

**29 April 2025 at 7pm**

**Council Chamber, Civic Centre, Chelmsford**

## **Membership**

Councillor J. Sosin (Chair)

## **and Councillors**

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

Local people are welcome to attend this meeting, where your elected  
Councillors take decisions affecting YOU and your City.  
There is also an opportunity to ask your Councillors questions or make a  
statement. These have to be submitted in advance and details are on the  
agenda page. If you would like to find out more, please telephone  
Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523  
email [dan.sharma-bird@chelmsford.gov.uk](mailto:dan.sharma-bird@chelmsford.gov.uk)

# PLANNING COMMITTEE

29 April 2025

## AGENDA

### 1. Chair's Announcements

### 2. Apologies for Absence

### 3. Declarations of Interest

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

### 4. Minutes

To consider the minutes of the meeting on 4 March 2025.

### 5. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have submitted their question or statement in writing in advance. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Where an application is returning to the Committee that has been deferred for a site visit, for further information or to consider detailed reasons for refusal, no further public questions or statements may be submitted.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

### 6. 24/01546/FUL – Unit 2 & Unit 3, 37 Beehive Lane, Great Baddow, Chelmsford, CM2 9TQ

### 7. 24/01773/FUL – Shop, Horseshoe Farm, Main Road, Bicknacre, Chelmsford, Essex, CM3 4EX

### 8. Planning Appeals

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

Present:

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

Councillors J. Armstrong, J. Frasca, S. Hall, R. Hyland, J. Lardge, R. Lee, E. Sampson, A. Thorpe-Apps, N. Walsh and P. Wilson

### 1. Chair's Announcements

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

### 2. Apologies for Absence

Apologies for absence were received from Cllrs Pappa and Tron. Cllr Walsh substituted for Cllr Tron.

### 3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

### 4. Minutes

The minutes of the meeting on 4 February 2025 were confirmed as a correct record and signed by the Chair.

### 5. Public Question Time

[One public question had been submitted in advance for Item 6, which is summarised under the relevant item and can be viewed via this link.](#)

### 6. 23/01583/FUL & 23/01583/OUT - Strategic Growth Site 7A, Moulsham Hall Lane, Great Leighs, Chelmsford, Essex

The Committee were asked to consider a hybrid planning application for Strategic Growth Site 7A, consisting of both an outline and full application. The Committee considered the two items

together due to the hybrid nature before voting on separate resolutions, for each application. The hybrid application included an outline application with all matters reserved for a residential development of up to 750 homes, a neighbourhood centre, medical services, a nursery, a residential care home, a new primary school, along with other associated works and the full application covered the principal means of vehicular access to the site.

The Committee were informed that the application formed the substantive element of Strategic Growth Site 7 and had been through the Masterplanning process, with approval from Cabinet and that it complied with the requirements set out for the site within the relevant masterplan. The Committee heard that the application, supplied 35% affordable housing along with other requirements set out in masterplan, including the delivery of a primary school, medical centre and neighbourhood centre. The Committee were informed that the application had been recommended for approval, due to it being an allocated site within the Local Plan, with an approved masterplan, whilst delivering key infrastructure, affordable housing and Section 106 obligations. [The Committee also noted the green sheet of amendments, which detailed extra correspondence with Essex County Council and the Council's response to that correspondence.](#)

The Committee heard from a member of the public in support of the scheme, who highlighted the culmination of approximately four years of work and collaboration between the applicants, officers and other stakeholders to reach this stage, the policy compliant 35% affordable housing on site and the other infrastructure improvements and services that would be provided as part of the application. The Committee also heard that approving the application, would lead to the Strategic Site moving an important step closer to delivery stage, to fulfil the requirements of the Local Plan allocation.

In response to questions from the Committee, officers confirmed that, the make up of the 35% affordable housing, differed from policy, with affordable rent being 19% instead of 22% due to a viability assessment and negotiations that had followed with the applicant. It was noted that the mix offered in the application had been the best possible, to still meet the 35% overall affordable housing and had therefore been recommended for approval. Officers also stated that the sports provision would be provided off site, and it was not uncommon for some travel to be associated with sports provision. It was also noted that the Local Plan had allocated the site without specific sports provision on site, so other options had been explored by officers, leaning towards the Melbourne area being where the contribution would be made instead.

