

# Planning Committee Agenda

**12 January 2021 at 6pm**

**Remote Meeting**

**Membership**

Councillor J A Sosin (Chair)

**and Councillors**

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

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 email [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk)

# PLANNING COMMITTEE

12 January 2021

## AGENDA

### 1. CHAIR'S ANNOUNCEMENTS

### 2. ATTENDANCE AND 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 1 December 2020

### 5. PUBLIC QUESTION TIME

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have been invited to participate in this meeting and have submitted their question or statement in writing and in advance. 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 Committee is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Where an application is returning to the Committee that has been deferred for a site visit, for further information or to consider detailed reasons for refusal, those who spoke under public questions at the previous meeting may not repeat their questions or statements.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

6. LAND AT ASH TREE FARM, BISHOPS STORTFORD ROAD, ROXWELL, CHELMSFORD – 19/02123/OUT
7. LAND ADJACENT TO 4 JAMES CROFT, GALLEYWOOD, CHELMSFORD – 20/01249/FUL
8. LAND AT 210 HULLBRIDGE ROAD, SOUTH WOODHAM FERRERS, CHELMSFORD – 20/01156/FUL
9. 9 BUTLERS CLOSE, BROOMFIELD, CHELMSFORD – 20/01587/FUL
10. PLANNING APPEALS

**MINUTES**  
**of the**  
**PLANNING COMMITTEE**  
**held on 1 December 2020 at 6:00pm**

Present:

Councillor J A Sosin (Chair)

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

Also present: Councillor J A Potter

### 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. There were no apologies for absence.

### 3. Declarations of Interest

All Members are 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 3 November 2020 were confirmed as a correct record.



## 5. Public Question Time

Members of the public made statements on items 6, 7 and 8 on the agenda. Details are recorded under the relevant minute number below.

A question was also asked about a planning permission granted by the Committee in 2003 for a new sports pavilion at Springfield Hall Park. At the time, the Committee had asked that every effort be made to ensure that the timing of football matches at the park was staggered to avoid disruption and on-street parking problems to local residents. The questioner said that since 2015 Sunday morning on-street parking had been a regular event and nuisance to residents as a consequence of the uncoordinated timing of football matches. The Committee was asked reaffirm its instruction to ensure the co-ordination of match times and take enforcement action if that was not done.

The Committee was informed that the request that matches be co-ordinated was not a condition of the 2003 permission and therefore enforcement action could not be taken. The use of the park and parking in surrounding roads were matters for the Parks Service and the South Essex Parking Partnership, not the Planning Committee.

## 6. Site at 98 The Street, Little Waltham, Chelmsford – 20/00964/FUL

The Committee considered an application for the conversion of the existing outbuilding at 98 The Street, Little Waltham into a two-bedroom dwelling and the provision of associated hard surface off-street car parking.

A statement from a member of the public opposing the application was referred to at the meeting. A representative of Little Waltham Parish Council also attended to speak against the application, arguing that it would:

- result in a loss of visual amenity in a conservation area and was not of a high quality design. The boundary should comprise a hedge rather than a brick wall or panel fencing;
- exacerbate the already heavy volume of traffic on The Street and that access and egress for vehicles using the site would be neither safe nor practical; and
- fail to provide adequate parking provision on the site and lacked visitor parking.

The Committee was informed that the Council's Heritage Officer was satisfied that the conversion would respect the character of the street scene and the conservation area and that the subdivision would be suitable. The creation of an opening at the front of the converted building would restore what had been there in the past.

With regard to highway concerns, the development was expected to generate six vehicle movements a day, which was very small in the context of the number of vehicles travelling through the village. The provision of two parking spaces for the existing and proposed dwellings met the required standard and there was no obligation to provide visitor parking. The Highway Authority was satisfied with the arrangements for vehicles safely and easily to

enter and leave the site. The access from Chapel Drive was a historic one and the occupiers of 98 The Street had the right to use it. However, there was no indication that they intended to do so and as its use was not part of the planning application, no condition could be imposed to prohibit it. A suitable boundary treatment would be required as part of condition 5 on any consent; a secure area would be provided for cycle storage; and an electric vehicle charging point would be installed.

The Committee was satisfied with all aspects of the application and saw no reason to refuse it.

RESOLVED that application 20/00964/FUL in respect of 98 The Street, Little Waltham, Chelmsford be approved, subject to the conditions set out in the report to the meeting.

(6.11pm to 6.43pm)

## 7. Land Adjacent to 4 James Croft, Galleywood, Chelmsford – 20/01249/FUL

An application had been submitted for the construction of a single detached house on land adjacent to 4 James Croft, Galleywood. Councillor R Hyland declared a non-pecuniary interest in this item and took no part on its consideration.

A statement in support of the application was made by the developer of the site. Statements were made by four members of the public, Galleywood Parish Council and a ward councillor who opposed the development on the following grounds:

- the development would have an overbearing effect on 4 James Croft and result in a loss of light to it;
- the proposed house would be out of keeping with the size, character and appearance of other properties in the area;
- access for vehicles was inadequate and would make access to and from a neighbouring property difficult;
- there was inadequate off-street parking; and
- there was insufficient space at the side of the property to enable bins and cycles to be easily moved between the front and rear.

The officers said that, in their opinion, the development would respect the character and appearance of the area. Whilst the dwelling would be narrower than others in the road it shared design references with them and the design and architecture would be acceptable in the setting of the cul-de-sac. The relationship with neighbouring properties was not so unacceptable as to justify refusal. The proposed parking met minimum requirements and whilst the space for vehicle manoeuvres was tight, it was acceptable. There was sufficient space along the side of the new house to move storage bins and cycles.

The Committee had concerns about certain aspects of the application, including its suitability in and impact on the street scene, its effect on neighbouring properties, the

parking arrangements and the space available to enable bin and cycle storage. It agreed that it would be appropriate to hold a site visit to assess those and other aspects of the application before making a decision.

RESOLVED that application 20/01249/FUL in respect of land adjacent to 4 James Croft, Galleywood, Chelmsford be deferred for a site visit.

(6.43pm to 7.25pm)

## 8. Land at The Eagle Public House, Stock Road, Galleywood, Chelmsford – 20/01100/FUL

The Committee considered an application for the erection of two detached dwellings, with associated vehicular parking, on land to the rear of The Eagle Public House in Stock Road, Galleywood. The application included the creation of two new accesses, off Stock Road and The Street, reconfiguration of the public house car park and beer garden, associated hard- and soft-landscaping, and the installation of bin and bike stores.

One member of the public attended the meeting to speak in support of the application. The Committee also received statements from Galleywood Parish Council and a local ward councillor who opposed the application, arguing that:

- the design of the new properties was not of a high standard and would be out of keeping with the street scene; their relationship with other properties would not be satisfactory; it would be a cramped development; and there were concerns about the amenity both of the new houses and existing adjacent properties;
- there was inadequate access for vehicles both to and from the site and within it; and
- the development lacked adequate bin and cycle storage.

Officers informed the Committee that the Village Design Statement for Galleywood dated back to 2005 and therefore little weight could be attached to it in considering this application. They were of the view that:

- the development would sit well in the street scene;
- bin and cycle storage would be adequate;
- whilst the back-to-back distance between the two properties did not meet policy requirements, the design provided sufficient privacy measures;
- the proposals would enhance the public house and its setting and there were no safety concerns about the seating area adjacent to Stock Road;
- parking would exceed policy requirements, there would be sufficient turning space for vehicles in plot 1, and parking for those with disabilities would be provided ;
- the relationship of the new properties with the public house and its car park and the aspect the occupiers would have would be mitigated by the proposed landscaping; and

- there would be no harm to the viability of the public house and a General Management Plan would be agreed for deliveries to it.

Members were satisfied that the design of the development would not be harmful to the street scene; that the back-to-back relationship between the proposed dwellings was similar to that of other properties in Stock Road and The Street; that vehicular access was satisfactory; and that cycle and bin storage was adequate. The Committee was therefore content to approve the application.

RESOLVED that application 20/01100/FUL in respect of land at the rear of The Eagle Public House, Stock Road, Galleywood, Chelmsford be approved, subject to the conditions set out in the report to the meeting.

(7.25pm to 8.03pm)

## 9. Planning Appeals

RESOLVED that the information on appeal decisions between 15 October to 17 November 2020 be noted.

The meeting closed at 8.03pm

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

The Chelmsford Local Plan 2013 – 2036 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 2013-2036 carries full weight in the consideration of planning applications.

## **SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA**

- DM2A** Policy DM2 (A) - Affordable Housing & Rural Exception Sites - The Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites which comprise 11 or more residential units.
- 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.
- DM4** Policy DM4 - Employment Areas & Rural Employment Areas - The Council will seek to retain Class B or other sui generis uses of a similar employment nature within all Employment Areas, Rural Employment Areas and new Employment Site Allocations as shown on the Policies Map.
- DM8** Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- 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.
- 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.
- SPS4** Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SPS6** Strategic Policy S6 Housing & Employment Requirements - In order to meet the full objectively assessed housing need in the period 2013-2036 provision is made for a minimum of 18,515 net new homes at an average annual rate of 805 net new homes per year. A minimum of 55,000sqm of business employment floorspace (Use Classes B1-B8) will also be allocated in the Local Plan for the period up to 2036.
- SPS7** Strategic Policy S7 The Spatial Strategy - New housing and employment growth will be focussed to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around Key Service Settlements outside of the Green Belt in accordance with the Settlement Hierarchy. New development allocations will be focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford, and South and East Chelmsford. Where there are large and established mainly institutional uses within the countryside, Special Policy Area will be used to support their necessary functional and operational requirements.
- SPS8** Strategic Policy S8 Delivering Economic Growth - The Council will make provision for flexible and market-responsive allocations of employment land which will allow further diversification of Chelmsford's economy. The Council will encourage links between business and the significant education sector in Chelmsford.
- 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**  
**12<sup>th</sup> January 2021**

<b>Application No</b>	:	19/02123/OUT Outline Application
<b>Location</b>	:	Site At Ash Tree Farm Bishops Stortford Road Roxwell Chelmsford
<b>Proposal</b>	:	<b>Outline application (approval sought for Access). Demolition of all existing workshops and commercial buildings, and the removal of hardstanding. Proposed up to 55 new dwellings, alterations to vehicular and pedestrian access. The formation of new estate roads, public footpaths, parking spaces, private amenity areas and public open spaces with children's play area and drainage infrastructure.</b>
<b>Applicant</b>	:	Mr G Sharp CCC Property
<b>Agent</b>	:	The Planning And Design Bureau
<b>Date Valid</b>	:	15th January 2020

Appendices:

Appendix 1	Report for Committee Meeting 3 <sup>rd</sup> November 2020
Appendix 2	Drawings

## 1. Introduction

- 1.1. The application is referred to the Planning Committee following a meeting of the Committee on 3<sup>rd</sup> November where the Committee were minded to approve the application and asked for planning conditions to be prepared. Under the Council's constitution the Planning Committee has not yet made a formal decision on the application and all options are available to the Committee, subject to the normal voting procedures.

## 2. Report

- 2.1. Suggested conditions are listed in section 4 of this report.

- 2.2 Following the 3<sup>rd</sup> November meeting, one letter of representation has been received. The representation states that it is wrong in principle that as a result of breaking the law and infuriating local residents the landowner can get permission for 50+ new homes on an unallocated site, and that this sends out the wrong message. Other concerns raised include:

- That the development would give direct access to residents to a public right of way which is within the objectors ownership and that correct rights of access across this land do not exist.
- The proposal would create a hamlet in the middle of the countryside.
- The biodiversity matrix uses the wrong baseline, as the northern part of the site was previously woodland.
- Light pollution would be generated.
- Concerns about drainage and that no discussions have taken place with the adjoining land owner about discharge of surface water into the ditches.

- 2.3 Members will be aware that Officers previously advised that residential development was contrary to the newly adopted Local Plan and that the correct way to deal with the unauthorised use of part of the site was through the Planning Enforcement regime. Dealing with the other points of the objection made in turn:

- Planning permission does not override private property rights. The indicative site plan does not show direct access to the public right of way.
- Trees were removed to facilitate the unlawful use of the land to the north, however, the proposal would continue to improve the site's biodiversity value.
- Some light pollution would occur.
- The expert authority, Essex County Council (the Lead Local Flood Authority) have found the drainage documentation to be acceptable, subject to conditions.

- 2.4 A Section 106 legal agreement would be required. Heads of Terms have been agreed with the applicant. The legal agreement would provide for:

- Affordable Housing – not less than 35% of the total dwellings to be provided as affordable housing. If 35% is a part of a dwelling then rounded up to the nearest whole dwelling. 22% to be social or affordable rent; 13% to be intermediate housing. 5% of affordable units to meet Building Regulation M4(3) (Wheelchair user dwellings). All rounded up if not whole numbers.
- Essex Coast RAMS - £125.58 financial contribution per net new dwelling.
- Strategic Open Space Contribution - £21,000 financial contribution in lieu of on-site provision of 40sqm per-dwelling.

- Highway Improvements – Bus shelter to Essex County Council standard on the west side of the A1060 carriageway. Kassel (raised kerb) kerb and power supply to provide lighting to both bus stops on the west & east side of the carriageway.
- Removal of the unauthorised storage and deposit of waste and other materials (the unlawful mound) – the unauthorised storage and deposit of waste (to be shown on a plan) to be removed and levelled prior to any construction works in accordance with a scheme to be submitted and agreed by the Council.

2.5 Although the application was deferred to allow officers to prepare conditions and heads of terms for a S106 Agreement, the Committee has not yet made a formal decision on the application. The previous report recommending refusal is attached as an appendix so the Committee has all the information available to make an informed decision.

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

3.1. The proposal would be CIL liable and this would be dealt with at reserved matters stage.

### **4. Conditions**

#### **Condition 1**

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 2**

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 3**

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason:

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

#### **Condition 4**

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 5**

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 6**

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

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

Reason:

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

**Condition 7**

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 8**

No works 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 or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the local planning authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the local planning authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development (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).

- If infiltration is proven not to be viable then the site should limit discharge rates to 4.8l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site (in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753).
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

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

#### **Condition 9**

No development shall take place, including any works of ground clearance or site preparation, until a scheme to minimise offsite flooding caused by surface water run-off and groundwater during construction works and measures to prevent pollution has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be adhered to throughout the construction period for the development.

Reason:

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

#### **Condition 10**

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 for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason:

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

#### **Condition 11**

Prior to first occupation of the development, the principle access to the development, shown on the approved drawing no 18/34/03A, shall at its centre line be provided with a clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside

edge of the A1060 Bishops Stortford Road carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason:

To provide adequate inter-visibility between vehicles using the principle access and those in the existing public highway in the interest of highway safety

**Condition 12**

No part of the development hereby permitted shall be occupied until the existing junction with the A1060 has been re-constructed to serve the proposed development as shown on approved drawing no 18/34/03A. Two metre wide footway transitions into the site on the north and south side of the access connecting to two metre wide footways, including dropped kerb pedestrian tactile crossing, from the junction footway transitions to the bus stops, as shown on the approved drawing no 18/34/03A shall be provided prior to the first occupation of the development.

Reason:

To provide appropriate footway connections and adequate inter visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.

**Condition 13**

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

Reason:

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

**Condition 14**

There shall be no discharge of surface water from the development site onto the Highway.

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 safety.

**Condition 15**

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

Reason:

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

**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**

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

**Reason:**

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

**Condition 18**

A minimum of 5% of the affordable dwellings as hereby approved shall be constructed to comply with Building Regulations Approved Document Part M4(3)(2)(b) (2010 - as amended).

**Reason:**

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

**Condition 19**

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

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

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

**Reason:**

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

**Notes to Applicant**

- 1 The proposed development is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended) which will be applied to any Reserved Matters application(s) submitted in connection with this outline application. Reserved Matters application(s) must be accompanied by a CIL Additional Questions Form as well as CIL Form 2 - Claiming Exemption or Relief if claiming Social Housing relief. There are further details and links to these forms on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil).
- 2 In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

**Noisy work**

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

Light work

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

In some circumstance further restrictions may be necessary.

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

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

- 4 The proposal will be subject to Section 219 or 220 of the Highways Act 1980 which will involve the payment of a sum of money or security of such payment, **before work can commence**, to cover the cost of the private street works.

Alternatively, the Highway Authority (Essex County Council) is prepared to enter into an agreement under Section 38 of the Highways Act 1980, which must be **signed before works commence**. It is therefore advisable that an early approach is made to the Highway Authority. Contact details are: Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU. Telephone via Contact Essex: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 5 The proposed demolition in the scheme should not be carried out until you have given notice to the Chelmsford City Council (Building Control Manager) of your intention to do so pursuant to Section 80 of the Building Act 1984.

Notice should be in writing and accompanied by a block plan (e.g. 1/500) clearly identifying the building(s) to be demolished.

- 6 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 7 The applicant is advised to contact the Highway Authority (Essex County Council) for details of the requirements regarding road layout and disposal of surface water from the new roads. Contact details are: Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU. Telephone via Contact Essex: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 8 You are reminded that this permission is also subject to a legal agreement, and that the terms of this agreement must be complied with.



- 9 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.
- 10 The approved block plans showing the layout of the development would not be acceptable from a design perspective if they were to be submitted as part of a reserve matters application. Pre-application advice in relation to layout and design is encouraged. The development should be outward facing. You are also reminded that the pipeline to the rear of the site is subject to an easement restricting the layout of any potential development.

### **Positive and Proactive Statement**

The planning committee has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The committee were satisfied that the proposal was acceptable in line 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

---



**Planning Committee**  
**3<sup>rd</sup> November 2020**

<b>Application No</b>	:	19/02123/OUT Outline Application
<b>Location</b>	:	Site At Ash Tree Farm Bishops Stortford Road Roxwell Chelmsford
<b>Proposal</b>	:	<b>Outline application (approval sought for Access). Demolition of all existing workshops and commercial buildings, and the removal of hardstanding. Proposed up to 55 new dwellings, alterations to vehicular and pedestrian access. The formation of new estate roads, public footpaths, parking spaces, private amenity areas and public open spaces with children's play area and drainage infrastructure.</b>
<b>Applicant</b>	:	Mr G Sharp CCC Property
<b>Agent</b>	:	The Planning And Design Bureau
<b>Date Valid</b>	:	15th January 2020

**Contents**

<a href="#">1. Executive summary</a> .....	2
<a href="#">2. Description of site</a> .....	2
<a href="#">3. Details of the proposal</a> .....	3
<a href="#">4. Other relevant applications</a> .....	3
<a href="#">5. Summary of consultations</a> .....	3
<a href="#">6. Planning considerations</a> .....	5
<a href="#">7. Community Infrastructure Levy (CIL)</a> .....	11

**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application has been referred to the Planning Committee at the request of Councillor Chambers in view of local support and support for the extinguishment of the existing use of the site.
- 1.2. The application site is a Rural Employment Area and occupied by a couple of businesses. The site includes an area of land presently being used unlawfully to store and process waste and other materials in a mound nearing 15m in height. This is targeted by an Enforcement Notice. Other employment uses within the site are lawful.
- 1.3. The proposal is made in outline, with the matter of access to be considered. Up to 55 houses (including 35% affordable homes) and associated works are proposed. The development would remove the employment provision at the site and this is contrary to Policy DM4. The correct regime to overcome the unlawful development at the site is through Planning Enforcement action.
- 1.4. Residential development of the site would be harmful to the intrinsic character and beauty of the countryside, contrary to Policy DM8. It would represent an isolated and significant enclave of development that would conflict with the linear and sporadic development in the area. Two storey dwellings spreading across the entirety of the site would be visually intrusive and disruptive. The proposal would, however, be beneficial to wildlife and would result in biodiversity net gains.
- 1.5. The site is in an unsustainable location where residents would be reliant on private vehicle movements to access day to day services such as schools and shops. Walking to Roxwell would not be a safe option.
- 1.6. Overall, the proposal would be contrary to the Council's Spatial Strategy within the Local Plan which seeks to direct growth to the most sustainable locations. The application is therefore recommended for refusal.
- 1.7. The applicant is agreeable to provide affordable housing on site in compliance with Policy DM2, and a financial contribution towards the Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy. Due to the application being recommended for refusal a Section 106 legal agreement has not been undertaken to secure these. A refusal reason to protect the Council's position is therefore recommended.

