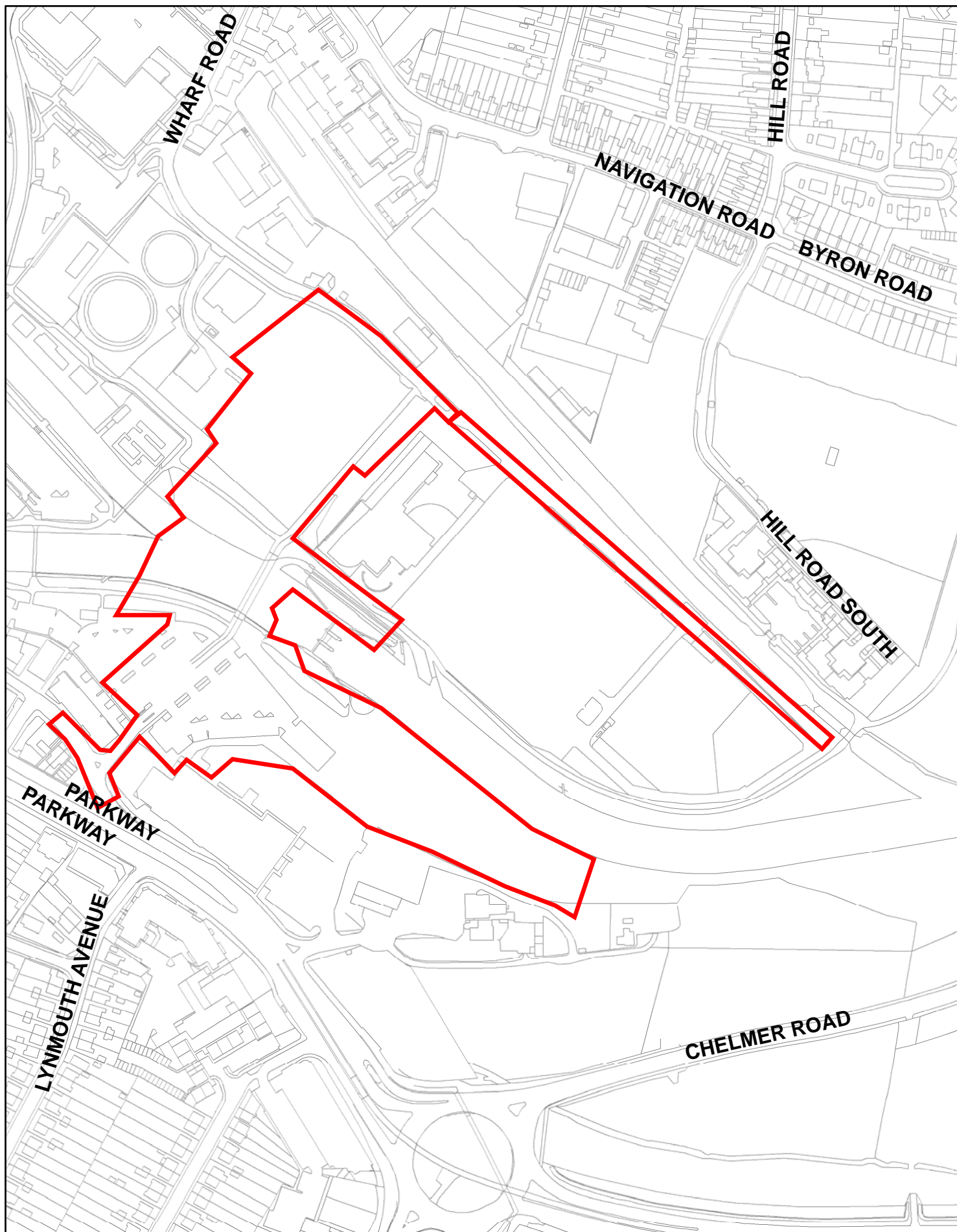
1 supporting

5 neither objecting or supporting

Comments raised:

1. Object to principle – alternative road from Chelmer Village/A1038 to north of canal
2. Support the improved access / will solve traffic problems
3. Will the traffic calming deter through access?
4. Bridge position and height will harm conservation area, townscape and future lock setting
5. Impact on quality and delivery of future development on Baddow Road Car Park
6. Noise impacts
7. Aesthetic is agricultural/temporary
8. Likelihood that cycle routes under the structure will flood without proper drainage
9. Clearance of 2.4m to water is low – how does this work with extending navigation on the river
10. Welcome clearance below structure for navigation
11. Consideration of canoe club users during construction and post-construction – portage of small vessels around the automatic weir
12. Bats and Kingfishers are present along the river corridor.
13. Egress from B&M, Aldi, Moulsham Mill & Marriages Country Store onto Parkway is difficult – this proposal will create more traffic along Parkway
14. Want to ensure scheme will not increase flood risk for adjacent Essex Record Office
15. Baddow Road junction onto Parkway – the angle of this junction limits visibility – vehicle speeds often excessive along this section of Parkway from Odeon roundabout – consider filter lanes, traffic signals, speed restrictions
16. Open other end of Baddow Road to allow exit onto approach to Odeon roundabout
17. Concerns about cyclists and motorists sharing routes
18. General comment about development schemes with insufficient parking provision
19. The development that this access relates to will cause more congestion at the Army and Navy junction – whereas if it had a connection to High Bridge Road some of the traffic would disperse before that junction
20. The Army and Navy proposals (unrelated to this proposal) are going to reduce flood storage capacity on the flood meadows
21. Flood depths on the water meadows below the weir will come to undermine the effective function

- of the weir in releasing flood waters from the city centre
22. The EA states climate change results in more rain/increased risk of flooding – to be taken seriously
 23. Beaulieu development is increasing flooding upstream
 24. Bridge should be relocated north, navigation cut should be introduced along with a crested weir along its length to allow overtopping water to be removed to the water meadows below the weir or via Springfield Lock
 25. Bridge will interfere with manoeuvring in/out of lock – recommend vertical piling not revetements
 26. Flood compensation should not interfere with river users
 27. Impact of more traffic on Parkway
 28. Enhancements to cycle routes
 29. Adequate illumination beneath bridge
 30. Increased emissions and air pollution – adverse impact on health
 31. Difficulty selling home in future / loss of value
 32. Proposed changes to NCNR1 are less safe and direct than at present
 33. The area of wider development has a high risk of flooding
 34. Waterside is one of few remaining green spaces – many benefits (wider development)
 35. Unclear connection from cycle route along Parkway
 36. Cycle crossing and legibility issues at Baddow Road junction
 37. Programme for replacing footbridges to accommodate cyclists