**RESOLVED** that applications 23/01583/FUL and 23/01583/OUT be approved, subject to the completion of a S106 agreement together with compliance with the proposed conditions, the details of those items and any variations that may be considered necessary and appropriate, to be delegated to the Director of Sustainable Communities/Planning Development Services Manager, in consultation with the Chair and Vice Chair of the Planning Committee.

(7.03pm to 7.24pm)

The meeting closed at 7.24pm.

Chair



## **PLANNING POLICY BACKGROUND INFORMATION**

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27th May 2020. The Local Plan guides growth and development across Chelmsford City Council's area as well as containing policies for determining planning applications. The policies are prefixed by 'S' for a Strategic Policy or 'DM' for a Development Management policy and are applied across the whole of the Chelmsford City Council Area where they are relevant. The Chelmsford Local Plan 2013-3036 carries full weight in the consideration of planning applications.

### **Local Plan review**

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

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

- MPSPD** The Making Places Supplementary Planning Document was adopted in January 2021 and sets out detailed guidance for the implementation of the policy requirements set out in the Local Plan. It seeks to promote and secure high-quality sustainable new development. It is aimed at all forms of development, from large strategic developments, public spaces and places, to small extensions to individual homes.
- DM1** Policy DM1 - Size & Type of Housing - The Council will protect existing housing from redevelopment to other uses and will require an appropriate mix of dwelling types that contribute to current and future housing needs and create mixed communities. For developments of 10 or more dwellings, 50% of the new dwelling shall be constructed to meet requirement M4 (2) of the Building Regulations. On sites of 30 or more dwellings 5% off the affordable units shall also be provided as wheelchair user dwellings. Sites of 100 dwellings or more will need to comply with A i), A ii) and B i) 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.

- DM14** Policy DM14 - Non-Designated Heritage Assets - Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Any harm or loss will be judged against the significance of the asset.
- DM15** Policy DM15 - Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
- DM18** Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.
- DM19** Policy DM19 - Renewable & Low Carbon Energy - Planning permission will be granted for renewable or low carbon energy developments subject to their impact on residential amenity, the historic and natural environment, visual impact and highway safety.
- DM20** Policy DM20 - Delivering Community Facilities - Planning permission will be granted for new, or extensions to existing facilities and services which support the local community where there is sufficient access, including for the disabled and sufficient vehicle parking. The development must also be visually compatible with its surroundings.
- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM24** Policy DM24 - Design & Place Shaping Principles in Major Developments - The Council will require all new major development to be of high quality built form and urban design. Development should, amongst other matters, respect the historic and natural environment, be well-connected, respond positively to local character and context and create attractive, multi-functional, inclusive, overlooked and well maintained public realm. The Council will require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments.
- DM25** Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.

- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
- DM30** Policy DM30 - Contamination & Pollution - Permission will only be granted for developments on or near to hazardous land where the Council is satisfied there will be no threat to the health or safety of future users and there will be no adverse impact on the quality of local groundwater or surface water. Developments must also not have an unacceptable impact on air quality and the health and wellbeing of people.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- SPS2** Strategic Policy S2 Addressing Climate Change & Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.
- SPS3** Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.
- SPS4** Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SPS5** Strategic Policy S5 Protecting & Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.

- 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.

## **VILLAGE DESIGN STATEMENTS**

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

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) was updated in December 2024. It sets out the Government's planning policies for England and how these should be applied.

Paragraph 2 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and should be read as a whole.