## **2. Description of site**

- 2.1. The application site lies on the eastern side of Bishops Stortford Road (A1060). It is opposite a linear stretch of dwellings known as Boyton Cross and 0.5km (as the crow flies) from the village of Roxwell, separated by the busy A1060 road. There are a few residential properties to the south of the site. Open farmland surrounds the site to the north and east. Public footpaths exist to the north and east/south-east of the site.
- 2.2. The site is an irregular 'L' shape site. There is an existing vehicular access onto the A1060. The site is a designated Rural Employment site in the Rural Area, and is currently occupied by a couple of businesses. The site includes a number of buildings, containers and areas of external storage.

- 2.3. Part of the northern projection of the site is a groundworkers yard. This was granted planning permission in 2015 (application reference 14/01584/FUL) and included the provision of a landscaped earth bund to line the boundaries of the groundworkers yard.
- 2.4. The remaining land within northern projection of the site, beyond the land which benefits from planning permission to be used as a groundworkers yard, is currently subject to ongoing Planning Enforcement action. On 20<sup>th</sup> March 2020 an Enforcement Notice was served alleging the material change of use of land for the deposit, storage and transfer of waste and other materials. The use of land is significant, with waste and other materials deposited in a mound nearing 15m in height. This is visible from many public viewpoints and is harmful to the rural character of the area and the environmental quality of the area. Furthermore, the vehicle movements associated with the use are harmful to the amenity of the occupiers of nearby residential properties.
- 2.5. An appeal has been lodged with the Planning Inspectorate by the occupiers of the site. The appeal has only been made on ground (g) which essentially asks for more time to comply with the Notice (six months was given by the Council). The appeal is currently waiting to be determined by a Planning Inspector who will decide if longer than six months should be given to comply with the Notice. As this is the only ground of appeal, the Inspector cannot quash the Notice or grant planning permission for the use of the land. No appeal has been lodged by the landowner.

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

- 3.1. The application is made in outline for up to 55 dwellings. An indicative site plan showing a potential layout has been submitted, however following Officer's concerns over this, 'layout' was removed as a matter to be considered.
- 3.2. Determination on the matter of 'access' is sought. The existing site access would be retained and reformed.

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

- 4.1. 14/01584/FUL – Approved 5th February 2015 – Retain use of land as groundworkers contractors yard, including the storage of plant materials and machinery. Reposition and retain containers and portable toilet, new diesel tank. Alter existing vehicular access onto Roxwell Road and undertaken landscaping works. Two metre high chain link fence.
- 4.2. 14/01584/MAT – Approved 13th November 2015 – Variation of conditions 6 and 8 of planning application 14/01584/FUL to extend the time periods for improvements to the access and details of the landscaping of the development.

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

Roxwell Parish Council – Support application. The site causes unrest for local residents and the development would be an asset to the local community. A roundabout on the A1060 and reduction in the speed limit would be beneficial.

UK Power Networks (Network Planner) – Overhead power lines will need to be diverted. A sub-station may be required.



Police - Designing Out Crime – Further details of lighting, layout, landscaping, boundary treatments and security measures are required to comment.

NHS Mid & South Essex Sustainability & Transformation Partner – No objection providing financial contribution can be made to Writtle Surgery through CIL contributions.

Public Health & Protection Services – Potential for contamination; condition requested. EV charging infrastructure should be provided.

Fisher German – Access to pipeline must be retained; condition requested.

Essex County Council Highways – Acceptable subject to conditions.

Economic Development & Implementation - It is important that these vital employment locations are retained and as such, this application is not supported.

ECC Historic Environment Branch - The proposed development is within an area of known archaeological remains. A condition securing a scheme of investigation is requested.

Environment Agency – No objection.

H.S.E East Anglia Area – Does not cross any consultation zones.

Essex County Fire & Rescue Service – No objection.

Housing Standards Team – No comments.

ECC Minerals & Waste Planning – No comment.

Ramblers Association – No objection.

Essex County Council (SUDS) – No objection.

Sport England Eastern Region – No comments.

ECC Community Infrastructure Planning (Education) – No reply.

Recycling & Waste Collection Services – No reply.

Parks & Open Spaces - No reply.

Leisure & Heritage Services - No reply.

Anglian Water Services Ltd - No reply.

Essex and Suffolk Water – No reply.

Local residents – 17 responses. 12 letters of support; 4 objections; 1 neither in support or objecting.

*Support comments:*

- Remove a blight on the landscape.
- Overcome enforcement issues.
- Remove dust, dirt, pollution, lorries and criminal activities.
- Reduce traffic.
- Benefit hamlet and Roxwell.
- CIL contributions could be used for local projects.
- New housing and affordable housing.
- Reinstate green space.
- Benefit wildlife.

*Objection comments:*

- School, doctors and dentist are oversubscribed or at capacity.

- Concern about vehicle movements and access.
- No shop or local amenities.
- Isolated block of houses.
- Loss of existing businesses.

*Comment:*

- CCC should assist in the relocation of existing businesses.

## **6. Planning considerations**

### ***Main Issues***

- 6.1. The main issues which can be considered as part of this application, and therefore considered below, are:

Rural Employment Area  
 Countryside  
 Spatial Strategy  
 Access & Highways  
 Natural Environment  
 Section 106 agreements  
 Planning Balance

- 6.2. Each will be addressed in turn below.

### ***Rural Employment Area***

- 6.3. The Chelmsford Employment Land Review (2015) forms part of the evidence base to the newly adopted Chelmsford Local Plan. Appendix 6 identifies Ash Tree Farm as a Rural Employment Site. The Rural Employment Areas Technical Note (2018) is also an evidence base document to the Chelmsford Local Plan and complements the Employment Land Review.
- 6.4. A survey was carried out of the Rural Employment Sites identified in the Employment Land Review. The purpose of the survey was to identify sites that met the Council's criteria for allocation as Rural Employment Areas. Selection criteria included established, consolidated and authorised rural employment areas which generally consisted of more than one building and several individual businesses or tenant with dominant office, industrial or storage and distribution uses.
- 6.5. Ash Tree Farm was found to meet the selection criteria and was subsequently designated as a Rural Employment Area.
- 6.6. Paragraph 80 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.7. Paragraph 81 of the NPPF states that planning policies should: a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.

- 6.8. Rural Employment Sites make an important contribution to the Chelmsford economy and their future function creating thriving business locations is a key element of the Council's local planning and economic strategies.
- 6.9. Policy DM4 of the Chelmsford Local Plan states that, within Rural Employment Areas the Council will seek to provide and retain Class B uses or other 'sui generis' uses of a similar employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes.
- 6.10. The employment site at Ash Tree Farm is sizeable and well established. It offers an affordable and accessible employment opportunity to businesses and this is vital in supporting the Chelmsford economy.
- 6.11. The supporting statement submitted with the application acknowledges that the proposal is in conflict with Policy DM4 as the employment land would be lost. It should also be noted that there is a reasonable prospect for the site to continue in employment uses.
- 6.12. Although the supporting statement accepts that there is conflict with Policy DM4, a case is made that the proposal for housing would result in a benefit as existing lawful industrial uses would cease.
- 6.13. It is understood that many local residents support the proposal on this basis, as well as causing the cessation of the unlawful use on the northern part of the site. It is however crucial to note that the most appropriate way to deal with the unlawful use of the site is through planning enforcement action, such as the serving of an enforcement notice as in this case.
- 6.14. In addition, it must also be remembered that planning permissions run with land, and are very rarely, and not in this case, tied to a particular business. This means that the site could be lawfully occupied for industrial purposes by business other than those who currently occupy the site.
- 6.15. The proposal would clearly be contrary to Policy DM4 as it would replace valued rural employment land with residential accommodation. There is no doubt that the site has a reasonable prospect of continuing in employment uses. The removal of the existing unlawful and troublesome use from the site is being actively pursued through the planning enforcement regime. Therefore this does not outweigh the conflict with Policy DM4 and the loss of lawful employment land.

#### *Countryside*

- 6.16. The site is located within the Rural Area. Policy S11 states that 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.
- 6.17. Policy DM8 relates to new buildings in the Rural Area and states that planning permission will be granted where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and where the development falls into one of the listed forms of development. These include the redevelopment of previously developed land in accordance with Part B of Policy DM8.



- 6.18. Part B states that planning permission will be granted where the development would not result in harm to the identified intrinsic character, appearance and beauty of the area. An assessment is to be made based on the size, scale, massing and spread of the new development; the visual impact; the impact of the activities and use of the new development; and whether the location of the site is appropriate to the type of development proposed.
- 6.19. Firstly, the proposed development would spread across the entire site. The site includes land which is currently being used unlawfully and should otherwise be undeveloped land, and an area of green undeveloped land along the southern boundary of the site. The proposed development would therefore spread onto land which is not lawfully previously developed land and land which is not previously developed in itself.
- 6.20. Secondly, whilst the remainder of the site largely consists of areas of car parking, open storage and yards, this low level with only a handful of larger purpose built buildings. The building are also relatively low level at around 6m in height. In contrast, the proposed development, albeit based on an indicative site plan, would be two storey in height and spread across the site. The proposed housing would represent a significant enclave of residential development rather than the sporadic and linear development in the vicinity of the site.
- 6.21. The scale and urban nature of the development would result in an isolated small settlement which would contrast with the linear settlement pattern of the locality. The proposal, overall, would have an increased visual impact which would be urbanising and at odds with the surrounding rural character. This would be harmful to the identified intrinsic character and beauty of the countryside and would conflict with Policy DM8 and strategic Policy S11.

#### *Spatial Strategy*

- 6.22. Policy S7 of the Chelmsford Local Plan sets out the Spatial Strategy and applies the Spatial Principles to focus new housing growth to the most sustainable locations in accordance with the Settlement Hierarchy. Growth is directed towards the Urban Areas of Chelmsford and Key Service Settlements. Roxwell is not classified as either of these, instead being a Service Settlement. Paragraph 6.28 of the Chelmsford Local Plan sets out that Service Settlements have more limited services and facilities. They have primary schools, but do not have the range of other services and facilities that are found at the Key Service Settlements.
- 6.23. The NPPF seeks to promote sustainable transport. Whilst the Framework recognises that the opportunities for sustainable travel will be less in rural areas, there is a clear objective to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.24. The application site is physically disconnected from Roxwell or any other settlement providing services. As the crow flies the site is just over 0.5km away from Roxwell, however using roads to walk it is around 1.6km (1 mile) away and would take around 20 minutes at an average walking pace. Public footpaths between Roxwell and the site do exist, however these would be unreliable in inclement weather, particularly due to flooding of the Roxwell Brook.
- 6.25. Notwithstanding the distance from the site to Roxwell using roads (A1060, Boyton Cross Lane, The Street), this is an unattractive and unsafe option to walk. The A1060 is a busy and fast moving road (40mph speed limit). There is no streetlighting and occupiers of the site would have to cross the road to use the pavement. The proposed uncontrolled tactile paved crossings would do little to help with crossing the road, and would not improve the unlit nature of the road.



- 6.26. Once occupiers had crossed the A1060, to get to Roxwell the easiest route would be to walk north and use Boyton Cross Lane. This is a narrow rural lane subject to the national speed limit. There are no pavements or streetlighting and the lane includes several sharp bends. This would be the longest section of the walk, taking just less than 15 minutes. Walking this stretch of road in particular would be unsafe and undesirable for day to day services.
- 6.27. The Street, heading into Roxwell is wider and restricted to 30mph. There are pavements and street lights when the village is reached and close to Roxwell Primary School.
- 6.28. There are bus stops close to the site which could be accessed using the proposed footway along the east side of the A1060 and crossing the road and using the existing footway. The bus stops, one in either direction, are served by the No.59 service connecting Chelmsford with Harlow. The timetable varies by day, but at most busses are hourly between around 6am and 7pm.
- 6.29. Overall, the site is located in an inaccessible location for day to day needs. It is not in an area where growth is sought and residential development of the site would conflict with the Spatial Strategy in the Chelmsford Local Plan. Occupiers of the site would be reliant on private vehicle movements for their day to day trips and needs and walking to local services would not be a safe or desirable option. This view has been shared by a Planning Inspector who considered a proposal for one new dwelling to the front of Ash Tree Farm in 2015 and said:
- "The site is served by the A1060 which provides a good standard of accessibility by road. However, being some distance from Roxwell, the nearest established village, the new house would be poorly related to nearby services and facilities and would rely to a great extent on use of the private car."*
- 6.30. The proposed development of the site conflicts with the objectives of the Chelmsford Local Plan and the National Planning Policy Framework to provide sustainable development and this carries significant weight against the proposal.

#### *Access and Highways*

- 6.31. The existing access to the site would be adapted for the proposed use. The Highway Authority have no objection to this arrangement.
- 6.32. The existing use of the site generates existing vehicle movements, which are often larger HGV movements. The proposed residential use of the site would replace these movements and would be expected to generate around 36% fewer vehicle movements between 7am and 7pm. The proposal would therefore have an acceptable impact on the surrounding highway network and would not give rise to capacity issues.

#### *Natural Environment*

- 6.33. The application is supported by a Preliminary Ecological Appraisal dated May 2019 and an Ecological Impact Assessment dated October 2019. The scattered trees and hedgerows around the boundaries of the site provide connectivity to the north and south in the form of linear corridors supporting species movement and dispersal.
- 6.34. Badgers, Great Crested Newt and reptiles were not recorded on or adjacent to the site. The badger sett located along the eastern boundary in the north-east corner is 'inactive' with no sign of current or past use, likely due to its proximity to the unlawful storage of waste and materials.

A single pipistrelle bat was recorded emerging from one of the building. Due to the type of bat roost and the single species affected this means the impact would be very low and work to demolish the unit and provide suitable mitigation could be achieved via a Bat Mitigation Class Licence.

- 6.35. During the life of the application a biodiversity net gain assessment was carried out and has been considered by the Council's Senior Natural Environment Officer. This calculates the baseline by valuing habitats before the development then calculates the value of habitats after the development to ensure a net gain is achieved. The Government seek development to deliver a 10% net gain.
- 6.36. The main ecological significant habitats would include public open space, gardens, swales, street trees, hedgerows and the wildflower meadow. The development would deliver 6.36 habitat units and 4.95 linear habitats (hedgerows) by means of habitat retention, creation and enhancement. This means an increase of 11.12% and 36.20% respectively which sufficiently meets the 10% net gain target.
- 6.37. A flood risk assessment has been submitted and Sustainable Drainage Systems (SuDS) would be utilised. This would comply with Policy DM18 and Essex County Council as the Lead Local Flood Authority have no objection to the proposal.

#### *Section 106 Agreements*

- 6.38. Policy DM2 requires 35% of the total number of dwellings to be affordable housing. Developers and owners are required to enter into planning obligations (Section 106 agreements) in order to provide the affordable housing and to ensure it remains at an affordable price for future eligible households. The applicant has indicated that 35% affordable housing would be provided. Due to the application being recommended for refusal, a S106 agreement has not been advanced and therefore a refusal reason to protect the Council's position is recommended.
- 6.39. The Chelmsford Local Plan requires Local Open Space to be provided on site at a ratio of 19sqm per dwelling and Strategic Open Space to be provided at a ratio of 40sqm per dwelling. The indicative site plan indicates 0.60hectares (6000sqm) of public open space to be provided. This equates to around 109sqm per dwelling which would meet the Local Open Space requirement. Strategic Open Space is not proposed on site, however in this instance a commuted sum in-lieu of on-site provision would be acceptable. This has not been secured through a Section 106 agreement so a reason for refusal to protect the Council's position is needed.
- 6.40. Section 15 of the National Planning Policy Framework (NPPF) requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided adequate mitigation, or, as a last resort, compensation for, then planning permission should be refused. Policy DM16 states that where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.41. The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to a European designated site. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development. The applicant has indicated their acceptance to provide a financial contribution towards the Essex Coast RAMS, however due to the application being recommended for refusal a legal agreement to secure this has not been advanced. A reason for



refusal is therefore included to protect the Council's position should the application be refused and subsequently appealed.

### ***Conclusion – Planning Balance***

- 6.42. The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development; economic, social and environmental.

#### *Economic*

- 6.43. The employment site at Ash Tree Farm is sizeable and well established. Rural employment sites, such as the one at Ash Tree Farm, play an important role to the Chelmsford economy and have a key role to play in providing accessible and affordable employment and business opportunities. Under the economic objective, the loss of the existing designated Rural Employment Area weighs heavily against the development.
- 6.44. Whilst relatively generic benefits, the proposal would provide a range of dwelling sizes and new housing as well as employment through construction. Given the generic nature of these benefits, and that the Council's housing requirements are being met without this development, these benefits carry very limited weight.

#### *Social*

- 6.45. The proposed development would be in a location where local services, schools and shops can only be reached through reliance on private vehicle movements. Walking to Roxwell would not be realistic or safe, due to the site's location and lack of pavement and streetlighting. This carries significant weight against the proposed development as it fails to meet the social objectives aim in the NPPF of fostering well-designed and safe built environments with accessible services to meet needs and support communities' health, social and cultural well-being. The proposal is contrary to the Council's adopted Spatial Strategy which seeks to direct growth to the most sustainable locations.

#### *Environmental*

- 6.46. The environmental objective of the NPPF relates to protecting and enhancing our natural, built and historic environment; including making effective use of land and helping to improve biodiversity. The proposal would utilise previously developed land which is encouraged through the NPPF. Furthermore, the condition of the land would be improved through decontamination and an ongoing residential land use. This carries some weight in favour of the development, although this is limited given that there is a policy requirement for the land to be retained as employment land, and that the unlawful use of the land for the storage of waste and other materials is subject to ongoing planning enforcement action.
- 6.47. The proposal would be harmful to the intrinsic character and beauty of the countryside. It would result in a new, significant housing development where other development in the area is sporadic and linear. The proposal would also spread across the entirety of the site, including land which is free from buildings, and introduce two-storey buildings across the site where at present development is relatively low level.

- 6.48. The proposed development would include landscaping and biodiversity net gains. This would carry weight in favour of the development, however given that the overall impact of the scheme on the intrinsic character and beauty of the countryside is negative, these benefits are afforded little weight.
- 6.49. Overall, the disbenefits of the scheme and conflict with the newly adopted development plan outweigh the benefits. It is therefore recommended that planning permission be refused.

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

- 7.1. The proposal would be CIL liable and this would be dealt with at reserved matters stage.

### **RECOMMENDATION**

**The Application be REFUSED for the following reasons:-**

#### **Reason 1**

Policy DM4 of the Chelmsford Local Plan states that within Rural Employment Areas the Council will seek to provide and retain Class B uses or other 'sui generis' uses of a similar employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes.

The proposal would redevelop the Rural Employment Area for housing. The employment site at Ash Tree Farm is sizeable and well established. It offers an affordable and accessible employment opportunity to businesses and this is vital in supporting the Chelmsford economy. There is a reasonable prospect of the site continuing to be used for these purposes. The proposal would be contrary to Policy DM4 of the Chelmsford Local Plan.

#### **Reason 2**

Policy S11 of the Chelmsford Local Plan states that 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.

Policy DM8 of the Chelmsford Local Plan relates to new buildings in the Rural Area and states that planning permission will be granted where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and where the development falls into one of the listed forms of development. These include the redevelopment of previously developed land in accordance with Part B of Policy DM8. Part B states that planning permission will be granted where the development would not result in harm to the identified intrinsic character, appearance and beauty of the area. An assessment is to be made based on the size, scale, massing and spread of the new development; the visual impact; the impact of the activities and use of the new development; and whether the location of the site is appropriate to the type of development proposed.

The development would spread across the whole site, including areas which are presently unlawfully developed and areas which are free from buildings or external storage. The proposed housing would represent a significant enclave of residential development rather than the sporadic and linear development in the vicinity of the site. The proposal, overall, would have an increased visual impact which would be urbanising and at odds with the surrounding rural character. This would be harmful to the identified intrinsic character and beauty of the countryside and would conflict with Policy DM8 and strategic Policy S11.

### **Reason 3**

Policy S7 of the Chelmsford Local Plan sets out the Spatial Strategy and applies the Spatial Principles to focus new housing growth to the most sustainable locations in accordance with the Settlement Hierarchy. Growth is directed towards the Urban Areas of Chelmsford and Key Service Settlements. Roxwell is not classified as either of these, instead being a Service Settlement.

the site is located in an inaccessible location for day to day needs. It is not in an area where growth is sought and residential development of the site would conflict with the Spatial Strategy in the Chelmsford Local Plan. Occupiers of the site would be reliant on private vehicle movements for their day to day trips and needs and walking to local services would not be a safe or desirable option. The proposed development of the site conflicts with Policy S7 and the objectives of the National Planning Policy Framework to provide sustainable development.