0 30 60 120 Metres

1:3,000

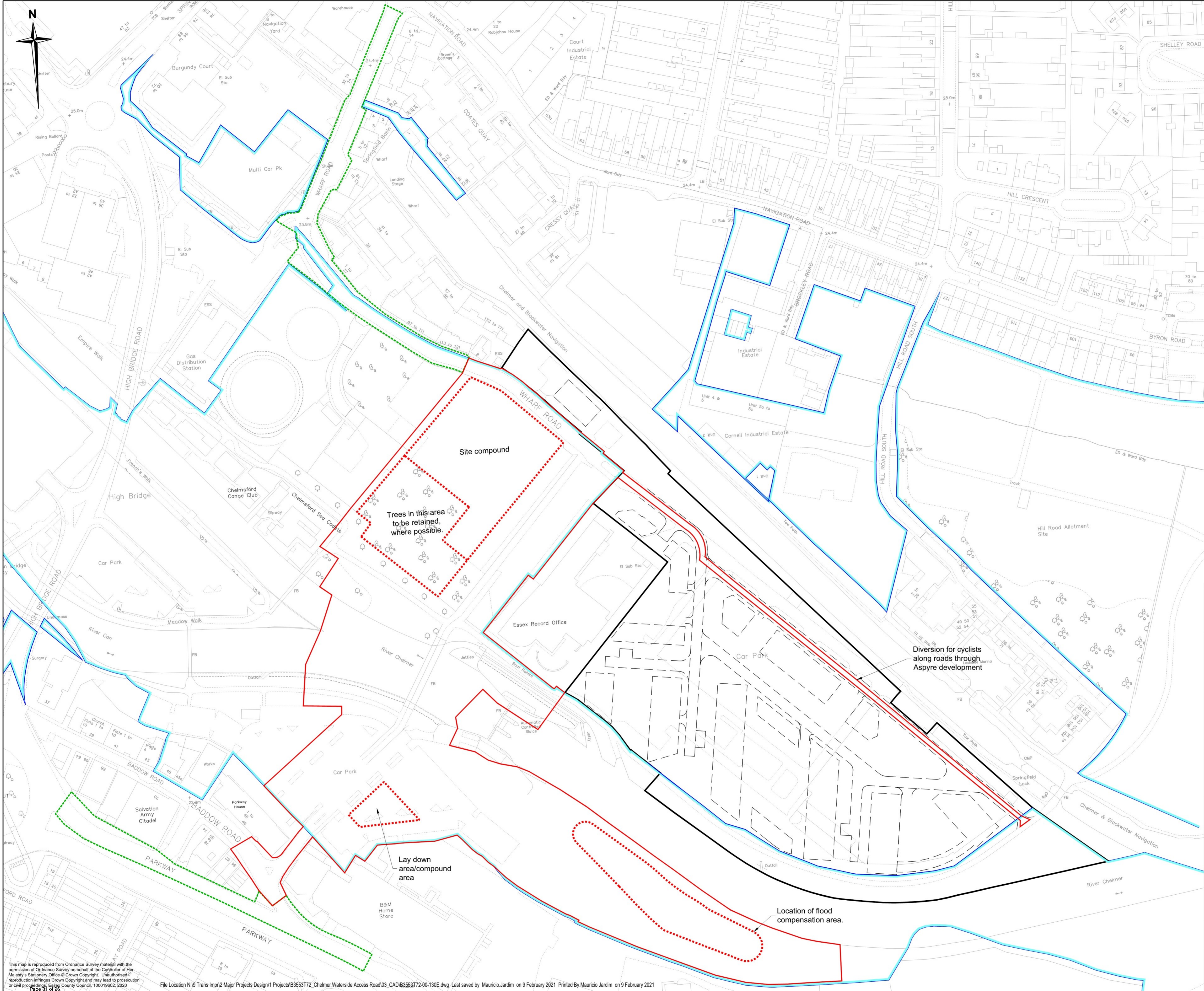


Planning Committee
21/00024/FUL

Planning & Development Management
Directorate for Sustainable Communities

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

Telephone: 01245 606826



Notes

1. Do not scale.

Key

- Red Line Boundary
- Area as described on plan
- Shaded side (Light Blue) - Land owned by Applicant: Chelmsford City Council.
- Aspyre Development Site: From planning application number 16/01630/FUL.
- Layout taken from planning application number 16/01630/FUL, Aspyre Development.
- Permitted Development Boundary.

Rev	Date	Description of revision	Drawn	Checked	Reviewed	Approved
E	02/21	Amend flood compensation area	HB	MJ	MJ	SH
D	01/21	Increase flood compensation area	HB	MJ	MJ	SH
C	11/20	Changes to flood compensation	HB	MJ	MJ	SH

DRAWING STATUS

FOR INFORMATION

Essex Highways

Essex Highways, Seax House, Victoria Road South, Chelmsford, CM1 1QH.
Tel: 0345 6037631