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

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



**Planning Committee**  
**29<sup>th</sup> April 2025**

<b>Application No</b>	:	24/01546/FUL Full Application
<b>Location</b>	:	Unit 2 & Unit 3 37 Beehive Lane Great Baddow Chelmsford CM2 9TQ
<b>Proposal</b>	:	<b>Change of Use of Units 2 and 3 from office space to a place of worship, religious instruction, education and training (F1) and meeting place for the use of the local community (F2).</b>
<b>Applicant</b>	:	Chelmsford Hindu Society
<b>Agent</b>	:	Ms Sarah Threlfall
<b>Date Valid</b>	:	18th November 2024

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## Appendices:

Appendix 1	Drawings
Appendix 2	Consultations

## **1. Executive summary**

- 1.1. The application is for the change of use of units 2 and 3 at 37 Beehive Lane, from office to place of worship (use class F1), community services and religious instruction classes (use class F2).
- 1.2. The principle of change of use is acceptable. There are no external changes to the units as part of the application. The development would provide a community facility and is recommended for approval, subject to conditions.
- 1.3. In accordance with the Council's Constitution paragraph 3.4.7.21(e), the application is presented to the Planning Committee for a decision as the applicant is Chelmsford Hindu Society, whose chairperson is a City Councillor, and an adverse representation or comment has been received.

## **2. Description of site**

- 2.1. The application site is a roughly L shaped parcel of land situated on the eastern side of Beehive Lane and consists of four commercial units. Units numbered 2 and 3 are the subject of this application. Units numbered 1 and 4 are also located on the site but do not form part of the proposal. Records show Unit 1 (as annotated on proposed block plan no. TM/1028/01 Rev C) use is retail/shop and Unit 4 (as annotated on same proposed block plan) use is a storage facility.
- 2.2. Currently the site has six parking spaces, although three of the spaces are not practical due to difficult manoeuvring, and they serve all four of the units on the site. The access to the site is relatively narrow, measuring 2.3m in width.
- 2.3. The site is located within an existing Employment Area and is within Chelmsford Urban Area, for policy purposes.

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

- 3.1. The application is for a change of use of Units 2 and 3 from office space to a place of worship, religious instruction, education and training (use class F1) and meeting place for the use of the local community (use class F2). The proposed uses are not separated or designated internally so essentially the proposal is for a mix of the two uses.
- 3.2. As there are no specific times/days for worship, the use would take place at various times throughout the day, seven days a week. The supporting information includes information about festivals that occur throughout the year. The proposal includes a travel plan which details off-site parking availability during those specific Hindu Festivals (located at the Church of the Latter-day Saints, along Baddow Road).

## **4. Other relevant applications**

02/01662/FUL – Extension to commercial premises. - Approved

21/01050/FUL – Construction of outbuilding for purposes of a storage facility. - Approved

## **5. Summary of consultations**

- Public Health & Protection Services – Request suitable hours of use condition

- Great Baddow Parish Council – Request conditions
- Economic Development & Implementation – No comments
- Essex County Council Highways – No objection, subject to conditions
- Local residents – 6 responses received

5.1. The local residents responses consist of:

Commenting: 1  
Objecting: 3  
Supporting: 2

5.2. The objections received that are of a material consideration to the application are summarised as follows:

- Concerns over parking and highway safety
- Concerns over noise and disturbance

5.3. A wider summary of the representations can be found in Appendix 2.

## 6. Planning considerations

### ***Main Issues***

#### *Impact on existing Employment Area*

- 6.1. The site is located within an Employment Area, protected by Policy DM4 of the Local Plan, which resists the loss of Class B uses or other 'sui generis' uses of a similar employment nature. Within the Employment Areas, as shown on the Policies Map, 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.
- 6.2. The existing use falls within Use Class B and is therefore afforded protection under Policy DM4. Planning permission will be granted for the redevelopment or change of use for non-Class B uses where:
- i. the use does not fall within Class A Use Classes unless it is of limited small-scale and ancillary; and
  - ii. the use provides employment at the application site; and
  - iii. the use will not adversely impact upon the operation and function of the Employment Area or Rural Employment Area.
- 6.3. In response to these criteria of Policy DM4:
- i. The uses proposed are Class F1 and F2 and so does not fall within Class A. This criteria is satisfied.
  - ii. The use would provide employment for two to four people on the site, consisting of a building manager, an administrator, a daily cleaner and a full-time priest. This criteria is satisfied.
  - iii. The proposal would result in the loss of a B class use within an Employment Area. However, further information was submitted during the lifetime of the application to demonstrate that there is not a shortage of available office space within the locality. In addition, the appeal of