### **Reason 4**

Policy DM2 of the Chelmsford Local Plan requires 35% of the total number of dwellings to be affordable housing. Policy DM24 requires Open Space to be delivered in accordance with the requirements of Appendix B of the Local Plan, which includes the provision or a commuted sum in lieu of on-site delivery of Strategic Open Space. Policy DM16 states that where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

The proposal fails to secure these requirements through a suitable mechanism and is therefore contrary to Policies DM2, DM24 and DM16.

### **Notes to Applicant**

- 1 This application would be liable for a payment under the Community Infrastructure Levy Regulations (as Amended) 2010 if planning permission had been granted. If an appeal is lodged and subsequently allowed, the CIL liability will be applied.
- 2 Please note that refusal reason 4 may be overcome through the completion and signing of an acceptable Section 106 agreement.

### **Background Papers**

Case File

---



**H.S.E East Anglia Area****Comments**

06.02.2020 - The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

**Roxwell Parish Council****Comments**

03.02.2020 - Roxwell PC have viewed the above outline application and are fully supportive of the proposals put forward.

This site has caused much unrest amongst local residents for many years with users of the site continually ignoring planning enforcement notices served on them for breaching planning regulations.

The development will be an asset to the local community.

Points that it is felt would need addressing in more details would be the access on and off the A1060, which would be well served by having a round-about installed, and the current 40mph speed limit being reduced to 30mph, both these factors be of great benefit to the safety on this stretch of road.

**UK Power Networks (Network Planner)****Comments**

14.02.2020 - UK Power Networks overhead line records show that there are 11,000 volt electricity distribution overhead lines crossing the site. Any work on the site should be carried out in compliance with the Health and Safety Guidance Note GS6 'Avoidance of danger from overhead electric lines'.

If permission is given for the new development the overhead lines will need to be diverted. It is likely that the overhead line will need to be replaced with an underground cable. This will then require a new terminal pole and two supporting stays, probably near the boundary of the site. The stays will need to be a minimum of 6m from the pole, it is not clear from the plan where there is space available for the pole and stays. This will need to be considered when designing the final layout.

There also appears to be no provision for an electricity substation on the site. Dependent on the amount of electrical load required it is likely that a substation will be required either on the site or in close proximity.

UK Power Networks underground cable records show that there are underground voltage cables in the area of the planning application. Extreme care should be taken when excavating and the Health and Safety Executive Guidance Note HSG47 'Avoiding Danger from Underground Services' should be adhered to.

## Police - Designing Out Crime

### Comments

03.02.2020 - Essex Police comments pursuant of the NPPF and Chelmsford polices.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving 'Secured by Design Homes 2019 Award'.

However to make meaningful comment further we would require the finer detail such as the proposed lighting, landscaping boundary treatments and physical security measures.

For a development and potential residents to receive the benefits realisation of Secured by Design (SBD), Essex Police strongly encourage the developers, (CCC Property) to seek and achieve a SBD award on all phases of the development, inclusive of the units to the current standard at the time of construction. This would produce a robust benefit along with delivering additional contributions towards community reliance.

An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the security built into each property and a development as a whole is risk commensurate to that location.

## Essex County Fire & Rescue Service

### Comments

27.02.2020 -

In general terms access for fire service vehicles is considered satisfactory with conformation that the open square in front of blocks 50, 51 & 52 will withstand a weight loading of 17 tonnes.

The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development.

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

## NHS Mid & South Essex Sustainability & Transformation Partner

Comments
15.06.2020 -  In its capacity as the healthcare provider, the CCG has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development.  The capital required through developer contribution would form a proportion of the required funding for the provision of increased capacity within the existing healthcare premises servicing the residents of this development.  Assuming the above is considered in conjunction with the current application process, the CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.  The CCG are satisfied that the basis of a request for CIL contributions is consistent with the Regulation 123 list produced by Chelmsford City Council.

### ECC Community Infrastructure Planning (Education)

Comments
No response received

### Housing Standards Team

Comments
No response received

### Recycling & Waste Collection Services

Comments
No response received

### Fisher German

Comments
24.03.2020 -  Further to our letter of 24 February 2020 and following discussions between our client and the applicant, our client's objection to the application is withdrawn.  27.02.2020 -  It appears from the plans submitted by the applicant that their proposed development is to be constructed



within close proximity to CLH-PS apparatus. Such works would require consent from CLH-PS and, in this instance, consent would not be granted as the proposed development would restrict access to the pipeline, both for routine maintenance and in an emergency situation. We must therefore object to the planning application. My client must be consulted to ensure the proposal has no impact on their apparatus. Their contact details are:

### **ECC Minerals & Waste Planning**

#### **Comments**

No comments.

### **Essex County Council Highways**

#### **Comments**

17.03.2020 -

The proposed residential development would replace the existing business uses on the site. The residential development is expected to generate 36% fewer vehicle movements overall between 7am and 7pm.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

### **Ramblers Association**

#### **Comments**

25.02.2020 -

It is good to see Roxwell public footpath 34 shown in position at the east end of the site.

In keeping with NPPF paragraph 38 it is requested that the "informal pedestrian link to the eastern boundary" shown on the proposed site plan 18/34/03 is extended east to link up with Roxwell public footpath 34.

### **Public Health & Protection Services**

#### **Comments**

27.01.2020 - Please put on a DO4 condition due to the potential for contamination from previous uses, as identified in the Phase 1 assessment.

This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking).

## Economic Development & Implementation

Comments
19.02.2020 - From an economic development perspective, it would be disappointing to see the loss employment floorspace proposed within this application.
The employment site at Ash Tree Farm is sizeable and well established. Rural employment sites, such as the one at Ash Tree Farm, play an important role to the Chelmsford economy and have a key role to play in providing accessible and affordable employment and business opportunities.
It is important that these vital employment locations are retained and as such, this application is not supported from an economic development viewpoint.

## Parks & Open Spaces

Comments
No response received

## Leisure & Heritage Services

Comments
No response received

## Anglian Water Services Ltd

Comments
No response received

## Essex County Council (SUDS)

Comments
18.03.2020 -  Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

## Sport England Eastern Region

Comments
27.01.2020 -  The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.

## Essex and Suffolk Water

Comments
No response received

## ECC Historic Environment Branch

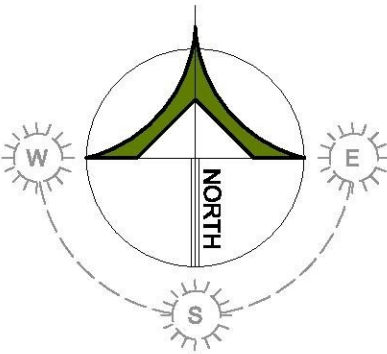
Comments
12.02.2020 -  The proposed development is within an area of known archaeological remains. The Historic Environment Record shows that this area lies close to Bronze Age ring ditches found to the west of the development site and a prehistoric enclosure found to the north. There is the possibility that archaeological features and deposits may extend into the proposed development area.  In view of this a condition is recommended.

## Environment Agency

Comments
10.03.2020 -  We have inspected the application, as submitted, and have no objection to the proposal.



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

1:1250 SCALE - METRES (A2 SHEET)  
0 10 20 30 40 50 60 80 100



REVISION:		DATE:		DRAWN:	
PROJECT: ASH TREE FAR, ROXWELL, ESSEX					
TITLE: SITE LOCATION PLAN					
SCALE:	I:1250	DATE:	NOV 18	DRAWN:	CW
				CH-CD:	
No.	18/34/01		REV.		



ARCADY  
ARCHITECTS

Unit 4 | Phillows Barns | Hammonds Road  
Little Baddow | Essex | CM3 4BG  
Tel: 01245 464681 | [www.arcadyarchitects.co.uk](http://www.arcadyarchitects.co.uk)

**ARCADY**  
ARCHITECTS



**Planning Committee**  
**12<sup>th</sup> January 2021**

<b>Application No</b>	:	20/01249/FUL Full Application
<b>Location</b>	:	Land Adjacent 4 James Croft Galleywood Chelmsford Essex
<b>Proposal</b>	:	<b>Construction of a single detached dwelling</b>
<b>Applicant</b>	:	Mr & Mrs B & J Jarvis Jarvis Developments
<b>Agent</b>	:	Mr Keith Reynolds
<b>Date Valid</b>	:	6th August 2020

**Contents**

<a href="#">1. Executive summary</a>	2
<a href="#">2. Description of site</a>	2
<a href="#">3. Details of the proposal</a>	3
<a href="#">4. Other relevant applications</a>	3
<a href="#">5. Summary of consultations</a>	3
<a href="#">6. Planning considerations</a>	4
<a href="#">7. Community Infrastructure Levy (CIL)</a>	8

**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application was previously considered at the 1 December 2020 Planning Committee. The application was deferred for a Committee Members' site visit to be undertaken.
- 1.2. The application is referred to the Planning Committee at the request of a local ward member so that the impacts of the proposal with regards to the street scene, highways and overdevelopment can be considered by the Planning Committee.
- 1.3. The site is located within the Defined Settlement of Galleywood and is a parcel of land that originally formed part of the rear garden of No. 84 Well Lane, which is immediately to the south. The land lies immediately to the side (east) of No. 4 James Croft. The long rear garden of No. 82 Well Lane lies immediately to the east of the site.
- 1.4. The proposed development would have an acceptable design and would have a visually acceptable relationship with the design and character and appearance of the local area.
- 1.5. The proposal by virtue of its design, siting, size, scale and form, in combination with the side windows to No. 4 serving non-habitable rooms, together with the proposal having an acceptable back to back distance relationship; means that the proposed development would not adversely affect the amenity of any nearby or neighbouring residential properties.
- 1.6. The proposed development would meet the development standards contained within the Chelmsford Local Plan, would have a safe vehicular access from the highway and would provide sufficient off-street parking provision in accordance with adopted policy requirements.
- 1.7. Approval is recommended.

## **2. Description of site**

- 2.1. James Croft is a cul-de-sac of seven detached properties which is accessed from Well Lane. The dwellings along James Croft are all detached with each having either a single or double garage. The houses are purposefully sited and arranged with shallow back gardens, with spaces in between.
- 2.2. The houses were all constructed at the same time and have a mock Georgian design and form. The houses are wide and are either constructed from red or yellow brick.
- 2.3. The site is immediately to the east of No. 4 James Croft. Immediately to the north of the application site is the private access drive to No. 8 James Croft which is to the north east.
- 2.4. To the south is No. 84 Well Lane. The site was formerly part of the rear garden to No. 84. The houses along Well Lane front the highway and have long, rectangular shaped back gardens.
- 2.5. There are four side windows in the eastern (side) elevation of No. 4 James Croft. At ground floor there are three windows which serve the downstairs cloakroom, kitchen and conservatory and at first floor the window serves the bathroom.

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

- 3.1. The proposed development would construct one detached dwelling with two off-street parking spaces to the front (north) with a rectangular shaped garden to the rear (south).
- 3.2. The proposed dwelling would have a rectangular shaped footprint with a small front central gable feature. The dwelling would have a depth of 9.2m and width of 6.5m. It would have a gable-ended roof design with a ridge parallel to the highway. It would have a ridge height of 8.3m.
- 3.3. To the rear the house would have a rectangular shaped garden, this would have access from the front by a path on the site which runs along the western side of the dwelling (between the proposed dwelling and No. 4 James Croft).
- 3.4. Two side windows are proposed i, one on each elevation. These serve the first-floor bathroom and intermediate landing respectively.

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

- 4.1. 05/01930/FUL – Refused 25<sup>th</sup> November 2005  
Erection of a detached house with integral garage
- 4.2. 20/00606/FUL – Application Withdrawn 18<sup>th</sup> June 2020  
Proposed new dwelling with integral garage

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

- 5.1. The following were consulted as part of the application:
  - Public Health & Protection Services
  - Essex County Council Highways
  - Galleywood Parish Council
  - Local residents
- 5.2. Full details of consultation responses are set out in appendix 1.
- 5.3. Public health and Protection Services state that this residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking).
- 5.4. Essex County Council Highways have no objection subject to conditions relating to a construction method statement, use of unbound material, no discharge of surface water into the highway, provision of parking spaces, provision of cycle parking, provision of Travel Information Packs.
- 5.5. Galleywood Parish Council object to the application on the following grounds:
  - Overbearing to the proportions of the site
  - Potential overlooking to the neighbouring properties
  - Potential overshadowing of No. 4 James Croft to the rear as it would cut across the 45-degree line of available light
  - Not in-keeping with the street scene. The design does not appear to meet with the original development brochure stating that the area to be a development of 4/5 bedroom houses of Queen Anne and Georgian design



- The proposal does not appear to provide adequate parking space to the front of the property to allow for utility bin storage nor cycle parking
- The proposal does not appear to provide adequate vehicular turning space for entry and exit (less than the 6m regulation)
- No installation of a vehicle charging point has been included
- The Parish Council Committee are aware of an easement which covers the entry and exit point of the application site which does not appear to have been addressed
- The access to the development and existing neighbouring houses is off a private access authority would be required
- Concerns over materials being brought to the site
- Concerns over impaired emergency vehicle access

5.6. Fifteen representations have been received objecting to the proposal. The objections are broadly based on the following grounds:

- Not in-keeping with the design of other properties within James Croft
- The size is not the same as other properties within James Croft
- Uncharacteristically close to No. 4 James Croft
- The plot is half the width of the other plots
- Inadequate off-street parking with limited availability of on-street parking in the cul-de-sac and difficult access via the shared private drive
- No garage proposed
- Overbearing to the occupiers of No. 4 James Croft and No. 84 Well Lane
- Juvenile slow worms seen on the street
- Potential damage to the private drive to No. 8 James Croft during construction
- Previous planning permission was refused on the site for a detached dwelling, no changes between the proposal under consideration and previous refusal
- Overbearing and potential overlooking of the rear garden of No. 4
- No details provided about the trees on the site boundary with No. 4
- Loss of sunlight for No 10 (to the north)
- No site notice posted

## 6. Planning considerations

### *Main Issues*

6.1. The main issues are whether:

- The proposal would have an acceptable design, character, appearance, siting and form in the context of the surrounding area
- The proposal would have an acceptable relationship with all nearby and neighbouring residential properties
- The proposal would provide safe and sufficient vehicular access and off-street parking provision

### *Design, Character, Appearance and Layout*

6.2. Chapter 12 of the National Planning Policy Framework (NPPF) (2019) sets out the objectives towards achieving well-designed places. Paragraph 127(a) of the NPPF states that planning decisions should ensure that developments will “function well and add to the overall quality of the area”. Paragraph 127(c) of the NPPF states that planning decisions should ensure that developments amongst other matters “are sympathetic to local character and history, including the surrounding built environment and landscape setting”. Paragraph 127(d) of the NPPF states that planning decisions should ensure that developments “establish or maintain a strong sense of



place, using the arrangement of street, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.

- 6.3. Chelmsford Local Plan Policy DM23 relates to high quality and inclusive design. This Policy states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings, having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- 6.4. The proposed detached dwelling would have a gabled roof form with a two-storey centralised front gable feature. Amendments have been made during the lifetime of the application to the design of the front elevation of the proposal.
- 6.5. The proposal would be constructed from similar materials to those within the street and has been designed to take architectural cues and references from the design of other houses within James Croft such as the two-storey front gable. The design, though narrower than the other houses within the cul-de-sac, would respect and be compatible with the character and appearance of the area in which it is located.
- 6.6. The design of the house is acceptable and the building would fit comfortably within the existing street scene and complies with policy DM23.

#### *Neighbour Amenity and Development Standards*

- 6.7. Chelmsford Local Plan Policy DM29 relates to protecting living and working environments (neighbour amenity). This Policy states that planning permission will be granted for development proposals provided the development amongst other matters safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements.
- 6.8. The proposed dwelling would be located to the east of No. 4 James Croft. One first floor side bathroom window is proposed in the western (side) elevation of the proposal. One ground floor side window is proposed in the eastern (side) elevation of the proposed dwelling, this is shown to serve the intermediate landing and internal stairwell.
- 6.9. Within the existing neighbouring property, No. 4, there are side windows in the eastern (side) elevation. These windows at ground floor serve the cloakroom, kitchen and conservatory and at first floor the window serves a bathroom. The kitchen window in the side elevation is a secondary window as it is also served by the conservatory to the rear. As none of these rooms provide primary living accommodation the amount of weight given to them in terms of amenity is reduced.
- 6.10. To ensure that there is no adverse impact from the proposal in terms of amenity in respect of either of the side neighbours a condition would be attached to this planning permission requiring these proposed side windows to be obscure glazed and fixed shut 1.7m above the internal floor level. On the basis of this planning condition being attached to this planning permission the proposed windows would have an acceptable relationship with the neighbouring properties to the west and east, Nos. 4 James Croft and 82 Well Lane.

- 6.11. The proposed dwelling would be constructed 0.6m from the common boundary with No. 4, the proposed dwelling would only extend 1m deeper than the existing rear conservatory to No. 4. This in combination with the eastern orientation of the proposal to this neighbour means that in terms of any overshadowing impacts these would only be apparent in the early morning, as the sun path would not be obstructed by the proposed development for the latter parts of the day. This close relationship with no 4 was considered in 2005 when assessing a proposal for a single house on the site. It was felt at that time that the proposed house, due to a combination of poor design and neighbour relationship was unacceptable. The proposed house has an acceptable design. The proposed house doesn't breach a combined 45 degree angle measured from both the neighbours rear conservatory and also closest first floor window. On balance, the scheme would be acceptable in terms of its impact upon no 4.
- 6.12. The proposed dwelling would have a back to boundary distance of 11m, there would be a two-storey back-to-back distance of approximately 35m between the proposed dwelling and the existing house to the south, No. 84. It is acknowledged that the back to boundary distance falls short of the 15m distance set out in Table 9 of Appendix B of the adopted Local Plan which relates to privacy standards. The back to back distance of approximately 35m between properties would ensure that the privacy of the occupiers of No 84 Well Lane were not adversely prejudiced.
- 6.13. To ensure and maintain this acceptable relationship 'permitted development' rights for rear extensions and additional openings would be removed by planning conditions attached to this planning permission.
- 6.14. Subject to the conditions referenced above, whilst the proposal would have an impact on the amenity of No. 4, and No. 84, the proposal would not have a harmful impact on the amenity of any neighbouring or nearby residential property in respect of overlooking, overbearing or overshadowing.
- 6.15. The proposed three-bedroom unit would meet the National Space Standards for three-bedroom six person units. To the rear of the proposed dwelling a private rear garden and amenity space would be provided (approximately 80 sqm). The proposed development would comply with Chelmsford Local Plan Policy DM26 (Design Specification).

#### *Parking and Access*

- 6.16. Chelmsford Local Plan Policy DM27 (Parking Standards) requires developments of this size to provide two off-street parking spaces per unit. The access to these spaces and the site would be via the existing single width driveway which serves No. 8 James Croft to the north east of the application site, which runs eastwards from the highway which runs up to Nos. 4 and 10 James Croft.
- 6.17. The proposal would provide a hard-surfaced area to the front (north) of the proposed dwelling. This space would provide sufficient off-street parking provision for two vehicles. This space and provision would meet the Policy requirements for parking standards for a house of this size in this location.
- 6.18. The proposed dwelling would use the existing access drive for No. 8 James Croft. Whilst the parcel of land immediately north of the application site is not in the ownership of the applicant, they have access rights over this parcel of land.

- 6.19. The local highway authority has raised no objection to the proposed parking or access arrangement.