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SCHEME TITLE

**CHELMER WATERSIDE ACCESS ROAD
CHELMSFORD**

DRAWING TITLE

SITE LOCATION PLAN

DESIGNED	DRAWN	CHECKED	REVIEWED	APPROVED
HB	HB	MJ	MJ	SH
DATE	DATE	DATE	DATE	DATE
MAR 20	MAR 20	MAR 20	MAR 20	MAR 20

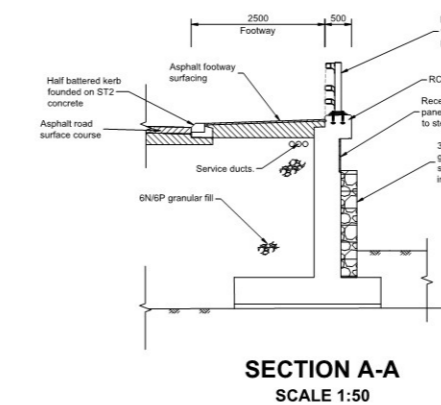
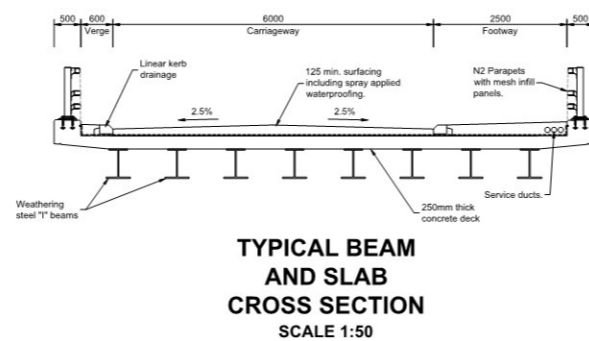
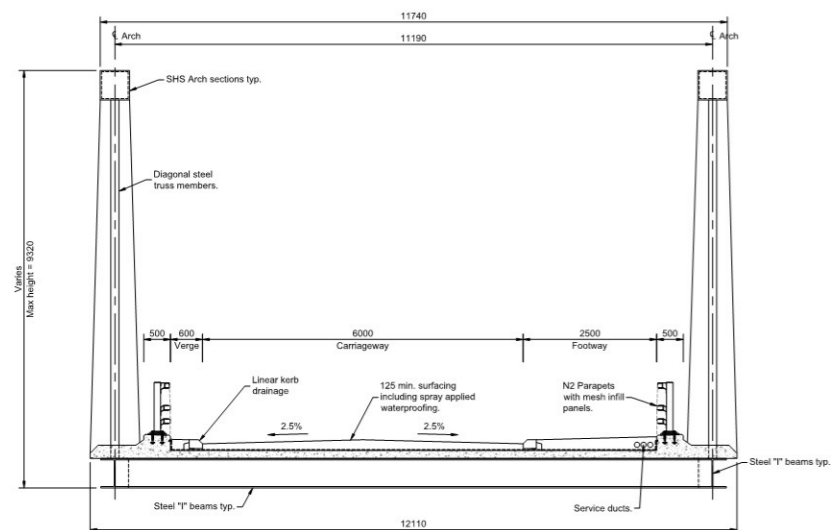
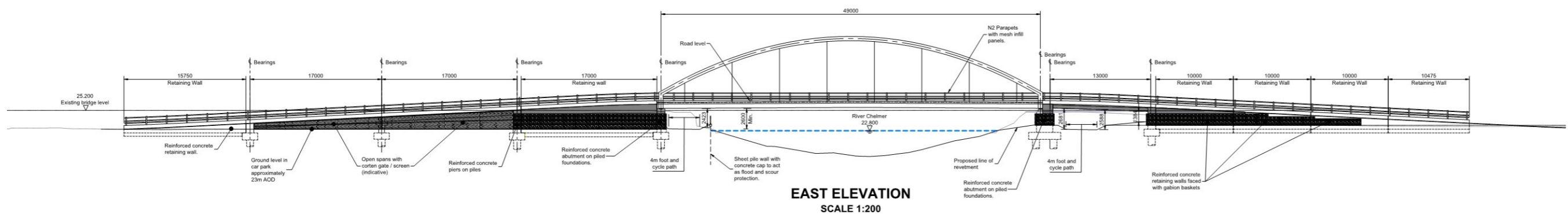
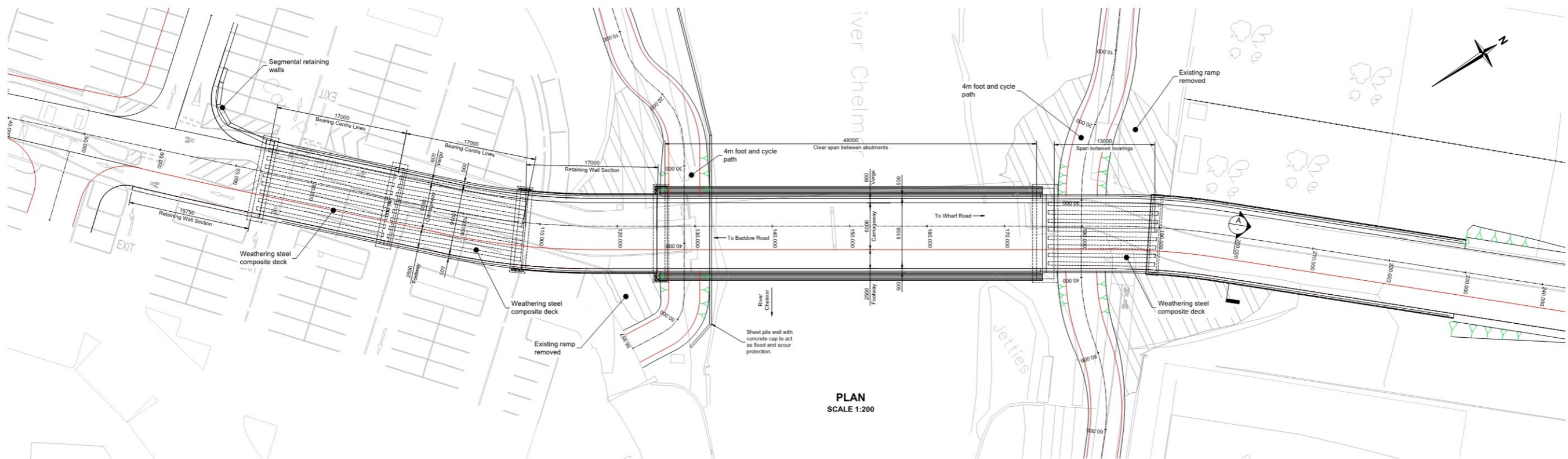
DRAWING UNITS U.N.O.
DIMENSIONS IN MILLIMETRES
LEVELS IN METRES