this site for potential occupiers for Class B uses is limited by various factors, such as the access being narrow for larger vehicles; the relatively limited floorspace; and the limited parking available. A supplementary statement was submitted stating the numbers of available office floorspace units being marketed currently in the locality and why the application site is not the most suitable space for Class B uses. Following consideration of these matters, the use will not adversely impact upon the operation and function of the Employment Area.

6.4. The proposal complies with the requirements of Policy DM4.

#### *New Community Facilities*

6.5. Policy DM20 relates to developments for new community facilities and contains five criteria which are required to be met. It states:

Planning permission will be granted for new, or extensions to existing, facilities and services which support the local community where:

- i. there is access to adequate public transport, cycling and walking links for the benefit of non-car users; and
- ii. vehicle access and on-site vehicle parking would be provided to an appropriate standard commensurate to the scale of the development; and
- iii. the development would be compatible with its surroundings; and
- iv. there would be no unacceptable impact on the character, appearance or local environment; and
- v. adequate access to and between the facilities and/or services would be provided for people with disabilities commensurate to the scale of the development.

6.6. In respect of these criteria, the following analysis is made.

- i. The site is accessible by public transport, by cycling or by walking.
- ii. The proposed access and parking arrangements are acceptable for the proposed use, following a separate agreement for use of parking close to the site on festival days.
- iii. The proposed use as a place of worship and community use for the Chelmsford Hindu Society is considered acceptable in a mixed area of commercial and residential use.
- iv. The character and appearance of the area would not be adversely impacted due to there being no external works as part of the proposal, in addition to the current mixed use of the area being commercial and residential. The proposed use could result in a level of noise disturbance for residential neighbouring properties, however, a condition restricting hours of use would restrict the noise levels to more sociable hours.
- v. The site has level access. A minibus service would run on festival days for people with disabilities/elderly to transport them from the Church car park to the site.

6.7. The proposal complies with the requirements of Policy DM20.

#### *Neighbour Amenity*

6.8. Policy DM29 states that "Planning permission will be granted for development proposals provided the development:

- i. 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; and
  - ii. is compatible with neighbouring or existing uses in the vicinity of the development by ensuring that the development avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.”
- 6.9. The proposed use of Units 2 and 3 would be as a place of worship for Chelmsford Hindu Society and local community use. The application documents indicate that the weekly rituals would attract only a small number of people (approximately 10), and the festivals would attract up to 50 people. There are festival dates throughout the year, and the dates of these have been provided for 2025 but can be subject to some change each calendar year.
- 6.10. In light of the current use of the units as commercial operations, a level of noise during the working day (typically 8am to 5pm) would be expected, and likely experienced dependent on occupiers at any given time. There have been objections received from local residents concerning the level of noise outside of these hours. It would be appropriate for a condition to be imposed restricting the hours of use to ensure neighbour amenity is not adversely impacted.

#### *Access and Parking provision*

- 6.11. Paragraph 116 of the National Planning Policy Framework (NPPF) states that, “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”
- 6.12. The Local Highway Authority (LHA) has been consulted on the application. They do not raise objection, subject to a number of conditions. A Travel Plan has been submitted that sets out an agreement made with the nearby Church of the Latter-day Saints, in Baddow Road, for use of their car park on festival days. This car park can accommodate 35-40 vehicles.
- 6.13. A planning condition is included that will ensure adherence to the content of the Travel Plan, it outlines that the nearby car park is to be used on the festival days as set out in the ‘Details of Major Events’ document. The conditions recommended by the Highway Authority have been amended to ensure they are appropriate in planning terms.
- 6.14. The proposal is considered acceptable in terms of highway safety.

#### **Conclusion**

- 6.15. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable and delivers a community facility that would benefit the area in accordance with the adopted Local Plan Policies.