*Other matters*

- 6.20. The planning history of the site is a material planning consideration. The 2005 planning application (05/01930/FUL refers) was refused and it was assessed against different national and local planning policies. The design of the current proposal differs from the 2005 scheme in that it has a gabled roof form (rather than a narrow span hip) with a centralised gable feature. The 2005 scheme had the appearance of a traditional Victorian detached house which bore little design reference to the street scene of James Croft unlike the current proposal which has acceptable design references to the other close by houses. The 2005 scheme was considered to have an unacceptable relationship with no No.4 as it projected beyond the rear of this house close to the common boundary. The current scheme would have a similar relationship but would not be at odds with the Development Standards guidance in the 2020 adopted plan.
- 6.21. The application site is located within the Defined Settlement and within a sustainable location with good access to services, schools, shops and public transport. National planning policy seeks to encourage development in sustainable locations.
- 6.22. Comments from the local highway authority and Parish Council state that no garage or bicycle storage has been provided or shown. There is no requirement that new houses must include a garage. Given the nature of the proposed development bikes could be stored within either the house or the back garden. It would not be reasonable to require this information by planning condition in this instance. Similarly, comments have been submitted objecting on the grounds that there is insufficient space for bins and other waste and recycling receptacles. Given the scope of the proposed development it is anticipated that any bins would either be stored in the house or back garden and would be brought to the front for collection/emptying on the relevant day. Details of a vehicle charging point would be submitted, as the details are required by planning condition.
- 6.23. It is likely that there may be some noise and disruption during the construction period, however, this would be temporary in nature. In respect of the parking of vehicles and storage of materials a construction method statement is required to be submitted by way of a planning condition attached to this planning permission; which requires details of the parking of vehicles for site operatives and visitors and areas to be shown for storage and reception of plant and materials.
- 6.24. The trees in the rear garden of No. 4 are not protected by a tree preservation order and have little public amenity value as they are small garden trees. It would not be reasonable to require these trees to be protected during the construction period by planning condition.
- 6.25. Given the scale of the proposal (one net dwelling) it is not considered necessary to require travel information packs by planning condition.
- 6.26. Easements are a private legal matter and not a material planning consideration.
- 6.27. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has completed a unilateral undertaking securing a financial contribution towards mitigation at a local wildlife site.

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

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

7.1. The application may be CIL liable and there may be a CIL charge payable.

### **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**

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

Reason:

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

#### **Condition 4**

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

Reason:

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

#### **Condition 5**

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

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

Reason:

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

**Condition 6**

The two parking spaces hereby permitted shall be provided and available for use prior to first occupation of the development hereby approved. The parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Reason:

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

**Condition 7**

Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging points shall be installed 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 Chelmsford Local Plan.

**Condition 8**

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan.

**Condition 9**

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 10**

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 11**

There shall be no discharge of surface water from the development site onto the Highway.

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 safety.

**Condition 12**

The first-floor windows in the north east and south west (side) elevations and shown on approved Drawing Nos P100 D & P110 D shall be:

- a) obscured (minimum Level 3 obscurity level) and
- b) of a design not capable of being opened below a height of 1.7m above finished floor level and shall remain so obscured and non-openable.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 13**

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 dwelling hereby permitted shall not be enlarged or extended without the grant of an additional planning permission by the local planning authority.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings and to ensure that adequate private amenity space is retained for the dwelling in accordance with Policy DM29 and DM26 of the Chelmsford Local Plan.

**Condition 14**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows or other openings other than those expressly authorised by this permission shall be constructed or inserted within the south east (rear) wall or roof of the development hereby permitted.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 15**

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 for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development

d) wheel and underbody washing facilities

Reason:

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

### Notes to Applicant

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 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>

- 3 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:

Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.

Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 4 You are reminded that this application is subject to a Unilateral Undertaking, which requires that a payment should be made to the local authority upon commencement of the development (or at any other time as varied by the Undertaking).
- 5 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be

requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

- 6 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 7 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.
- 8 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at [www.chelmsford.gov.uk/streetnaming](http://www.chelmsford.gov.uk/streetnaming). Enquires can also be made to the Address Management Officer by emailing [Address.Management@chelmsford.gov.uk](mailto:Address.Management@chelmsford.gov.uk)

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

---



**Public Health & Protection Services**

Comments
18.08.2020 - This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated).

**Essex County Council Highways**

Comments
<p>29.09.2020 -</p> <p>This Recommendation supersedes any previous recommendations for this application number 20/01249/FUL</p> <p>A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The access will be taken from a private part of the cul-de-sac, the revised proposal now includes two off-street parking spaces within the curtilage, therefore:</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. 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 for: <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. wheel and underbody washing facilities</li> </ol> </li> </ol> <p>Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.</p> <p>Note - MUD / DEBRIS ON HIGHWAY</p> <p>Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the</p>

highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

2. No unbound material shall be used in the surface treatment of the vehicular access

within 6 metres of the carriageway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. There shall be no discharge of surface water from the development onto the carriageway.

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 safety to ensure accordance with policy DM1.

4. Prior to first occupation, two vehicle parking spaces shall be provided as shown in principle on plan 11033/S03 Rev C. Each parking space shall have minimum dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

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

' The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

#### 07.09.2020 - Recommendation of Refusal

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal does not meet Chelmsford City Council's parking standards as explained in the notes below, therefore:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.

1. The overall parking provision is considered to be inadequate for the proposal and does not meet the required parking standard. Consequently, the proposal would likely lead to a problem of on street parking on the adjacent highway
2. The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking on the highway which is detrimental to the safety of all highway users.

The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### Notes:

The proposal is currently an unoccupied piece of land which would be accessed from the cul-de-sac, James Croft. The dwelling is proposed with a substandard parking provision.

- i. The Chelmsford City Council new Local Plan includes the adoption of the Essex Planning Officer Association (EPOA) Parking Standards. The EPOA Parking Standards recommend that dwellings with 2no. bedrooms or more are provided with 2no. off-street parking spaces. Therefore, the proposal must include off-street parking provision in accordance with the current Parking Standards.
- ii. As proposed the parking spaces would have substandard dimensions of less than 2.5 metres wide. The parking standards require that new parking spaces have minimum dimensions of 5.5 x 2.9 metres.
- iii. Neither of the proposed parking spaces meet the minimum sizes recommended in the EPOA Parking Standards and therefore cannot be counted toward off-street parking provision.
- iv. The Highway Authority may consider a revised proposal, that includes off-street parking provision with minimum dimensions in accordance with the EPOA Parking Standards.

The proposal if permitted would set a precedent for future similar developments which would lead to inappropriate parking detrimental to general safety for all highway users.

## Galleywood Parish Council

Comments
<p>28.10.2020 -</p> <p>Objection raised - The following concerns were raised</p> <p>The proposal appears overbearing to the proportion of the site</p> <p>Potential overlooking to neighbouring properties</p> <p>The proposal would potentially overshadow the neighbouring property of no 4 as to the rear it would cut across the 45 degree angle of available light.</p> <p>The proposal is deemed as 'not in keeping' within the Street Scene. The design does not appear to meet with the original development brochure stating the area to be a fine development of 4-5 bedroom homes of Queen Anne and Georgian design</p> <p>The proposal does not appear to provide adequate parking space to the front of the property to allow for utility bin storage nor cycle parking</p> <p>The proposal does not appear to provide adequate vehicular turning space for entry and exit (less than the 6m regulation).</p> <p>No installation of a vehicle charging point has been included within the application.</p> <p>The Committee have been made aware of the presence of an easement which covers the entry and exit point of the proposed building site which does not appear to have been addressed</p> <p>It is noted that the access to the development and existing residencies lies as a private road and access authority would be required</p> <p>Concerns raised in relation to the materials being brought to site</p> <p>Concerns raised in relation to emergency vehicle impaired access</p> <p>08.09.2020 -</p> <p>History</p> <p>05/01930/FUL - Refused - proximity impact on No 4 James Croft, bulk, proposed build forward of the street scene and parking issues - 6 Letters of objection.</p> <p>20/00606/FUL - Application Withdrawn</p> <p>20/01249/FUL - revised application with Officer pre-application advice reported.</p>

The previous reason for refusal in 2005 appears to have been partially addressed by the proposed dwelling being set back from the main street scene and provision made for 2 off-street parking bays.

The central atrium frontage accommodating the ground floor wc and store and first floor large en-suite bathroom appears incongruous and overbearing to the frontal design.

Fenestration has been limited on the flank elevation facing Property No 4. The one proposed window being to a bathroom with frosted glass and therefore no overlooking would occur to this elevation. Bedroom windows to the rear would be set past those of Property No 4 and therefore limited overlooking to the garden may occur but not to the main Property of No 4.

It is noted that the previous proposal 20/00606/FUL provided for an integral garage which on the new application has been absorbed into living space with no provision of a garage facility made.

#### Site Location

The proximity of the build has been moved slightly away from the neighbouring property No 4 than the previously withdrawn application 20/00606/FUL. However, it is felt that this proposal does not remove the major objection to the original proposal being refused, namely that the development appears cramped within the plot and out of keeping with the existing properties within the road

#### Summary

Given the diversity of Councillors views and conflicting opinion. The application is given over to the Planning Office for due determination with the above points as raised.

Should the application be approved, CIL monies are welcomed for local community use.

## Local Residents

#### Comments

Fifteen representations received – all objecting to the proposed development – on the following grounds:

- Not in-keeping with the design of other properties within James Croft
- The size is not the same as other properties within James Croft
- Uncharacteristically close to No. 4 James Croft
- The plot is half the width of the other plots
- Inadequate off-street parking with limited availability of on-street parking in the cul-de-sac and difficult access via the shared private drive
- No garage proposed
- Overbearing to the occupiers of No. 4 James Croft and No. 84 Well Lane
- Juvenile slow worms seen on the street
- Potential damage to the private drive to No. 8 James Croft during construction
- Previous planning permission was refused on the site for a detached dwelling, no changes between the proposal under consideration and previous refusal
- Overbearing and potential overlooking of the rear garden of No. 4
- No details provided about the trees on the site boundary with No. 4

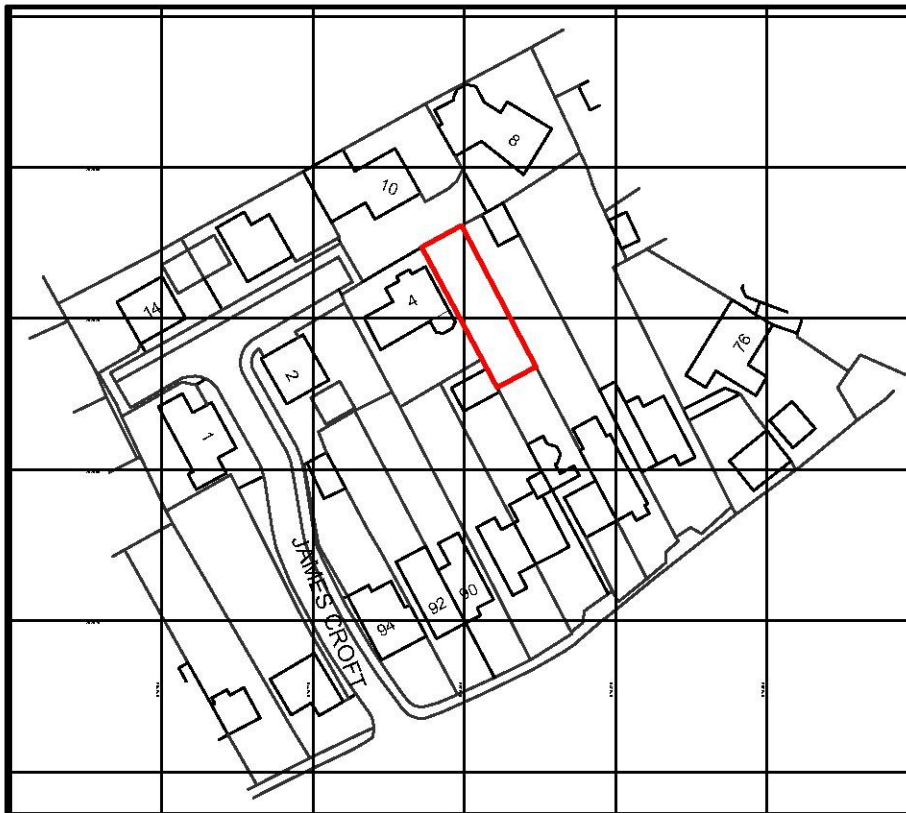


- |   |
|---|
| <ul style="list-style-type: none"><li>- Loss of sunlight for No 10 (to the north)</li><li>- No site notice posted</li></ul> |
|---|



# General Notes

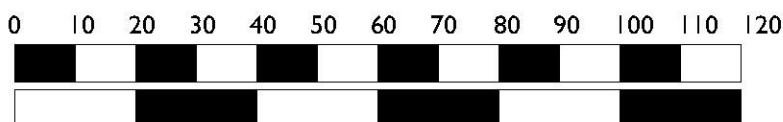
1. THIS IS AN A4 DRAWING, IF REPRODUCED IN ANY OTHER FORMAT THE SCALE SHOWN WILL BE INCORRECT
2. Do not scale off this drawing for construction
3. Any ambiguities, omissions and errors on this drawing should be notified immediately to the Architect before the commencement of works on site
4. All dimensions are in millimetres unless otherwise stated
5. All dimensions, unless otherwise indicated, are to the face of unfinished black walls or to the stud face of stud partitions
6. All dimensions are to be checked on site. Any discrepancies are to be notified immediately to the Architect before the commencement of works on site
7. All levels are in meters unless otherwise stated
8. This drawing is to be read in conjunction with all other relevant drawings and specifications for this project



Ordnance Survey © Crown Copyright. All rights reserved. Reference number 100022432

## SITE LOCATION

(1:1250)



0 20 40 60 80 100 120  
Page 60 of 102

A Amended site boundary SO 07/04/20  
Rev Description n/a Date

Melrose Office  
PO BOX 7988  
ARNOLD  
NOTTINGHAM  
NG5 2ZU  
T: 0844 2480545  
F: 0800 730 1948  
enquiries@reynoldsassociates.co.uk

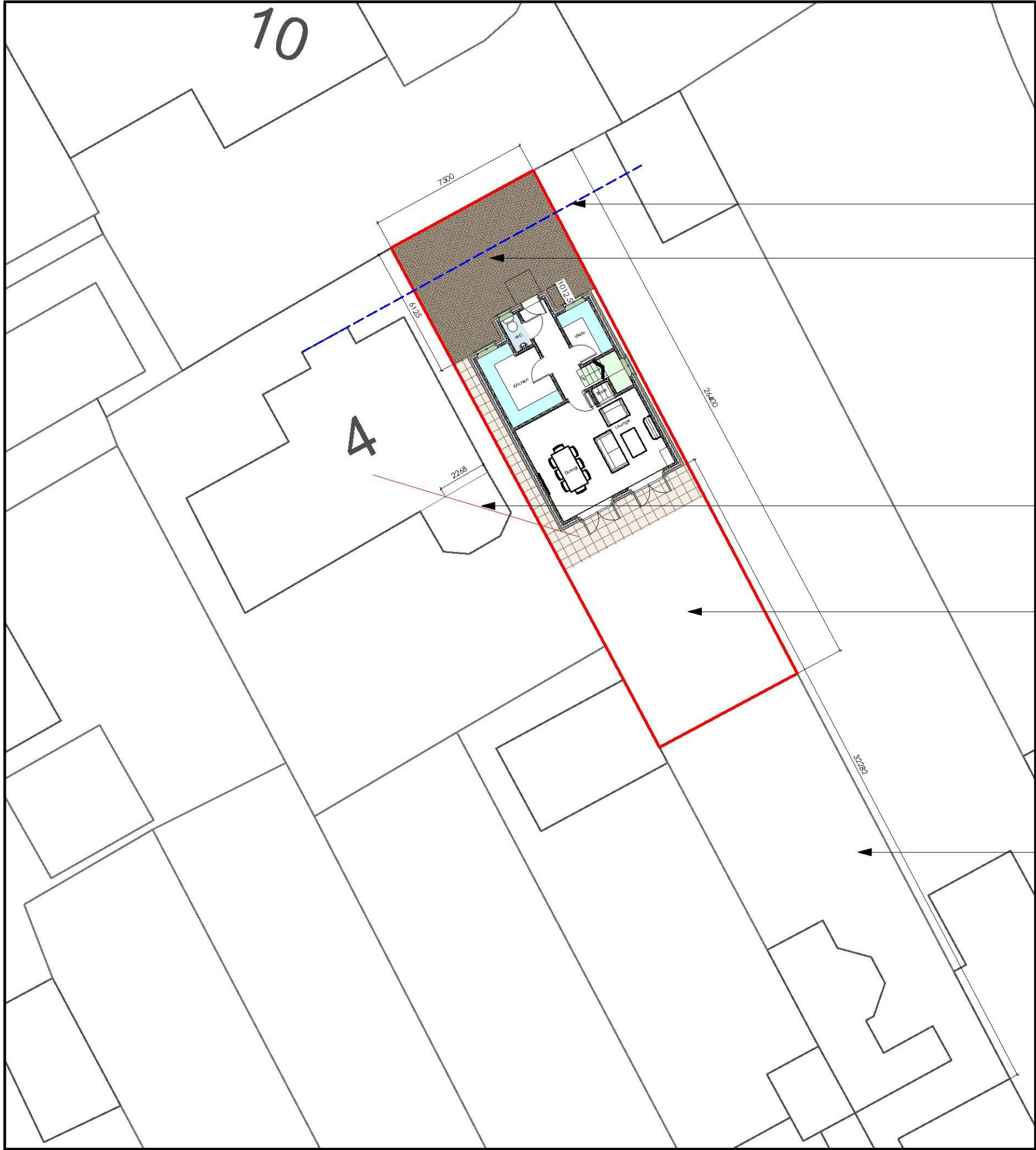
Canva Office  
PO BOX 306  
PAR  
CORNWALL  
PL23 9PE  
T: 01726 813797  
F: 0800 730 1948  
reynoldsassociates.co.uk  
enquiries@reynoldsassociates.co.uk

**REYNOLDS ASSOCIATES**

Job title  
Proposed House  
Land Adjacent No. 4  
James Croft  
Galleywood

Drawing title  
Site Plans  
Site Location Plan

Scale of A4 1:1250  
Date April 2020  
Drawn by SO  
Checked by KFR  
Status Planning  
Job No. 11033 / S01 / A  
Drg. No.  
Rev. No.



- General Notes**
1. THIS IS AN A3 DRAWING. IF REPRODUCED IN ANY OTHER FORMAT THE SCALE SHOWN WILL BE INCORRECT
  2. Do not scale off this drawing for construction
  3. Any ambiguities, omissions and errors on this drawing should be notified immediately to the Architect before the commencement of works on site
  4. All dimensions are in millimetres unless otherwise stated
  5. All dimensions, unless otherwise indicated, are to the face of unfinished block walls or to the stud face of stud partitions
  6. All dimensions are to be checked on site. Any discrepancies are to be notified immediately to the Architect before the commencement of works on site
  7. All levels are in meters unless otherwise stated
  8. This drawing is to be read in conjunction with all other relevant drawings and specifications for this project

C	Amended to planning comments	SO	15.09.20
B	Revised Scheme	SO	17.07.20
A	Amended site boundary & layout	SO	07.04.20
Rev	Description	Initial Date	
<div><div>Midland Office PO BOX 7988 BARNOLD NOTTINGHAM NG5 5UJ T: 0844 2480045 F: 0871 750 1968</div><div>Corwall Office PO BOX 306 PAR CORNWALL PL25 9FW T: 01726 813797 F: 0871 750 1968</div></div>			
reynolds associates.co.uk enquiries@reynoldsassociates.co.uk			



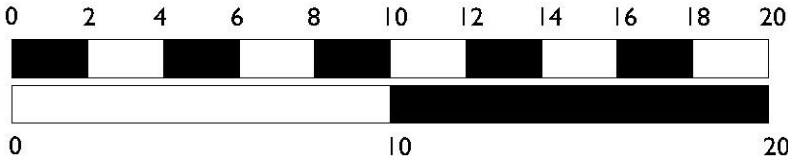
Job title  
**Proposed House  
Land Adjacent No. 4  
James Croft  
Galleywood**

Drawing title  
**Proposed Plans  
Site Plan**

Scale at A3	1:200	
Date	April 2020	
Drawn by	SO	
Checked by	KFR	
Status	Planning	
Job No.	Drg. No.	Rev. No.
1033	S03	C



Chartered Institute of  
Architectural Technicians







**PROPOSED FRONT ELEVATION**  
(1:50)



**Planning Committee  
12<sup>th</sup> January 2021**

<b>Application No</b>	:	20/01156/FUL Full Application
<b>Location</b>	:	Land At 210 Hullbridge Road South Woodham Ferrers Chelmsford
<b>Proposal</b>	:	<b>Proposed construction of 3 no residential dwellings, enlarged road access and ancillary ground works</b>
<b>Applicant</b>	:	M Holden & J Frankland
<b>Agent</b>	:	Fenn Wright
<b>Date Valid</b>	:	4th August 2020

**Contents**

<a href="#">1. Executive summary</a>	2
<a href="#">2. Description of site</a>	2
<a href="#">3. Details of the proposal</a>	2
<a href="#">4. Other relevant applications</a>	3
<a href="#">5. Summary of consultations</a>	3
<a href="#">6. Planning considerations</a>	3
<a href="#">7. Community Infrastructure Levy (CIL)</a>	7

**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 potential flood risk of the new development and concerns that the dwellings would harm the amenities of neighbours.
- 1.2. The application site is located with South Woodham Ferrers Urban Area where the principle of development is acceptable.
- 1.3. Hullbridge Road is a long and heavily built-up residential road that contains detached dwellings of different sizes and designs. The houses along the road sit in a linear pattern on either side of the road. There are a number of residential streets that are located off Hullbridge Road and have housing that is set back from the road. The application site is located on the western side of the road and is positioned between residential development on both sides. It is a currently undeveloped plot that has a scrubland appearance. The three dwellings proposed on this site would fit well within the varied and built-up street and would not cause harm to the character and appearance of the area.
- 1.4. The dwellings would also have an acceptable relationship with the neighbouring properties and would have an appropriate access, parking provision and garden space. The dwellings would also not increase flood risk in the area.
- 1.5. Approval is recommended.