SCALE AT A1 (841X594mm)
1:1000

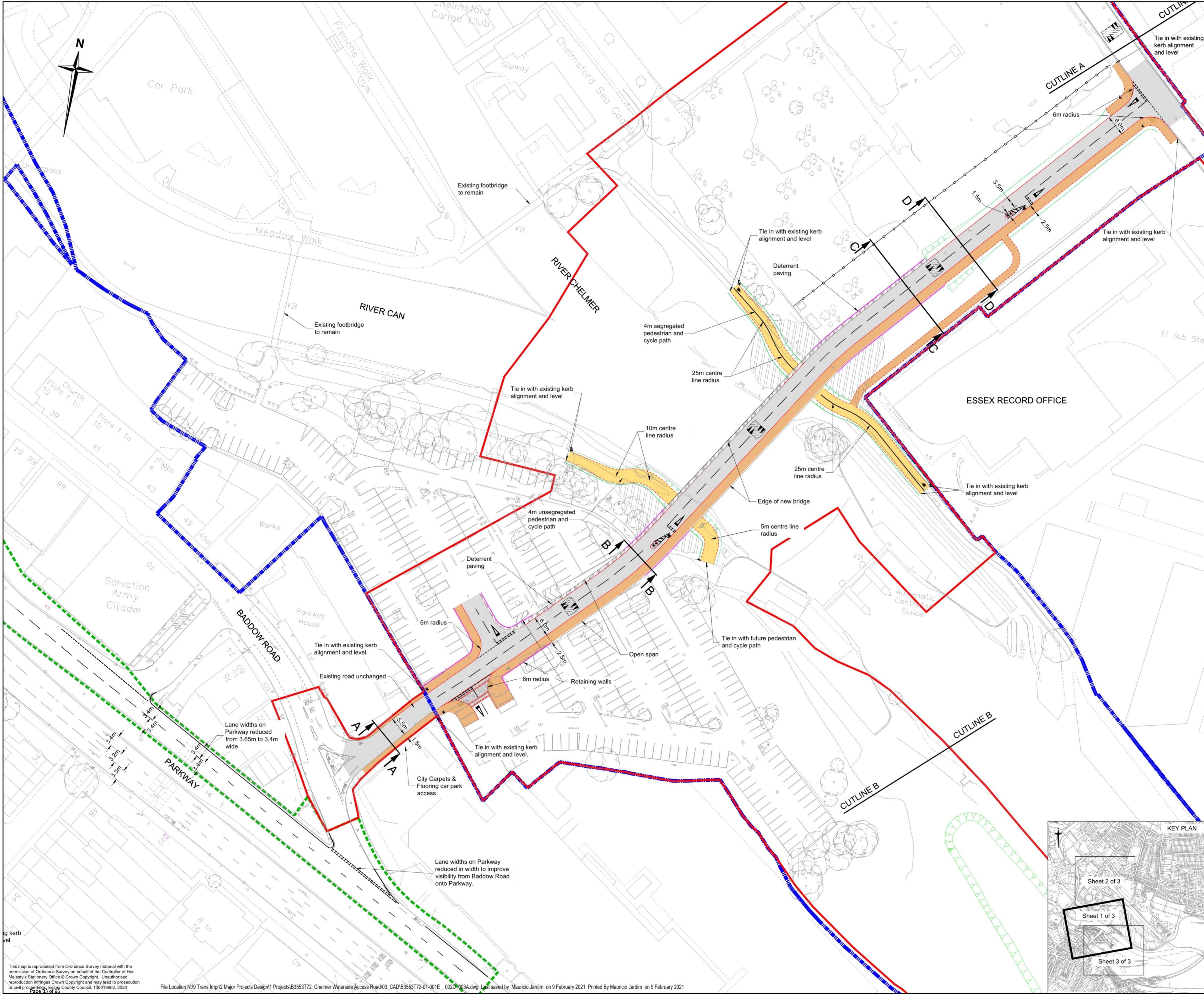
DRAWING No.	REV.
B3553T72-00-130	E

RINGWAY JACOBS
Integrated expertise

Chelmsford City Council



- ### Notes
1. Do not scale.
 2. All dimensions shown are in millimetres unless stated otherwise.
 3. All levels shown are in metres above ordnance datum unless stated others.
 4. All structural steel sections and details subject to change during detailed design.
 5. The existing bridge level at 25.200m is the level on the top surface of the wooden planks across the Bailey bridge.
 6. Foundation types are subject to change during detailed design.
 7. This drawing is to be considered as a DRAFT drawing until completion of Approval in Principle review.



Notes

- Do not scale.
- This drawing to be read in conjunction with the typical section drawing number B5533T72-01-004.
- All works to be in accordance with the Department for Transport's Specification for Highway Works and Essex County Council's Specifications and Standard Construction Drawings.
- 20mph proposed speed limit along proposed access road and Wharf Road.

Key

- Proposed blister tactile paving - Buff for uncontrolled crossings.
- Proposed embankment (1:2 slope).
- Existing embankment / ramp to be removed.
- Proposed traffic island construction.
- Proposed carriageway construction.
- Proposed footway construction.
- Proposed 4m shared use footway / cycleway
- Proposed raised table at junction as per ECC standard folio drawing EA104.
- Anti pedestrian paving.
- Property boundary - Chelmsfor City Council
- Proposed white road markings.
- Existing road markings.
- Proposed HB2 kerbs.
- Proposed PCC edging.
- Proposed dropped and transition kerbs.
- Proposed fence line.
- Proposed retaining wall
- Proposed signs
- Proposed sinusoidal road hump as per ECC standard detail ECC-SD-0700-005
- Red Line Boundary
- Permitted Development

Rev	Date	Description of revision	Drawn	Checked	Reviewed	Approved
E	01/21	Increased flood compensation area	HB	MJ	MJ	STH
D	12/20	Additional typical cross sections added	HB	MJ	MJ	STH
C	10/20	Add keyplan	HB	MJ	MJ	STH

DRAWING STATUS

PRELIMINARY

Essex Highways, Seax House, Victoria Road South, Chelmsford, CM1 1QH.
Tel: 0345 6037631

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SCHEME TITLE

CHELMER WATERSIDE ACCESS ROAD CHELMSFORD

DRAWING TITLE

GENERAL ARRANGEMENT SHEET 1 OF 3

DESIGNED	HB	DRAWN	JLE	CHECKED	MJ	REVIEWED	STH	APPROVED	STH
DATE	APR 20	DATE	APR 20	DATE	APR 20	DATE	APR 20	DATE	APR 20

DRAWING UNITS U.N.O. DIMENSIONS IN MILLIMETRES LEVELS IN METRES

SCALE AT A1 (841X594mm)

1:500

DRAWING No. **B3553T72-01-001** REV. **E**

integrated expertise



Planning Committee

Application No	:	21/00316/FUL Full Application
Location	:	117 Lady Lane Chelmsford CM2 0TJ
Proposal	:	Retrospective permission for a loft conversion with raising of roof, rear dormer, front skylights, side window and front porch.
Applicant	:	Mr. Simon Goldman
Agent	:	
Date Valid	:	11th February 2021

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. The application has been referred to the Planning Committee because the applicant is a City Councillor and representations have been received on the application.
- 1.2. The proposal is seeking retrospective planning permission for a loft conversion, rear dormer, raised ridge, front skylights, side window and front porch.
- 1.3. This revised submission is the same as the recently approved development but in addition seeks to include a new second floor side window.
- 1.4. The proposal description includes all the previous development and is retrospective, as the building works have commenced in relation to the approved scheme.
- 1.5. The proposed development has an acceptable design in relation to the host dwelling and would not result in any harm to the visual amenities of the area. By virtue of its size, siting and use the proposed development would not adversely affect the amenity of any neighbouring residential properties. Adequate parking and garden space would be retained to serve the property also.
- 1.6. The application is recommended for approval, subject to the conditions set out at the end of this report.

2. Description of site

- 2.1. The property lies within the Chelmsford Urban Area, where the principle of development is acceptable.
- 2.2. The application property is a modest two-storey semi-detached house, that forms the western half of a pair of properties, on the northern side of Lady Lane.
- 2.3. The street scene comprises property types which vary in design and scale. There are examples of extensions within the street and there is a variety of outbuildings within the rear gardens.

3. Details of the proposal

- 3.1. Whilst a full planning application has been submitted, this application effectively seeks an amendment to the recently approved scheme 20/00778/FUL to include a side second-floor window serving a stairway. Overall the works involve construction of a hipped to gable loft conversion with raised ridge, rooflights and rear facing dormer measuring 5.4m in width, 2.2m in height and 3.7m in depth. The construction of a front porch measuring 0.7m in depth, 3m in width and 3.2m in height and the insertion of a second-floor side window.