## **2. Description of site**

- 2.1. The application site is located within the South Woodham Ferrers Urban Area where the principle of development is acceptable.
- 2.2. It is a rectangle shaped piece of land that has an area of approximately 0.26 hectares and is located on the western side of Hullbridge Road. The site is currently vacant and undeveloped and has the appearance of overgrown scrubland. It has an existing access point off Hullbridge Road.
- 2.3. The street scene along Hullbridge Road is varied and contains detached dwellings of various sizes and designs. This includes bungalows and two storey houses. New houses have recently been constructed along the eastern side of Hullbridge Road. To the north of the application site is a two-storey detached dwelling, No. 206 Hullbridge Road. To the south there are two bungalows. The southern side of the site also adjoins on to the rear gardens of four, two storey detached houses which are located on Chamberlains Ride, a cul de sac which leads off Hullbridge Road.
- 2.4. The application site is located within Flood Zone 3 and contains protected trees along the Hullbridge Road frontage which are protected by Tree Preservation Order (TPO) TPO/2009/005. The trees contribute to the softening of the built form in the area and provide a considerable level of visual amenity.

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

- 3.1. The proposal seeks to provide three four-bedroom detached dwellings with associated new entrance and access road with parking areas.

- 3.2. Two of the dwellings (Plots 1 and 2) would sit in a linear pattern with the existing dwellings with the remaining dwelling (Plot 3) set back from the road and located to the rear of the plot. A driveway would be extended back into the site with a shared turning head in front of plot 3.

#### **4. Summary of consultations**

4.1. The following were consulted as part of this application

- Environment Agency
- Anglian Water Services Ltd
- Essex County Council Highways
- Recycling & Waste Collection Services
- Public Health & Protection Services
- South Woodham Ferrers Town Council
- Local residents

4.2. The Environment Agency raised no objections to the proposal provided that it passes the sequential test and that all other flood risk considerations have been taken into account.

4.3. Essex County Council has raised no objections to the scheme subject to a number of conditions relating to parking and Highway Safety.

4.4. The Council's Public Health and Protection Services stated that the residential development should be provided with EV charging at a rate of one charging point per unit.

4.5. The South Woodham Ferrers Town Council raised no objections provided that the protected trees are preserved.

4.6. Anglian Water stated that the application falls below their threshold for assessment. No response was received from the Recycling and Waste Collection Services team.

4.7. Six letters have been received from neighbouring residents. Three of these were objections one was in support and two were neither in support or objecting to the proposal. The letters raised the following matters: character of the area, neighbour relationship, ecology, flooding and drainage.

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

#### **5. Planning considerations**

##### ***Main Issues***

5.1. The main issues for consideration are:

- The impact of the proposal on the character of the area.
- The relationship with neighbouring properties
- Potential flood risk from the proposal
- Vehicular access and parking on the site
- The relationship with protected trees
- Impacts on protected species.

### ***Character of the area***

- 5.2. Policy DM23 of the Chelmsford Local Plan says that planning permission will be granted for development that respects the character and appearance of the area in which it is located. The proposal seeks permission to construct three detached dwellings onto the application site which is currently an open and undeveloped site within a built-up residential street in the urban area.
- 5.3. The houses would have four bedrooms located over three levels and would each have a primary gabled element with a subservient side addition. The main element of the houses would each have maximum ridge heights of approximately 8.8m. The subservient elements would have heights of approximately 7.7m and eaves heights of approximately 5.5m.
- 5.4. Plots 1 and 2 would be located towards the front of the plot and would face Hullbridge Road. Plot 3 would be located at the rear of the site and has been designed so that it would appear to have a side-on relationship with Hullbridge Road with the lower subservient element facing the access road.
- 5.5. Hullbridge Road is a long and varied residential street. It contains detached two storey houses and bungalows which have a variety of sizes and designs. To the north of the application site sits a two-storey detached dwelling and to the south detached bungalows. The south of the site also adjoins onto the rear gardens of the two storey dwellings along Chamberlains Ride, the rear elevations of which face the application site. The two storey dwellings in the surrounding area have heights of between approximately 6.5m and 8.3m. The proposed dwellings would be a little taller than existing ridge heights in the street but not noticeably so.
- 5.6. The development pattern along Hullbridge Road is relatively linear in form. Plots 1 and 2 would respect this pattern of development. Plot 3 would introduce new development that is set back from the road. There are a number of roads set off the main Hullbridge Road thoroughfare, including Chamberlains Drive, which have introduced significant development back from the main linear road. Plot 3, and the houses on the site would be read in context with the adjacent Chamberlains Ride development and would not appear out of keeping with the prevailing character or pattern of development in the street.
- 5.7. The proposal would suitably reflect the character and appearance of development in the street and would cause no adverse impacts to the character and appearance of the area.

### ***Neighbour relationship***

#### ***- 2,4, 6 and 8 Chamberlains Drive***

- 5.8. Policy DM29 of the Chelmsford Local Plan requires development proposals to safeguard the amenities of occupiers of nearby residential development. The neighbouring houses along Chamberlains Drive are located to the south of the application site and are two storey dwellings that back onto the application site.
- 5.9. The occupants at No 2 have raised objections about Plot 1 concerned that this dwelling would be overbearing at the end of their gardens and would reduce their privacy and natural light.
- 5.10. No. 2 would face onto the side flank wall of Plot 1 which would be located approximately 2m away from the common boundary. The element nearest to the boundary would be the subservient side element with an eaves height of 5.2m and a ridge height of 7.5m. There would be no first-floor windows facing towards the neighbours.

- 5.11. Appendix B of the Chelmsford Local Plan states that in order to ensure privacy for all dwellings a new two storey dwelling should have a minimum flank to back wall distance of 12.5m. In this case the distance between the side wall of Plot 1 and the rear of No. 2 Chamberlains Drive would be approximately 15.8m. The distance between the dwellings would be in accordance with the standards and would ensure adequate privacy between the dwellings.
- 5.12. It is noted that the new dwelling would introduce a new development at the end of the garden which is not currently present. However, the proposed relationship is not uncommon in the urban area and is not significantly different to the relationship between No. 2 and the bungalows at No. 214 and 216 Hullbridge Road.
- 5.13. To ensure that there is acceptable daylight between properties a 25-degree vertical angle should be achieved between the dwellings. In this case plot 1 would achieve a 25-degree vertical distance away from the neighbouring dwelling. It is also noted that Plot 1 would be located to the north of No. 2 Chamberlains Drive and that it would not therefore significantly reduce existing natural light.
- 5.14. The relationship between Plot 1 and No. 2 Chamberlains Drive is considered acceptable and would not result in a loss of privacy or be detrimental to the amenity to the occupiers of the existing property.
- 5.15. Nos 4 and 6 Chamberlains Drive would face over the garden of Plot 1. No harm would be caused to the amenities of the occupiers of those properties by the presence of the new dwelling.
- 5.16. The southern side elevation of Plot 3 would face towards No. 8 Chamberlains Drive and would contain a second-floor bedroom window. The distance between Plot 3 and the garden of No. 8 would be approximately 20m. This would exceed the 15m distance set out in the adopted local plan and is a sufficient distance to prevent any overlooking or loss of privacy to the existing neighbour.
- 5.17. Overall, it is considered that the proposed dwellings would have an acceptable relationship with the neighbours along Chamberlains Drive.
- *214 and 216 Hullbridge Road*
- 5.18. Nos 214 and 216 Hullbridge Road are detached bungalows that are located to the north east of the application site and of plot 1. No. 214 is located approximately 6.5m away from Plot 1 and No. 216 is located approximately 23m away from Plot 1.
- 5.19. The neighbour at No. 214 has commented in support of the proposal but objections have been received from the neighbour at No. 216. They are concerned that the proposed dwellings would overpower the adjoining properties and would be out of keeping with the street.
- 5.20. The Chelmsford Local Plan states that new dwelling which are located at right angles to existing dwellings, such as the neighbouring bungalows, should not infringe on a 45-degree line on both plan and elevation form. In this case both of the bungalows would be outside of the 45-degree rule.
- 5.21. The new dwelling at plot 1 would also be located to the north west of the bungalows. This orientation would also limit the reduction in natural light
- 5.22. The relationship between the bungalows at Nos 214 and 216 Hullbridge Road and plot 1 would be acceptable.

- *206 Hullbridge Road*

5.23. No. 206 Hullbridge Road is located to the north of the application site. Plot 2 is the nearest property to this neighbour and would sit approximately 5.8m away from the side wall of No. 206.

5.24. The existing dwelling and proposed dwelling at No. 2 would have a mutual relationship and no harm would be caused to the amenities of either dwelling.

***Flood Risk***

5.25. The application site and surrounding areas are located within Flood Zone 3. The Environment Agency have been consulted as part of this proposal. They have raised no objections to the proposal provided that it passes a sequential test and that all other sources of flood risk have been considered.

5.26. In this case the proposal has passed a sequential test and has been considered safe for future inhabitants by the Council's Emergency planners. The flood risk from the proposal is therefore considered low.

5.27. Neighbours have noted that the Environment Agency comments states that all other risks of flooding need to be considered including surface water, sewers and groundwater. Comments have also been received with regard to the removal of a willow tree and how this could lead to flooding of the site. The willow tree is not protected and could be removed at any time however.

5.28. The other sources of flood risk have been considered as part of this application and would not cause an increased flood risk.

***Access and Parking***

5.29. The existing vehicular access point on to Hullbridge Road would be closed and would be replaced with a slightly wider access point immediately to the south. The access point would lead to an access road serving all three dwellings and to a turning area in front of Plot 3.

5.30. The dwellings would each be served by two off street parking spaces as well as integral garages which could house up to two cars. The overall parking provision for each dwelling would amount to four per dwelling.

5.31. The Highways Authority has raised no objections to the access, turning or parking provision. Suitably worded conditions will be attached to the decision to ensure that a suitable access and acceptable parking provision for the dwellings is provided and maintained.

5.32. The future occupants of the dwellings would bring their bins to the kerbside of Hullbridge Road for collection. For Plots 1 and 2 the dragging distance would only be a short distance but for Plot 3 this would be over 40m. This distance would however be as short as possible and would not involve any obstacles. The dragging distances or future occupants would therefore be acceptable.

***Ecology Considerations***

5.33. Comments received from local residents have related to ecology and have stated that the vacant site is currently home to a number of protected species.

5.34. As part of this application an ecology report and a walkover addendum have been submitted. These reports have concluded that it is reasonably unlikely to support protected species but did record a disused fox earth and a fox on the site.

5.35. Whilst the site is not likely to be home to protected species there is an opportunity to provide ecological enhancement within the development, such as bat and bird boxes. Conditions will be attached to the decision requiring that these enhancements are provided.

#### ***Protected Trees***

5.36. The trees situated along the front boundary of the site, adjacent to Hullbridge road, are protected by Tree preservation Order TPO/2009/005. They contribute to the softening the built form within the built-up street and provide a significant level of amenity.

5.37. An arboricultural report along with tree protection and tree constraint plans have been submitted with this proposal. The proposed access point will require some facilitation pruning to open the access up and would require the removal of two Field maple trees. Their removal is justified to allow for the enlarged access into the site.

5.38. Conditions will be attached to the decision requiring the submission of an arboricultural method statement setting out the measure for widening and laying out the new entrance adjacent to the protected trees.

#### ***Recreational avoidance mitigation strategy***

5.39. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has provided a financial contribution which will go towards mitigation at a local wildlife site.

#### ***Other Matters***

5.40. Comments have been received regarding drainage and sewage. These are not material planning considerations

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

6.1. This application is 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**

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

Reason:

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

### **Condition 4**

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

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

Reason:

To ensure 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 5**

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

Reason:

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

### **Condition 6**

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 7**

No dwelling shall be occupied until the parking spaces for each dwelling and the access road and turning area have been laid out within the site in accordance with approved drawing 3556-0101PO4. Thereafter the access road, turning area and parking spaces shall be retained.

Reason:

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

**Condition 8**

Prior to the first occupation of any of the dwellings hereby approved the new vehicular access point as shown on approved drawing 3586-0101 PO4 shall be provided with a dropped kerb crossing of the footway.

Reason.

To ensure that cars can enter and leave the highway in a safe and controlled manner in the interests of Highway Safety.

**Condition 9**

Prior to the first occupation of any of the dwellings hereby approved the existing access indicated to be closed on approved drawing 3586-0101PO4 shall be appropriately closed and full height kerb shall be reinstated.

Reason.

To ensure that there is appropriate access into the site in the interests of highway safety.

**Condition 10**

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 11**

There shall be no discharge of surface water from the development site onto the Highway.

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 safety.

**Condition 12**

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;

- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- e) Management details and a five-year maintenance plan

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan.

### **Condition 13**

No development shall take place within the root protection area of the trees as shown on the approved tree protection plan until an arboricultural method statement setting out arrangements for the building operations and excavations within the root protection area of the trees has been 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:

The use of the correct excavation methods will ensure that the tree roots are not damaged in order to safeguard the existing trees which are of amenity value in accordance with Policy DM17 of the Chelmsford Local Plan.

### **Condition 14**

Prior to the first occupation of any of the dwellings hereby approved, details for ecological enhancement measures shall be submitted and approved by the local planning authority. The ecological enhancement shall be installed in accordance with the approved details prior to the first occupation of any of the dwellings and the measures shall remain in place in perpetuity with the development. The details shall include:

- a) One integral bat box and one integral bird box shall be installed to the south or south-west elevation of the each new dwelling. No artificial lighting shall be installed adjacent to the bat box.
- b) Details of soft landscaping including specifications of species, sizes, planting centres, number and percentage mix.
- c) A plan to show the type and location of the all ecological enhancement measures

Reason:

To provide ecological enhancements on the site in accordance with Policy DM16 of the Chelmsford Local Plan.

### **Notes to Applicant**

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

Noisy work

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

Light work

- Acceptable outside the hours shown above

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

In some circumstance further restrictions may be necessary.

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

- 2 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 3 The Tree Advice Trust publishes an Arboricultural Practice Note APN1 - 'Driveways Close to Trees', by Derek Patch and Martin Dobson, which gives practical advice on constructing driveways close to trees. This document is obtainable from the Arboricultural Advisory and Information Service, Alice Holt Lodge, Wrecclesham, Farnham, Surrey GU10 4LH.
- 4 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 5 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.
- 6 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 7 The Highway Authority (Essex County Council) must be contacted regarding construction details for the proposed vehicular crossover. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631 Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 8 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at [www.chelmsford.gov.uk/streetnaming](http://www.chelmsford.gov.uk/streetnaming). Enquires can also be made to the Address Management Officer by emailing [Address.Management@chelmsford.gov.uk](mailto:Address.Management@chelmsford.gov.uk)

- 9 The ecological report has identified disused fox earth and fox present on site. It is recommended prior to any works including vegetation clearance or ground works, advice is sought from a pest control specialist to ensure harm does not occur to fox should the earth become active again.
- 10 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.

### **Positive and Proactive Statement**

The Local Planning Authority 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

---

## Environment Agency

Comments
<p>We have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below</p> <p><b>Flood Risk</b></p> <p>Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for proposed construction of 3 no residential dwellings, enlarged road access and ancillary ground works, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA).</p> <p>To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced IE15/045/FRA and dated 14.11.2019, are:</p> <p>The FRA uses out of date flood levels therefore this rs is based on our most up to date levels from our Coastal modelling for the Crouch and Roach 2018.</p> <p>The FRA also includes pluvial run-off modelling which using the proposed floor level of 2.6mAOD appears to show that there is internal flooding in a 1:100 plus 40% allowance climate change level. As this is under your authority, this should be reviewed with Essex County Council's Flood Management team to decide if floor levels are acceptable alongside suggested mitigation measures.</p> <p><b>Actual Risk</b></p> <p>The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.</p> <p>The site does benefit from the presence of defences.</p> <p>Finished ground floor levels have been proposed at 2.6m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change and therefore dry of flooding in this event.</p> <p>Flood resilience/resistance measures have been proposed.</p> <p>Finished first floor levels have been proposed at 5.2m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level.</p> <p>The site level is a minimum of 2.27m AOD and therefore flood depths on site are 0m in the 0.5% (1 in 200) annual probability flood event including climate change.</p> <p>Therefore assuming a velocity of 0.5m/s the flood hazard is very low hazard in the 0.5% (1 in 200) annual probability flood event including climate change.</p> <p>Therefore this proposal does not have a safe means of access in the event of flooding from all new buildings</p>



to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been proposed by the applicant but you should determine its adequacy to ensure the safety of the occupants.

Compensatory storage is not required.

#### Residual Risk

Our data shows that in a worst-case scenario the site could experience undefended flood depths of up to 1.16 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2.08 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

Finished ground floor levels have been proposed at 2.6m AOD. This is below the

0.5% (1 in 200) annual probability breach flood level including climate change of 3.43m AOD and therefore at risk of flooding by 0.83m depth in this event.

Flood resilience/resistance measures have been proposed.

Finished first floor levels have been proposed at 5.2m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 4.35m AOD.

A Flood Evacuation Plan has been proposed

#### Guidance for Local Council

#### Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at:

[http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf). Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

#### Safety of inhabitants - Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall-back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water.

We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.

#### Safety of Inhabitants - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

#### Partnership funding for new/upgraded defences

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application.

#### Sequential Test / and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 158 of the National Planning Policy Framework. The Exception Test is set out in paragraph 160. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

#### Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

We trust this advice is useful.

## Anglian Water Services Ltd

Comments
<p>08.09.2020 - Thank you for your consultation. Having reviewed the application, it falls below our standard threshold for assessment.</p> <p>We therefore have no comments.</p>

## Essex County Council Highways

Comments
<p>22.09.2020 - Your Ref: 20/01156/FUL</p> <p>Our Ref: CO/EGD/SD/RM/CHL/20/1156/47668</p> <p>Date:- 22nd September 2020</p> <p>Recommendation Issue 2</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>1. No development shall take place, including any ground works or demolition until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:</p> <ul style="list-style-type: none"><li>i. the parking of vehicles of site operatives and visitors</li><li>ii. loading and unloading of plant and materials</li><li>iii. storage of plant and materials used in constructing the development</li><li>iv. wheel and underbody washing facilities</li></ul> <p>Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to</p>

ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

**Note - MUD / DEBRIS ON HIGHWAY**

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

2. Prior to first occupation, the 2.4 metre by 43 metres visibility splays to the vehicular access, as measured from and along the nearside carriageway edge shown in the Proposed Site Plan, drawing no. 3586 ' 0101 Rev P04, shall be provided and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

3. The proposed boundary planting shown in the Proposed Site Plan, drawing no. 3586-0101 Rev. P04 shall be amended to ensure it is planted a minimum of 1 metre back from the highway boundary and the visibility splays shown.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

4. Notwithstanding the access width shown in the Proposed Site Plan, drawing no. 3586-0101 Rev. P04. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge, incorporating the reinstatement to full height of the highway verge/footway of any redundant dropped kerbing.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

6. Prior to first occupation of the development the vehicular turning facility shown in the Proposed Site Plan, drawing no. 3586-0101 Rev. P04, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

Note ' The turning facility is not large enough for the turning of refuse freighters, therefore a bin collection point must be provided within the site, in accordance with details to be agreed with Chelmsford City Councils Recycling and Waste service provider.

7. There shall be no discharge of surface water from the development onto the Highway.

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 safety to ensure accordance with policy DM1.

8. Prior to first occupation of the proposed development, each dwelling shall be provided with two off-street vehicle parking spaces in accordance with the EPOA Parking Standards as shown in the Proposed Site Plan, drawing no. 3586-0101 Rev. P04 constructed and appropriately hard surfaced ready for use. The vehicle parking areas and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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

Guidance in February 2011.

**Informatives:**

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

## **Recycling & Waste Collection Services**

Comments
No response received

## **Public Health & Protection Services**

Comments
11.08.2020 - This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated).

## **South Woodham Ferrers Town Council**

Comments
The planning committee of the South Woodham Ferrers Town Council have raised no objections to the application on the premise that the trees are preserved.



## Local Residents

### Comments

Throughout the lifetime of the application six letters were received from local residents. The comments raised the following matters:

#### *Character of the area*

- Overdevelopment of the site which is out of keeping with the area and street.
- The proposal would provide much needed housing and remove overgrown vegetation and trees from the boundary.

#### *Neighbour relationship*

- Will new fences be required
- The new house at plot one will be overbearing and reduce outlook

#### *Ecology*

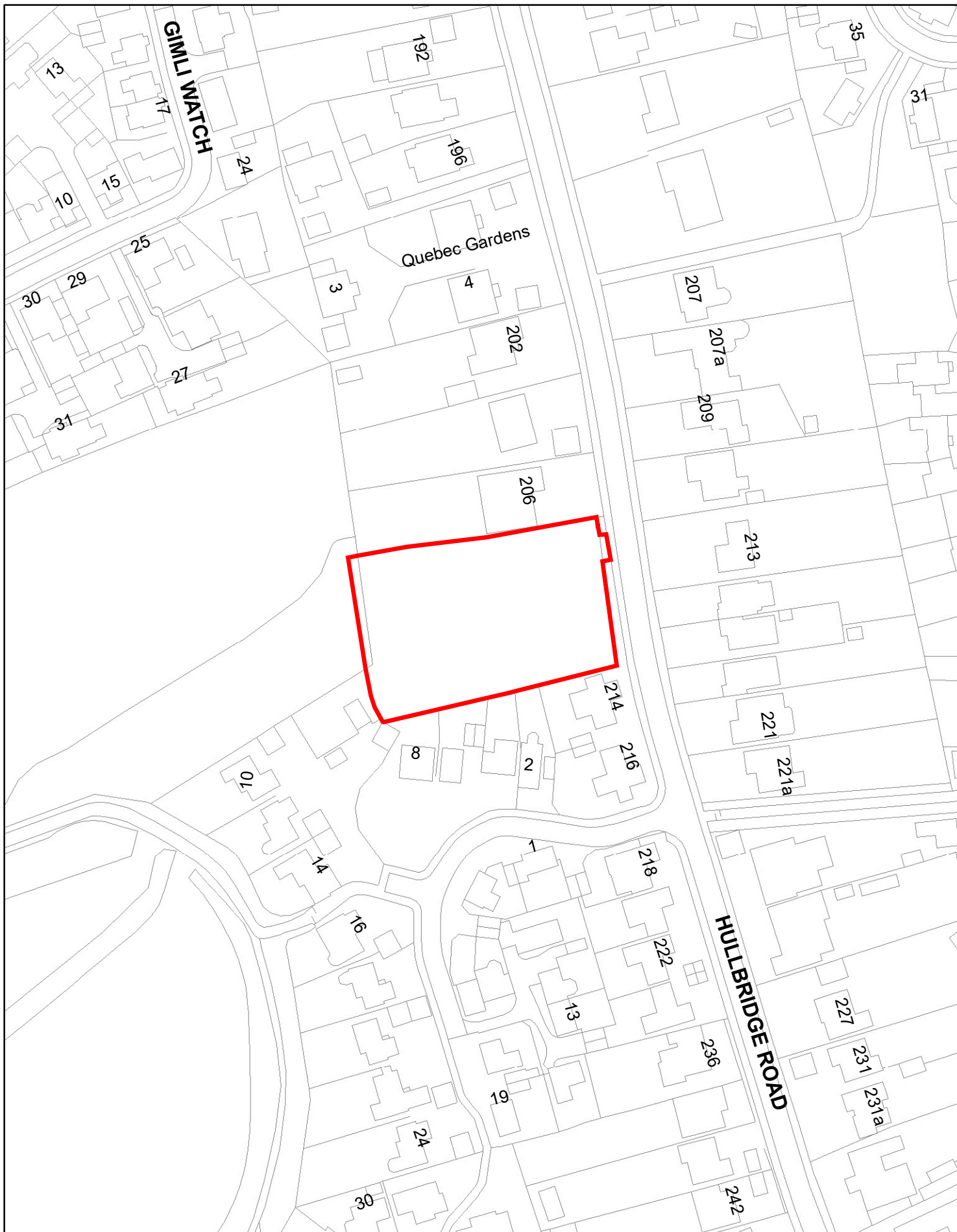
- Used to have the site as a meadow. Will anything be done to mitigate negative impacts of new development
- The site is home to lots of wildlife including foxes and lizards

#### *Trees*

- Impact of the removal of the willow tree on flood risk on the site.
- There will be close inspection of the developers excavating around the roots of the protected trees.

*Drainage*

- Assurances that the proposal will not increase flood risk to neighbours.



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**20/01156/FUL**

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

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

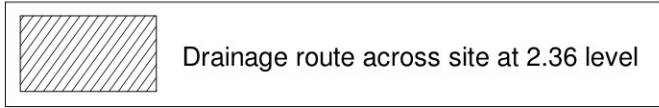
Telephone: 01245 606826



This document references the following file:-

Reference Name	Status	Revision
-KLH-XX-XX-M3-A-0001_3586		P01.1

Revisions		Date	Drawn / Chk'd
P01	Issue For Planning	20/05/19	TK
P02	Revision 2	30/05/19	TK / MG
P03	Revision 3	24/07/19	TK
P04	Roof Detailing	30/11/20	TK



Client

Fenn Wright Group

Project

Proposed Flood Proof Housing  
210 Hullbridge Road  
South Woodham Ferrers

Title

Proposed Site Plan (Illustrative) - Base Plan

Project N° Drawing N° Revision

3586 - 0101 P04

Scale - unless otherwise stated Issued For

1 : 500 @ A3

BS 1192 Ref. Status

-KLH-----DR-A-0101



The Old Steelyard  
Poplar Lane  
Sproughton  
Ipswich  
IP8 3HL  
t: 01473 689 532

[www.klharchitects.com](http://www.klharchitects.com)



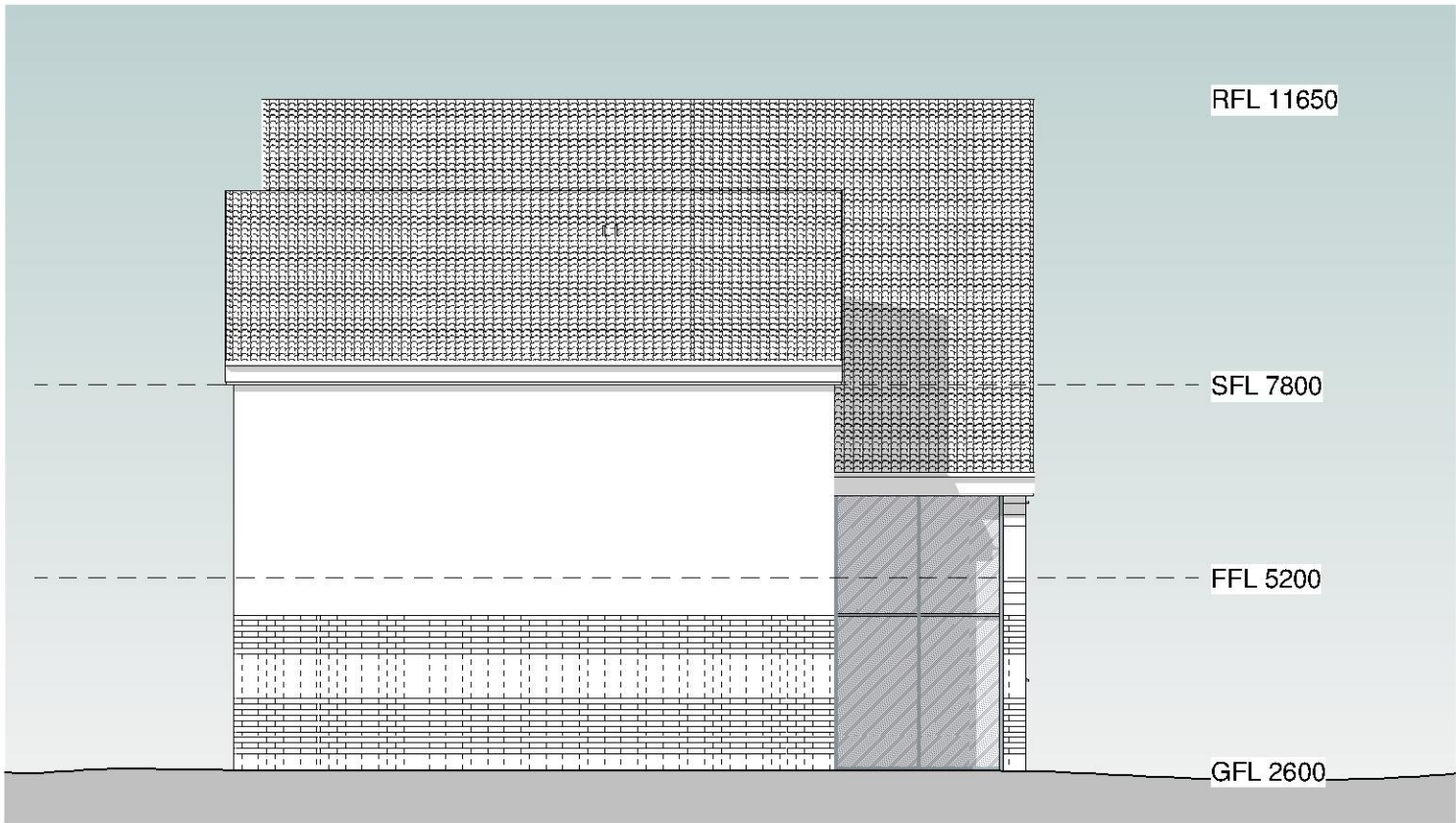
Reference Name	Status	Revision
PC-XX-XX-M3-Designer-0001_3586		P01.1

P01	First Issue	16/07/18	AR / MG
P02	Revision 2	20/05/19	TK
P03	Revision 3	30/05/19	TK / MG