4. Other relevant applications

- 4.1. The application 20/00778/FUL was approved on the 16th July 2020 for a hipped to gable loft conversion with rear facing dormer, insertion of front rooflights and the construction of a front porch.
- 4.2. The application 07/00704/FUL approved the construction of a detached outbuilding in 2007.

- 4.3. The application 06/01001/FUL approved the construction of a first-floor dormer extension in 2006.

5. Summary of consultations

- South Essex Parking Partnership – No comments received
- Public Health & Protection Services – No comments raised
- A local resident raised the following objections;
 - Loss of privacy and light
 - Overdevelopment of the site
 - Overbearing impacts
 - Not in keeping with the location.

6. Planning considerations

Main Issues

- 6.1. Impact of the proposal on the street scene
- 6.2. The proposal constitutes overdevelopment of the site
- 6.3. Impact of the development on the neighbouring properties amenity
- 6.4. The site lies within the urban area of Chelmsford where in principle new development is acceptable, subject to compliance with relevant planning policies within the local development plan.
- 6.5. Planning application 20/00778/FUL was approved on the 16th July 2020 and received no objections. An assessment of the impact of the development has already occurred, which concluded that the development was in accordance with the adopted local planning policies.
- 6.6. Lady Lane contains property types which vary in scale, appearance and positioning within their plots. The properties within the street have differing building lines, ridge heights, roof forms and boundary treatments. There are examples of differing types of dormer, front porches, canopies, fenestration, roof lights and landscaping. Subsequently there is not a distinct or defined rhythm to the street. Although the application property forms one of a small group of six similar houses located on the northern side of Lady Lane, they hold no prominence within the eclectic street scene.
- 6.7. As was previously detailed the proposed development sought under the application relates adequately to the existing form of the property. Whilst the proposal would result in the rear elevation having a slightly awkward appearance, there are only distant views available of the rear elevation from the east, with this development holding no prominence with the street scene of Lady Lane.

- 6.8. It is acknowledged that the development would diminish the uniformity with the immediate neighbours, creating a larger dwelling, however the altered property would not appear out of place within the varied street.
- 6.9. Whilst the development would see the property enlarged further, the extensions would fit within elongated plot and would relate suitably to the existing property. The extended property would be larger than its immediate neighbours, but it would not result in any harm to the character of the area.
- 6.10. The house would retain an enclosed private rear garden area of over 71sqm between the house and its garage, with further space of about 34 sqm to the side and back of the garage, which exceeds the minimum standard of 80sqm for houses of 3 or more bedrooms, as set out in the adopted local plan. The development fits comfortably within the plot and would not be considered disproportionate or constitute overdevelopment of the site.
- 6.11. It was previously accepted that the proposed development would not offer materially different views of neighbouring properties than existing first floor rear facing windows, and this remains the case with the current proposal. The new second floor side window, whilst being openable, serves the stairwell and it is positioned opposite the flank elevation of the neighbour, which contains two obscure glazed windows. Given the close-knit relationship between the properties and the siting of the window within the elevation, the window would result in no overlooking or loss of privacy to the neighbouring property.
- 6.12. The attached neighbour; No.19 is located to the east of the development, with the adjoining neighbour; No.15 located to the west. Given the siting of the development, the existing relationships shared and orientation of the neighbouring properties, the proposal would not result in any harmful loss of light or overshadowing of either neighbouring property.
- 6.13. The development does not result in the enlarged property encroaching closer to either neighbouring property. The properties currently have a tight knit relationship, however the development it is not considered to worsen this. Given the sitting and scale of the development, and the distances maintained between the neighbouring properties, it is not considered that the development would be overbearing or be unacceptably dominating. No property has a right to a view.
- 6.14. The property retains sufficient parking provision within the garage and hardstanding to the rear of the property.

7. Community Infrastructure Levy (CIL)

- 7.1. The proposed works are not CIL liable.

8. Conclusions

- 8.1. This is a minor alteration to a recently approved scheme. The additional window is acceptable. The proposal complies with policies DM23 and DM29 of the Local Plan.

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

Condition 1

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

Notes to Applicant

1 Hours of work during construction

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

Noisy work:

-Can be carried out between 0800 and 1800 Monday to Friday

-Limited to 0800-1300 on Saturdays

-At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work:

-Acceptable outside the hours shown above

-Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

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

2 The Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

Positive and Proactive Statement

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

Background Papers

Case File

South Essex Parking Partnership

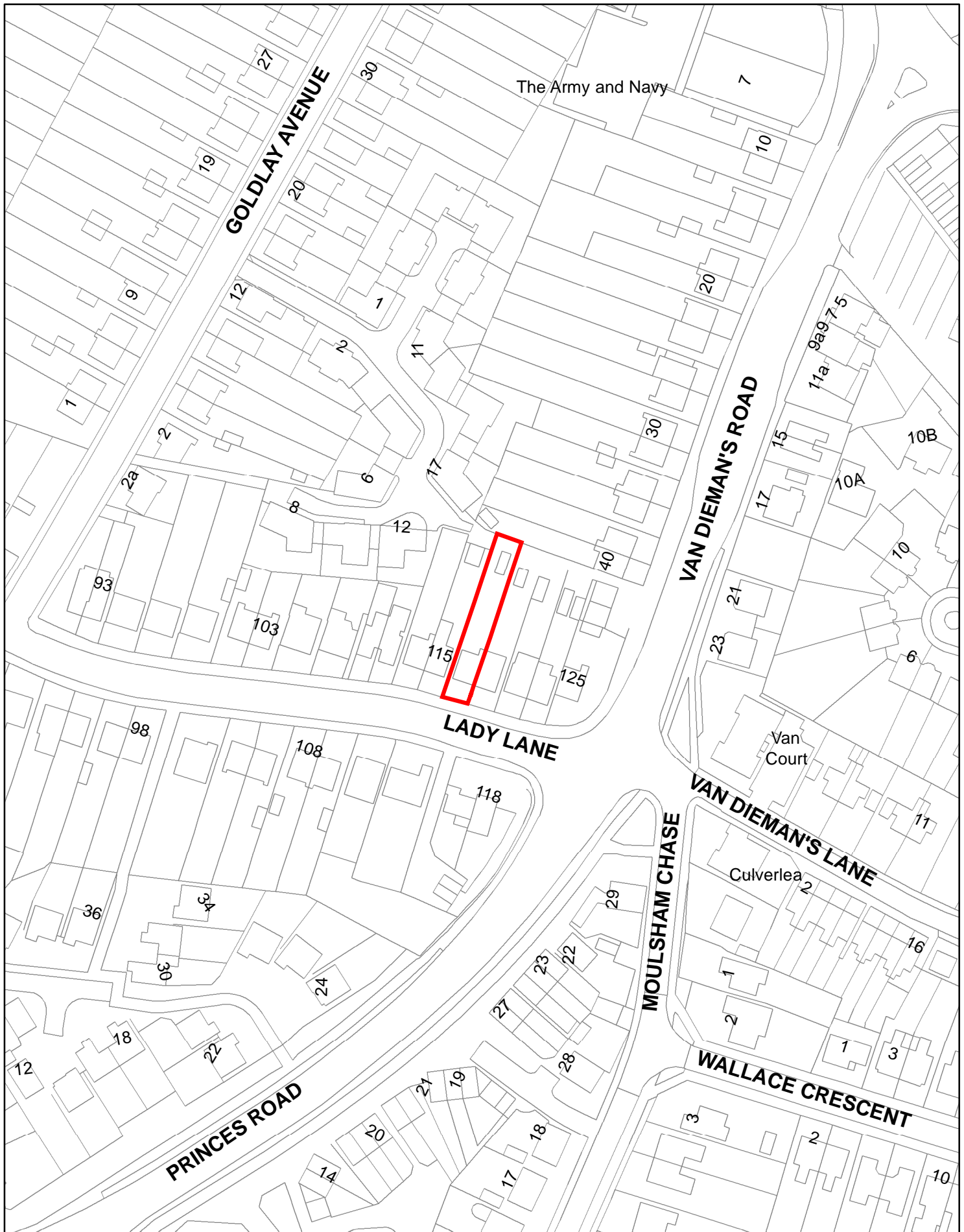
Comments
No response received

Public Health & Protection Services

Comments
25.02.2021 - No PH&PS comments with regard to this application.

Local Residents

Comments
<p>One objection received indicating that the proposal will result in overshadowing and overbearing impacts, a loss of privacy and light, harmful visual impact to character of area and the proposal constitutes overdevelopment of the site.</p> <p>Concerns raised that 2 other properties in the locality have had similar but smaller scale developments refused planning permission.</p>



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1:1,250

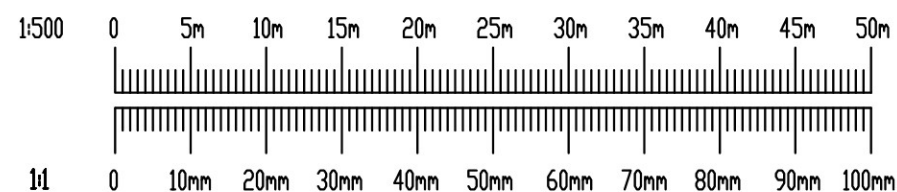


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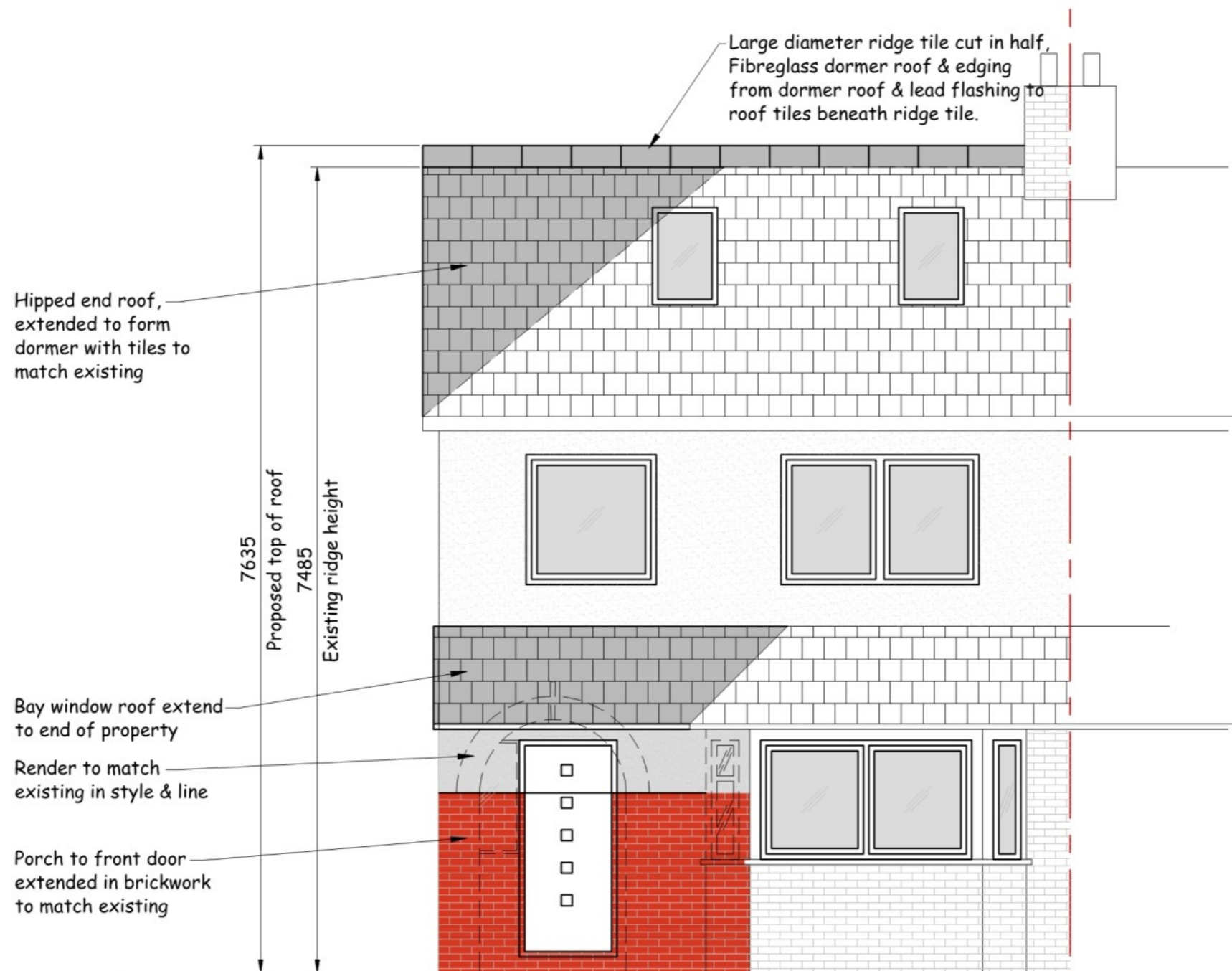
Planning & Development Management
Directorate for Sustainable Communities