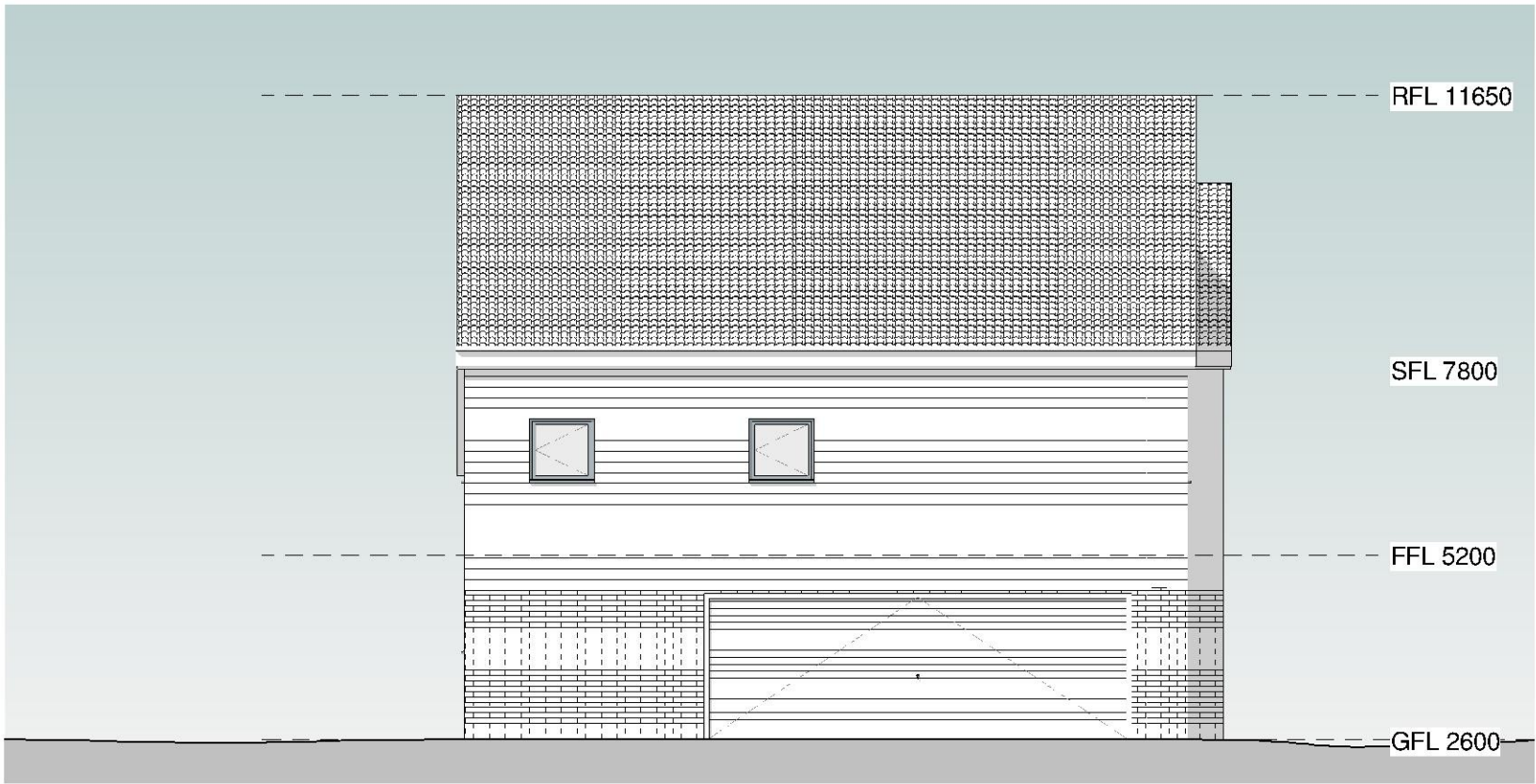
Side Elevation  
1 : 100



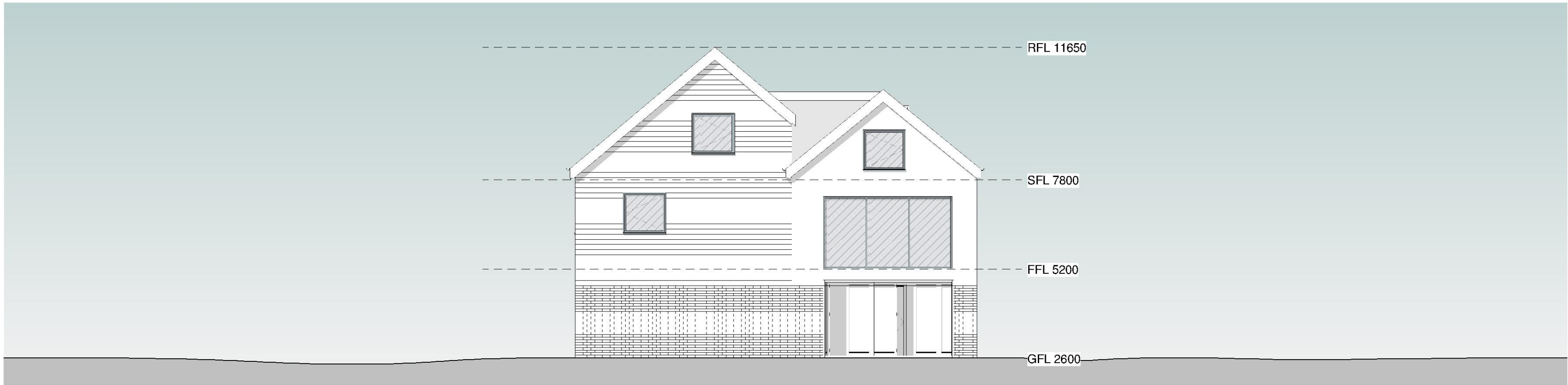
South Elevation  
1 : 100



North Elevation  
1 : 100



West Elevation  
1 : 100



Client

J Frankland and J Holden

Project

Proposed Flood Proof Housing  
210 Hulbridge Road  
South Woodham Ferrers

Title

Plot 1 Proposed Elevations

Project N° Drawing N° Revision

**3586 -0401** **P03**

Scale - unless otherwise stated Issued For

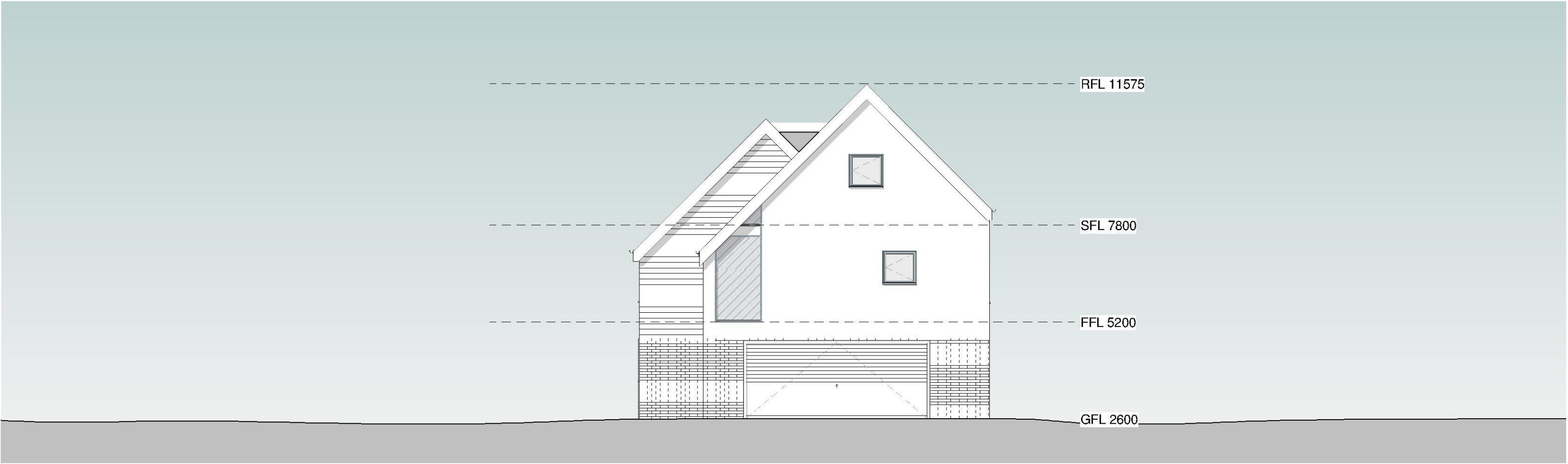
1 : 100 @ A2

BS 1192 Ref: Status

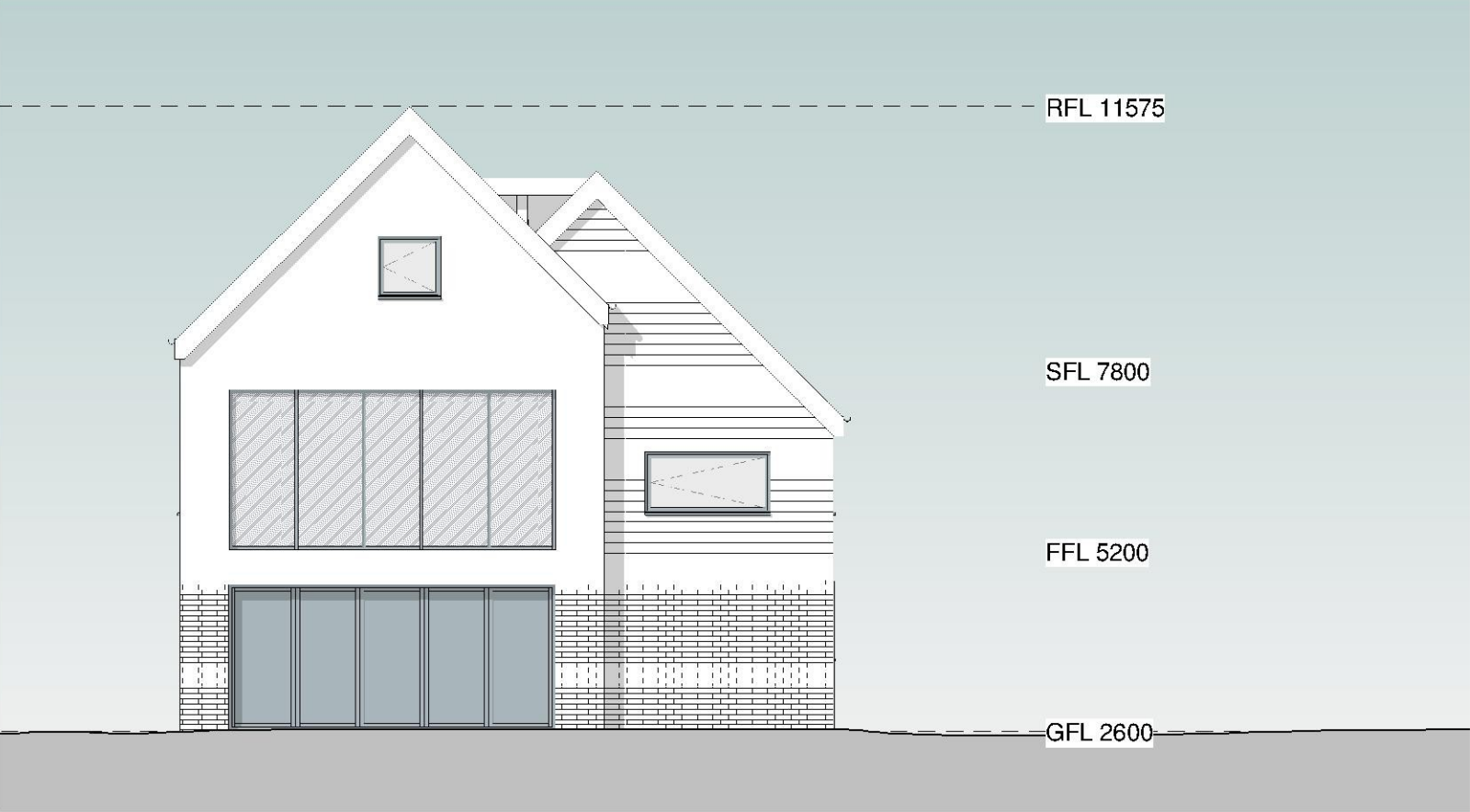
PC-Designer-0401



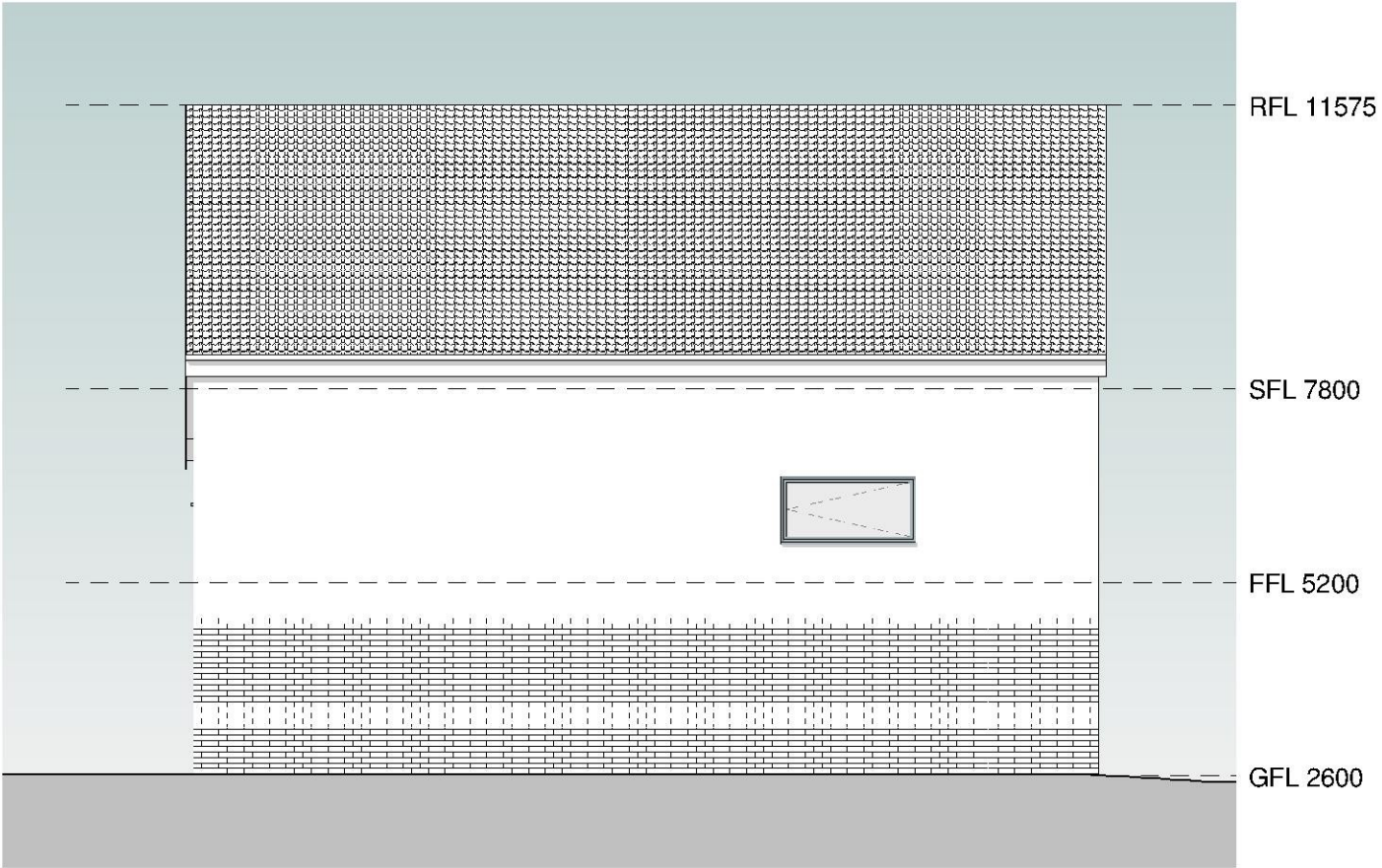
Street Elevation  
1 : 100



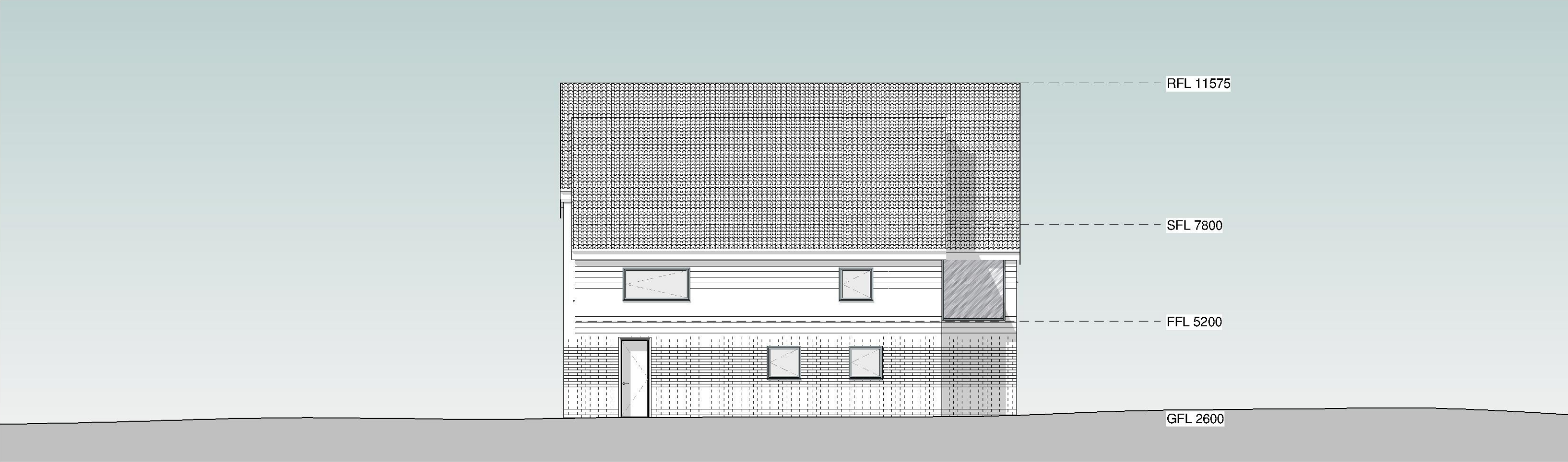
Rear Elevation  
1 : 100



Side Elevation  
1 : 100



Side Elevation  
1 : 100



NO DIMENSIONS TO BE SCALED FROM THIS DRAWING

This document references the following file:-

Reference Name	Status	Revision
PC-XX-XX-M3-Designer-0001_3586		P01.1

Revisions

Date	Drawn	Chkd
16/07/18	AR	MG
21/05/19	TK	
30/05/19	TK	MG

Client

J Frankland and J Holden

Project

Proposed Flood Proof Housing  
210 Hulbridge Road  
South Woodham Ferrers

Plot 2 Elevations as Proposed

Project N° Drawing N° Revision

3586 - 0402 P03

Scale - unless otherwise stated Issued For

1 : 100 @ A2

BS 1192 Ref. Status

PC-Designer-0402

**KLH**  
The Old Steelyard  
Poplar Lane  
Sproughton  
Ipswich  
IP8 3HL  
t: 01473 689 532  
[www.klharchitects.com](http://www.klharchitects.com)



NO DIMENSIONS TO BE SCALED FROM THIS DRAWING

This document references the following file:

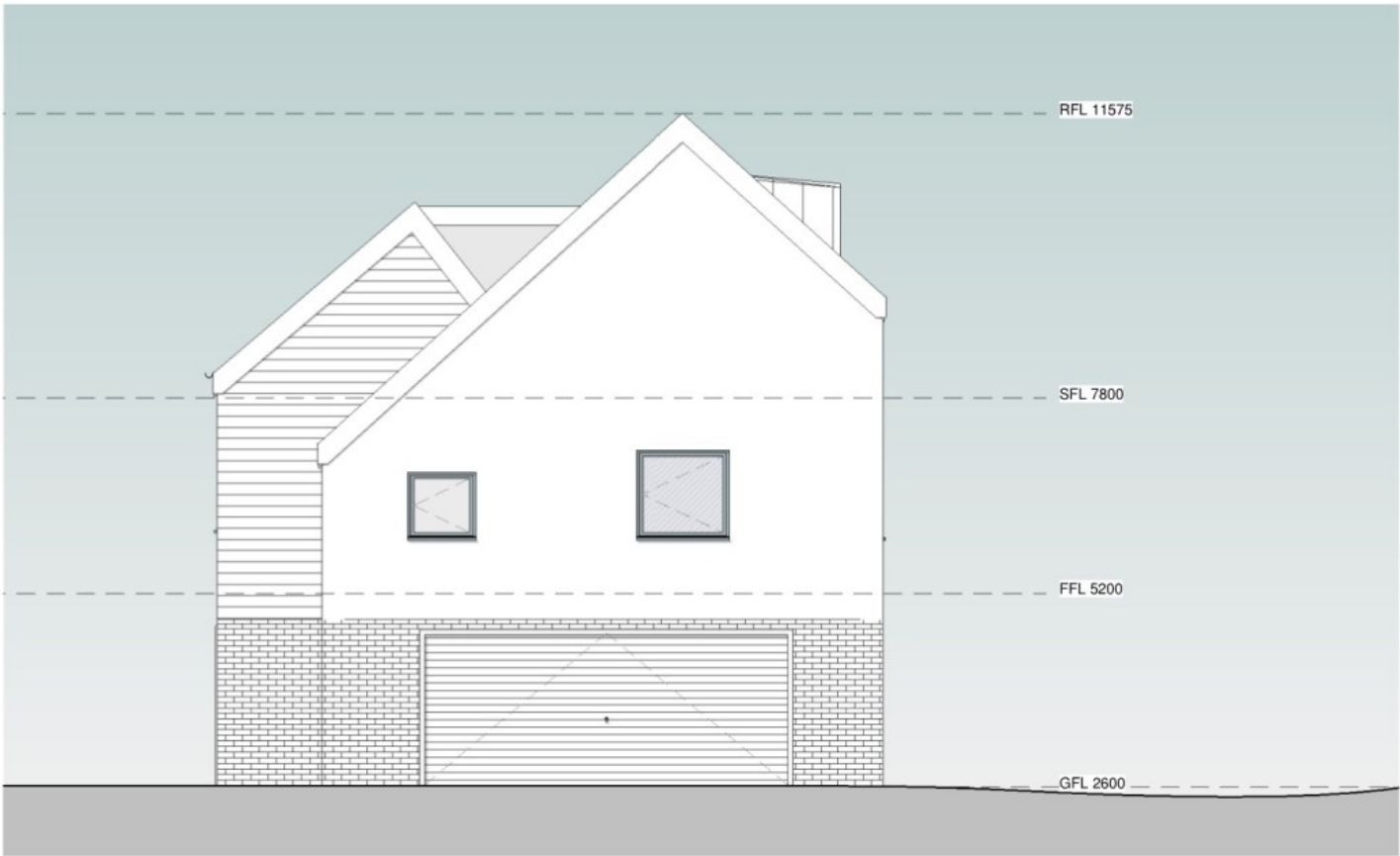
Reference Name:	Status:	Revision:
PC-XX-XX-MD-Designer-0001_3586		P01.1

Revisions		Date	Drawn	Check
P01	First Issue	16/07/18	AR	/ MG
P02	Revision 2	20/05/19		TK
P03	Revision 3	30/05/19		TK / MG
P04	Revision 4	23/07/19		TK
P05	Revision to remove West facing window	12/10/20		TK / MG
P06	Revision fenestration	16/10/20		TK / MG
P07	Revision to fenestration	16/10/20		TK / MG
P08	Revised Fenestration	26/10/20		TK / MG
P09	Revision 9	26/10/20		TK / MG

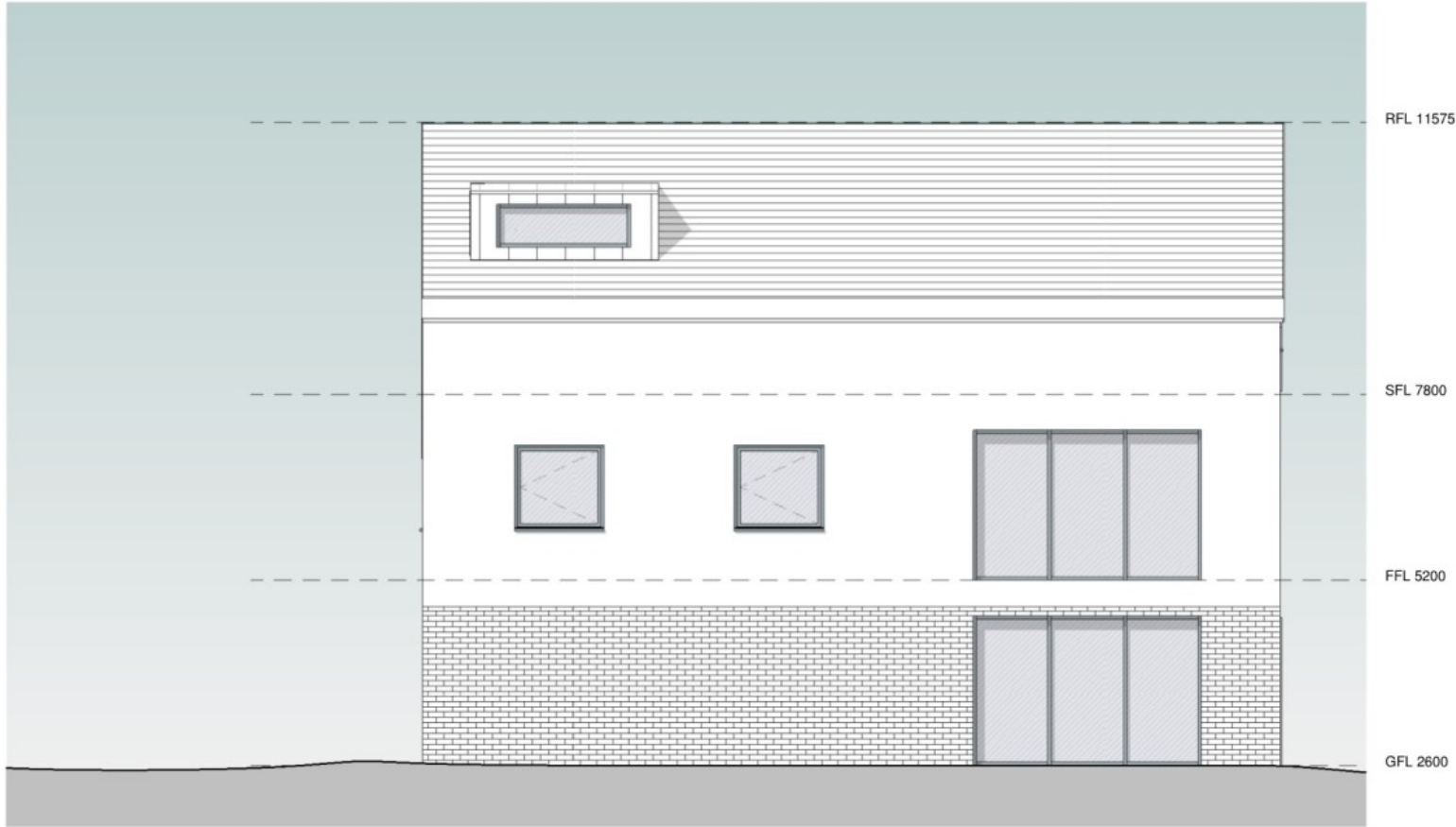
East Elevation  
1 : 100



North Elevation  
1 : 100



West Elevation  
1 : 100



South Elevation  
1 : 100



Client

Fern Wright Group

Project

Proposed Flood Proof Housing  
210 Hulfbridge Road  
South Woodham Ferrers

Title

Plot 3 Elevations as Proposed

Project N° Drawing N° Revision

3586 - 0403 P09

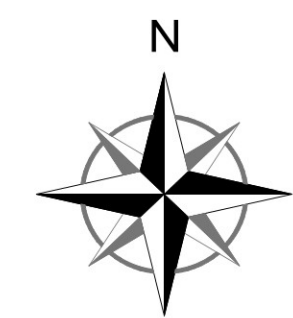
Scale - unless otherwise stated Issued For

1 : 100 @ A2

BS 1192 Ref. Status

PC-Designer-0403





Existing Access Blocked Up

Site Splay 43 x 2.4m

Hullbridge Road

**Tree Survey Drawing Key**

Root Protection Area m2  
Tree Canopy Extent  
Tree Number

See EnviroArb Tree Survey for Individual Tree Details

**KEY**

- Tree to be retained
- Tree to be Pruned
- Tree to be removed
- Tree protective fencing
- "Reduced Dig" Sub-Base Construction



REVISIONS				
No	Description	By	Date	Chkd
A	T6 & T7 Reinstated Measures Updated	SPB	14/10/20	PA



**EnviroArb-Solutions Ltd**  
16 Compton Road, Colchester Essex  
Tel 07734 715337  
E-mail paul.allen@enviroarb-solutions.co.uk  
www.enviroarb-solutions.co.uk

Drawing Title				Tree Protection Plan (TPP)		This drawing, its contents and associated properties are the property of EnviroArb-Solutions Ltd. No unauthorised reproduction is permitted without prior written consent by the management.	
Client		Fenn Wright					
Site Address		210 Hullbridge Road, South Woodham Ferrers Essex					
Project No.		EAS-038		Drawing No.		EAS-038 TCP	Sheet 1 of 1
Drawn		Checked		Approved		Date	Scale
S Blackwell		P Allen		P Allen		15/02/20	1:200
							A2





**Planning Committee**  
**12<sup>th</sup> January 2021**

<b>Application No</b>	:	20/01587/FUL Full Application
<b>Location</b>	:	9 Butlers Close Broomfield Chelmsford CM1 7BE
<b>Proposal</b>	:	<b>Proposed internal alterations, rear facing dormer, rooflights and single storey extension</b>
<b>Applicant</b>	:	Margaret Bleet
<b>Agent</b>	:	Mr Jonathan Bell
<b>Date Valid</b>	:	7th October 2020

**Contents**

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

**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 Council's employee and a representation has been received on the application.
- 1.2. The proposal is for extensions to a detached property.
- 1.3. The extensions have an acceptable design in relation to the host dwelling, street scene and the adjacent Broomfield Conservation Area. Sufficient parking would remain to the enlarged property.
- 1.4. This application is recommended for approval subject to the conditions at the end of the report.