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

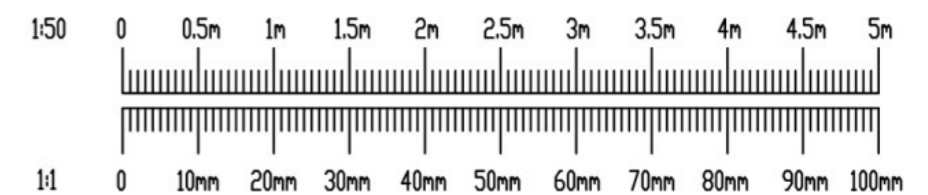
Telephone: 01245 606826



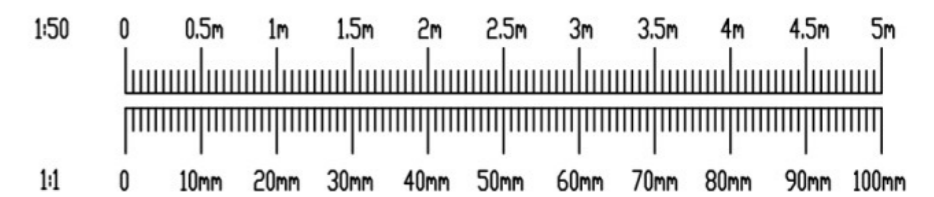
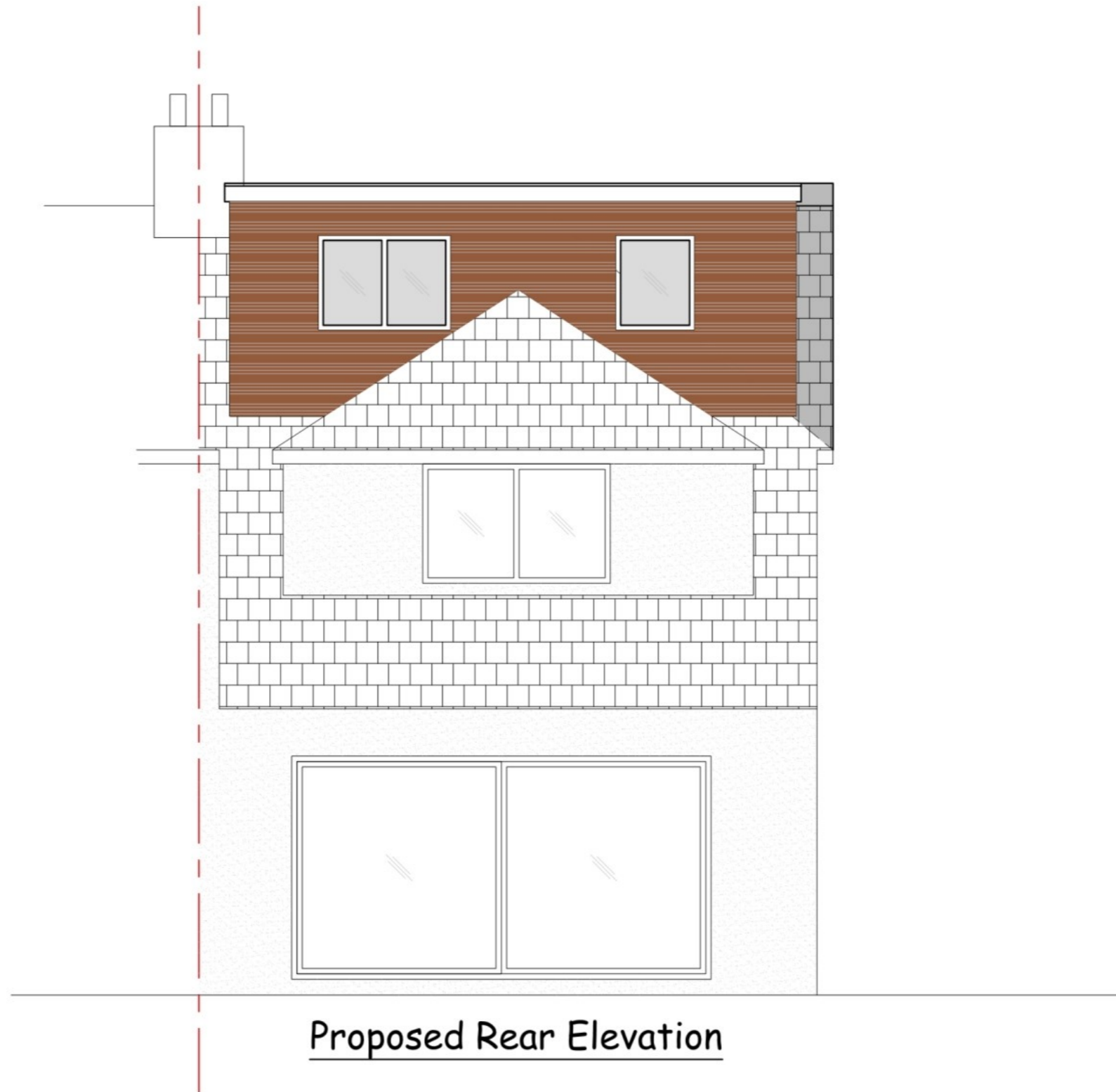
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117 Lady Lane, Chelmsford, CM2 OTJ	Site Layout Plan	1135/A02	July '19	1:500	-