## **2. Description of site**

- 2.1. The property is located within the Defined Settlement of Broomfield, where the principle of development is acceptable.
- 2.2. The site lies adjacent to the Broomfield Conservation Area.
- 2.3. No 9 Butler's Close is a detached chalet style bungalow, located towards the end of Butler's Close cul-de-sac.
- 2.4. The property as existing has a front facing, flat roof dormer, and flat roof side garage.
- 2.5. The street scene is made up of varied housing types, with a mix of building materials.

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

- 3.1. The application seeks permission for a flat roof extension 5.3m in length, 3.1m in width with a height of 3m forward of the existing garage, to be finished in black stained cladding and aluminium coping. Also for a flat roof rear dormer 2m in height, 2.4m in depth with a width 1.75m, and a side facing obscured glazed window to the Easter elevation.

## **4. Other relevant applications**

- 4.1. No relevant applications.

## **5. Summary of consultations**

- Broomfield Parish Council – The parish council objects to the flat roof extension and cladding. Does not comply with Village Design Statement- Extensions to existing buildings, including porches, dormer and loft conversion should feature pitched roofs depending on context, Exterior walls should be constructed of traditional materials wherever possible.
- Local residents – No comments received.

## **6. Planning considerations**

### ***Main Issues***

Flat roof extensions to the front/side of the property

Flat roof dormer to the rear

Proposed exterior materials

- 6.1. Whilst the Village design statement suggests additions should have a pitched roof additions, the property already has a single storey flat roof garage to be extended as part of this application. The proposal would not materially alter the appearance of the property. There are also similar single storey flat roof side/rear extensions in the street. The existing property also benefits from a flat roof dormer feature to the front of the property, a flat roof dormer to the rear would not harm the character of the property or the visual amenities of the area.
- 6.2. The proposed extension to the front of the property is to be faced in black stained cladding. Although not a common material within the street scene, the extension is a minor feature within the street and the proposed materials would not be harmful to the character of the property or the street scene.
- 6.3. The proposed flat roof extensions are considered to satisfactorily complement the form and style of the host dwelling and would result in no harm to the appearance of the property or the visual amenities of the area. There would be no adverse impact on the setting of the Conservation Area.
- 6.4. The enlarged property would maintain an acceptable relationship with all neighbouring properties.
- 6.5. Sufficient off-street parking and private garden area would remain to the enlarged property.

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

- 7.1 The proposed works are not CIL liable.

## **8. Conclusions**

- 8.1. The principle of development is acceptable as the site is located within the Defined Settlement of Broomfield.
- 8.2. The proposed works would have an acceptable visual relationship with the host dwelling and the wider street scene and adjacent Conservation Area.
- 8.3. The proposal would not harm the residential amenities of the neighbouring properties
- 8.4. Sufficient off street parking will remain to the extended property.

**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

**Notes to Applicant**

**1 Hours of work during construction**

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

Noisy work:

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

Light work:

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

In some circumstance further restrictions may be necessary.

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

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>



### **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.

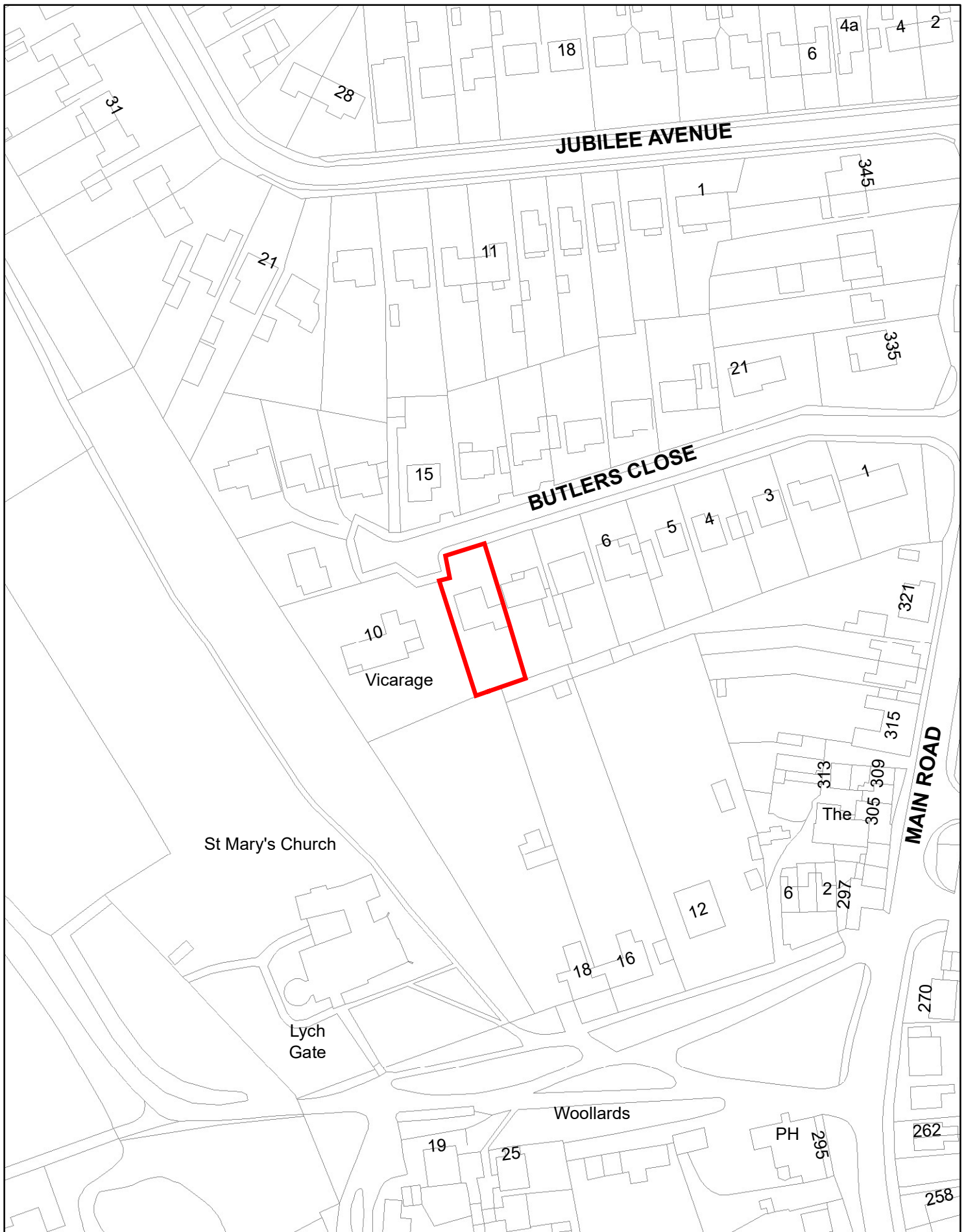
### **Background Papers**

Case File

---

**Broomfield Parish Council**

Comments
<p>03.11.2020 - Object to the flat roof extension and cladding - please refer to Broomfield's Village Design Statement Section 6 Guidance 6a Village-wide (i) General:</p> <p>Extensions to existing buildings, including porches, dormers and loft conversions, should feature pitched roofs depending on context.</p> <p>Exterior walls of new buildings should be constructed from traditional materials wherever possible, e.g., Essex or London stock brick, plain or pargetted rendering, flint, decorative brick coursing, to harmonise with its neighbours.</p>



0 12.5 25 50 Metres

1:1,250

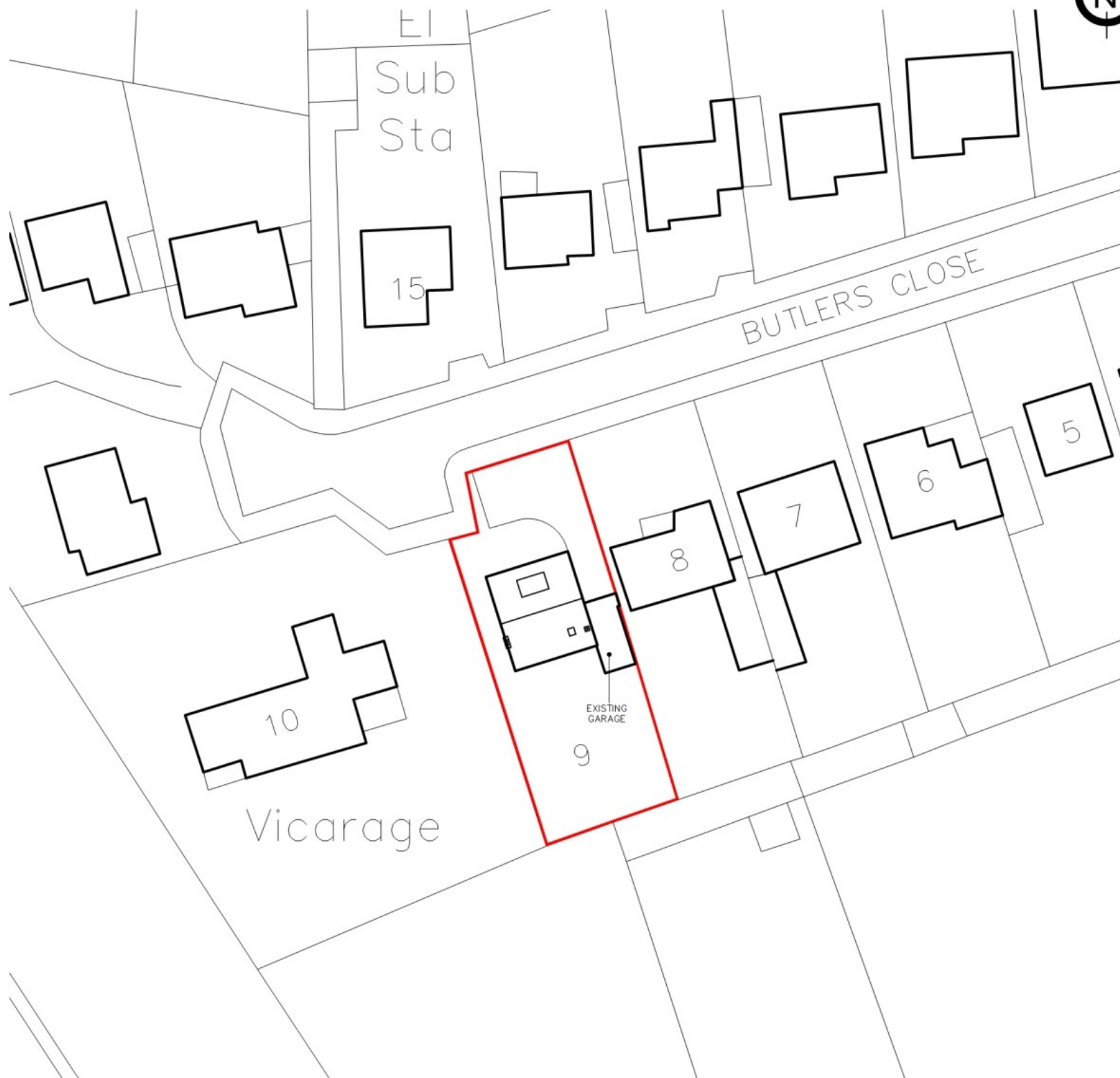


**Planning Committee**  
**20/01587/FUL**

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

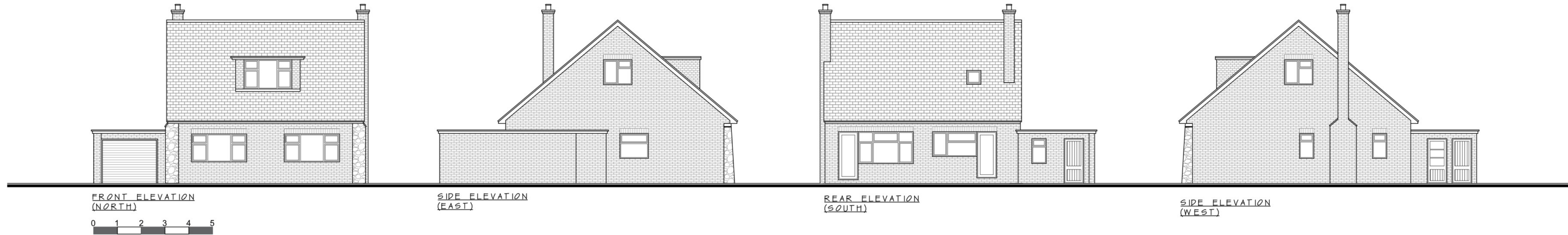
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826

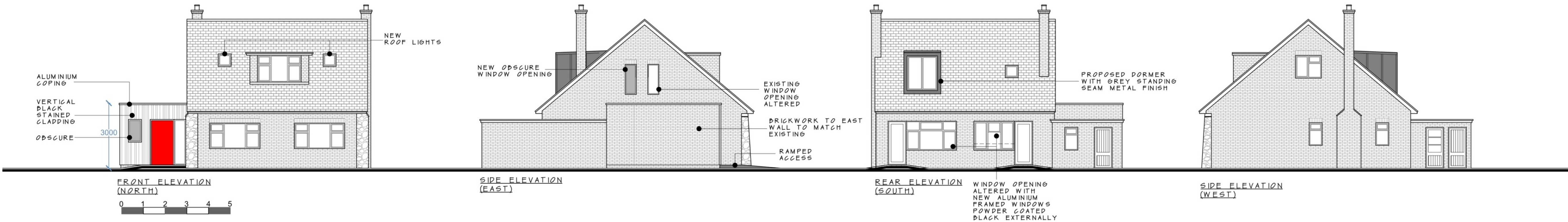


SITE PLAN - 1:500











# Appeals Report

Appeal Decisions received between 17/11/2020 and 18/12/2020

## PLANNING APPEALS

Total Appeal Decisions Received	9	
Dismissed	4	44%
Allowed	4	44%
Split	1	11%

### Written Reps

#### Site At Barns Springfield Hall Lawn Lane Chelmsford Essex

<b>Reference</b>	19/01721/FUL
<b>Proposal</b>	Conversion of existing building to 2no. dwellings with associated alterations to fenestration.
<b>Appeal Decision</b>	Appeal Dismissed - 11/12/2020
<b>Key Themes</b>	Green Wedge; Conversion; Heritage; biodiversity; Neighbour Amenity; Highway safety.
<b>Agreed with CCC on</b>	Harm to the heritage asset; urbanising effect on the Green Wedge; works would result in substantial re-construction; fails to demonstrate proposal would not harm protected species.
<b>Disagreed with CCC on</b>	Access arrangement would not prejudice the safety of vehicular and pedestrian traffic. Would not result in an unacceptable loss of privacy to the occupiers of Springfield Hall.
<b>Costs Decision</b>	None

#### Nettlebed Hawkswood Road Downham Billericay Essex CM11 1JZ

<b>Reference</b>	19/01226/FUL
<b>Proposal</b>	Proposed agricultural building
<b>Appeal Decision</b>	Appeal Dismissed - 01/12/2020
<b>Key Themes</b>	Green Belt, openness and character and appearance
<b>Agreed with CCC on</b>	Harmful to character and appearance
<b>Disagreed with CCC on</b>	Agricultural - not inappropriate
<b>Costs Decision</b>	None

#### Victors Croft Nathans Lane Writtle Chelmsford Essex CM1 3RF

<b>Reference</b>	16/01556/S73/1
<b>Proposal</b>	Variation of condition 17 to previously approved application 16/01556/FUL - Demolition of existing structures and redevelopment of site for single dwelling and associated works, including new boundary fencing, gate and brick piers. - To allow retention of
<b>Appeal Decision</b>	Appeal Allowed - 25/11/2020

<b>Key Themes</b>	Green Belt
<b>Agreed with CCC on</b>	Inappropriate development
<b>Disagreed with CCC on</b>	Very special circumstances
<b>Costs Decision</b>	None

Notes: Officers wholly disagree to the approach taken and a letter of complaint has been sent to the Planning Inspectorate.

#### Land North East Of The Old Vicarage Wydes Road Highwood Chelmsford Essex

<b>Reference</b>	19/02117/FUL
<b>Proposal</b>	Temporary siting of a storage container.
<b>Appeal Decision</b>	Appeal Allowed - 30/11/2020
<b>Key Themes</b>	Green Belt
<b>Agreed with CCC on</b>	N/A
<b>Disagreed with CCC on</b>	Container is a building for outdoor sport and recreation. Not inappropriate development.
<b>Costs Decision</b>	None

#### White Tyrells Ingatestone Road Stock Ingatestone Essex CM4 9PA

<b>Reference</b>	20/00460/FUL
<b>Proposal</b>	Use of land for occasional parking and turning of vehicles
<b>Appeal Decision</b>	Appeal Dismissed - 26/11/2020
<b>Key Themes</b>	Inappropriate development Whether any harm by reason of inappropriateness was outweighed by very special circumstances.
<b>Agreed with CCC on</b>	The proposal was inappropriate development. The proposal would lead to loss of openness and harm to the character and appearance of the countryside. The harm was not outweighed by very special circumstances.
<b>Disagreed with CCC on</b>	Nothing - the Inspector accepted the Council's case and all of the matters raised.
<b>Costs Decision</b>	None

#### Land Rear Of 4 The Lindens Stock Ingatestone Essex

<b>Reference</b>	20/00246/OUT
<b>Proposal</b>	Outline planning application with all matters reserved for the erection of 1 no. dwelling
<b>Appeal Decision</b>	Appeal Allowed - 25/11/2020
<b>Key Themes</b>	Harm of development on the character and appearance of area
<b>Agreed with CCC on</b>	N/A
<b>Disagreed with CCC on</b>	Development would not be harmful to the character and appearance of area
<b>Costs Decision</b>	None

#### Land North East Of The Old Vicarage Wydes Road Highwood Chelmsford Essex

<b>Reference</b>	20/00108/FUL
<b>Proposal</b>	Retrospective application for creation of hardstanding and access track.
<b>Appeal Decision</b>	Appeal Allowed - 30/11/2020
<b>Key Themes</b>	Green Belt
<b>Agreed with CCC on</b>	N/A
<b>Disagreed with CCC on</b>	Preserves openness so not inappropriate development.
<b>Costs Decision</b>	None

### Land At Great Oaks Main Road Little Waltham Chelmsford Essex

<b>Reference</b>	20/00708/REM
<b>Proposal</b>	Reserved matters application for the demolition of an existing workshop and construction of one new dwelling, with approval of all matters sought.
<b>Appeal Decision</b>	Appeal Dismissed - 08/12/2020
<b>Key Themes</b>	Rural Character; Green Wedge.
<b>Agreed with CCC on</b>	Adverse impact on the character and appearance of the Rural Area and Green Wedge
<b>Disagreed with CCC on</b>	n/a
<b>Costs Decision</b>	None

### Land South Of 69 Torquay Road Chelmsford Essex

<b>Reference</b>	20/00094/FUL
<b>Proposal</b>	Erection of a 2-storey detached dwelling, proposed part 1-storey and part 2-storey rear extension to the host dwelling.
<b>Appeal Decision</b>	Appeal Split Decision - 17/12/2020
<b>Key Themes</b>	Impact on the character and appearance of the area.
<b>Agreed with CCC on</b>	New house would be a discordant addition and would have a significantly detrimental effect on the character and appearance of the site and its surroundings. Extensions to the existing house would be acceptable.
<b>Disagreed with CCC on</b>	n/a
<b>Costs Decision</b>	None

Notes: The appeal decision was split because the Inspector granted planning permission for the extensions. The Council had no objection to the extensions.

### TREES APPEALS

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

### Householder

#### 31 Purcell Cole Writtle Chelmsford CM1 3NB

<b>Reference</b>	19/05198/TPO
<b>Proposal</b>	T1 - Blue Atlas Cedar - Fell - Reason: Tree is causing a hazard due to pollen, blocking sunlight, excessive needle drop all year round. Possible re-planting of any tree species.
<b>Appeal Decision</b>	Appeal Dismissed - 19/11/2020
<b>Key Themes</b>	The effect of the proposed felling of the Blue Atlas Cedar on the character and appearance of the area and whether sufficient justification has been provided to support the felling.
<b>Agreed with CCC on</b>	The felling would result in considerable harm to the character and appearance of the area and insufficient justification has been demonstrated to justify the felling.
<b>Disagreed with CCC on</b>	None.
<b>Costs Decision</b>	None