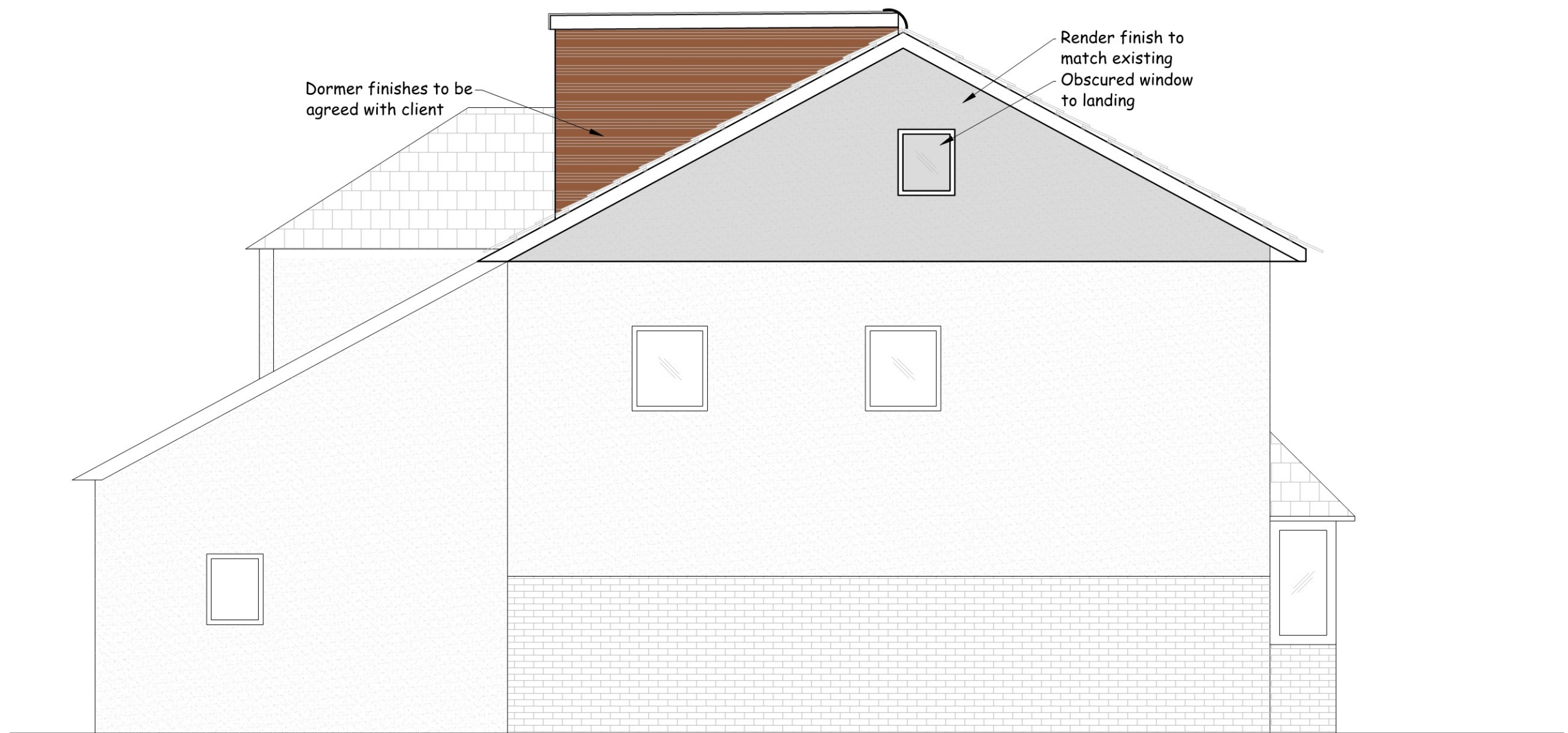
Proposed Front Elevation



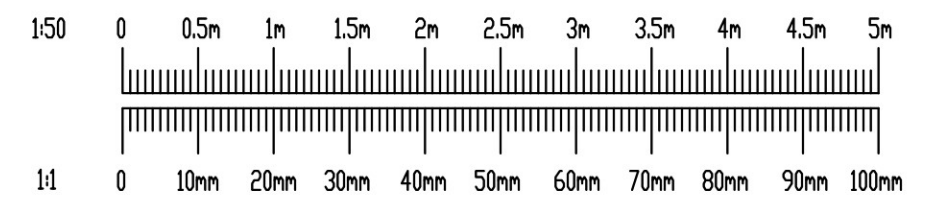
Project	Title	Drawing No.	Date	Scale @ A3	Rev
117 Lady Lane, Chelmsford, CM2 OTJ	Proposed Front Elevation	1135/A/25	Jan '20	1:50	-



Project	Title	Drawing No.	Date	Scale @ A3	Rev
117 Lady Lane, Chelmsford, CM2 OTJ	Proposed Rear Elevation	1135/A/27	Jan '20	1:50	-



Proposed Side Elevation



Project	Title	Drawing No.	Date	Scale @ A3	Rev
117 Lady Lane, Chelmsford, CM2 OTJ	Proposed Side Elevation	1135/A/26	Jan '20	1:50	C

Appeals Report

Appeal Decisions received between 21/04/2021 and 07/06/2021

PLANNING APPEALS

Total Appeal Decisions Received	6	
Dismissed	4	67%
Allowed	2	33%
Split	0	0%

Written Reps

Tall Trees Old Southend Road Howe Green Chelmsford Essex CM2 7TB

Reference	19/01751/FUL
Proposal	Retrospective application for the construction of a garage and store room.
Appeal Decision	Appeal Dismissed - 06/05/2021
Key Themes	Harm to intrinsic character and beauty of the countryside
Agreed with CCC on	Harm to intrinsic character and beauty of the countryside
Disagreed with CCC on	
Costs Decision	None

The Gables Priory Lane Bicknacre Chelmsford Essex CM3 4EZ

Reference	20/01022/FUL
Proposal	Demolition of existing detached chalet dwelling and outbuildings and replacement with new detached chalet dwelling and detached garage with new formation of access.
Appeal Decision	Appeal Allowed - 06/05/2021
Key Themes	Design, character and appearance; Ecology (bats).
Agreed with CCC on	The dwelling was assessed as having a moderate roost suitability for bats and that further surveys are required.
Disagreed with CCC on	Development would be acceptable in terms of its architectural design and its effect on the character and appearance of the surroundings. It would produce an interesting new building on the appeal site and would improve the housing stock overall. Further surveys for bats and mitigation can be secured by planning condition.
Costs Decision	None

Notes: By completing only one bat survey, and the Inspector accepting the appellant's condition, arguably the Inspector have not fulfilled their relevant statutory obligations. The second survey is necessary to give confidence that the pipistrelle roost recorded at the time is just a day roost and not anything greater in conservation significance, such as a maternity roost. The Inspector has also accepted mitigation as the first step, as written in their condition, when the mitigation hierarchy is to avoid harm in the first instance, and then mitigate. Officers are seeking legal advice and advice from Natural England about how to proceed.

Householder

51 Ravensbourne Drive Chelmsford Essex CM1 2SJ

Reference	20/01708/FUL
Proposal	Removal of existing fence. Construction of new 1.8 metres high fence.
Appeal Decision	Appeal Dismissed - 23/04/2021
Key Themes	Impact on the street scene and highway safety
Agreed with CCC on	Adverse impact on highway safety; Harm to the street scene.
Disagreed with CCC on	n/a.
Costs Decision	None

Elmcote Main Road Bicknacre Chelmsford Essex CM3 4HW

Reference	20/01573/FUL
Proposal	Proposed detached outbuilding.
Appeal Decision	Appeal Allowed - 06/05/2021
Key Themes	- whether the outbuilding would harm the character and appearance of its surroundings and the rural area
Agreed with CCC on	
Disagreed with CCC on	- The Inspector disagreed that the outbuilding would be harmful to the character and appearance of its surroundings.
Costs Decision	None

Oak Tree Farm Ingatestone Road Highwood Chelmsford Essex CM1 3QY

Reference	20/01876/FUL
Proposal	Construction of a single storey front garage.
Appeal Decision	Appeal Dismissed - 20/05/2021
Key Themes	Green Belt
Agreed with CCC on	New residential outbuildings are inappropriate development in Green Belt
Disagreed with CCC on	
Costs Decision	None

Carne Pipers Tye Galleywood Chelmsford Essex CM2 8NP

Reference	20/01313/FUL
Proposal	Proposed two storey front extension with internal alterations.
Appeal Decision	Appeal Dismissed - 07/05/2021
Key Themes	Harm to the designated heritage asset (adjacent listed buildings)
Agreed with CCC on	Harm to the designated heritage asset (adjacent listed buildings)
Disagreed with CCC on	
Costs Decision	None