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

- 7.1. There is no change in floorspace as part of this application and therefore the proposal would not be CIL liable.

### **RECOMMENDATION**

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

#### **Condition 1**

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

Reason:

In order to achieve satisfactory development of the site

#### **Condition 2**

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

08:00 – 22:00 Mondays - Fridays;

09:00 – 22:00 Saturdays; and

10:00 – 18:00 Sundays and Bank Holidays.

The hours of use will extend to:

09:00 – 22:00 on festival days as listed below, whichever day/s they may fall on:

- Diwali
- Durga Puja
- Janmashtami
- Ramnavami
- Maha Shivratri
- Vasant Panchami

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

#### **Condition 3**

The use hereby approved shall adhere to the content of the submitted Travel Plan 2024-2025 (amended) in order to provide visitor parking at the Church of Jesus Christ of Latter-day Saints car park at 171 Baddow Road, Chelmsford, on the eight festivals listed within that document.

Reason:

To ensure there is appropriate parking provision for the use and to safeguard neighbour amenity in accordance with Policies DM27 and DM29 of the Chelmsford Local Plan.

**Condition 4**

No amplified speech or music shall be broadcast within open areas of the site.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 5**

Secure and accessible cycle parking for six bicycles shall be provided for the development as shown on the proposed block plan no. TM/1028/01 Rev C within three months of the date of the permission hereby approved.

Reason:

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

**Notes to Applicant**

1. 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 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.

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

Site Location Plan  
 TM/1028/01/C  
 TM/1028/03/C  
 TM/1028/04  
 Travel Plan 2024-2025/Amended

**Appendix 2 – Consultations**

**Public Health & Protection Services**

Comments
02.12.2024 - Suitable hours of use should be imposed by condition to minimise any noise disturbance from services.

**Great Baddow Parish Council**

Comments
<p>05.12.2024 - The Parish Council request that the following conditions are applied to this planning application.</p> <p>1) Hours of use are restricted to 08:00 ' 22:00 daily.</p> <p>2) Detail and evidence are supplied in relation to the proposed car parking arrangements.</p> <p>3) A noise level monitor is installed and observed.</p> <p>4) A more detailed plan regarding the public transport proposal is provided.</p>

**Economic Development & Implementation**

Comments
25.11.2024 - No further comments in relation to this application.

Comments
<p>19.02.2025 - The applicant has reached agreement with the Church of the Latter Day Saints, located 523 metres walking distance from the proposed development, to use their car parking which can accommodate up to 40no. vehicles.</p> <p>This car park would be used for nine annual major Hindu events (Festival Days), where there would be high attendance.</p> <p>' An updated Travel Plan has been submitted incorporating the use of the parking facility at the Church of the Latter Day Saints:</p> <ul style="list-style-type: none"><li>o On festival days, a mini bus would be used to transport worshippers with reduced mobility to and from the car park in Baddow Road.</li><li>o There are three zebra crossing along the walking route to The Church of the Latter Day Saints in Baddow Road. Two to the north at the Beehive Lane mini-roundabout, one that across Beehive Lane and one across Baddow Road. There is another crossing at Baddow Road to west adjacent to Spooner Close.</li></ul> <p>This would facilitate two walking routes options using:</p> <ul style="list-style-type: none"><li>' the zebra crossing at the Beehive Lane crossing north over Baddow Road and proceed west.</li><li>' the zebra crossing at the Beehive Lane mini-round about, to cross west over Beehive Lane then crossing at Baddow Road adjacent to Spooner Close.</li></ul> <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. Prior to first occupation the parking spaces shown in the Proposed Block Plan, drawing no. TM/1028/01 Revision C shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.</li></ol> <p>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.</p> <ol style="list-style-type: none"><li>2. Prior to first occupation the 6no. cycle parking spaces shall be provided as shown in the in Proposed Block Plan, drawing no. TM/1028/01 Revision C in accordance with the Parking Standards. The facility shall be retained at all times.</li></ol> <p>Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.</p> <ol style="list-style-type: none"><li>3. The submitted Chelmsford Hindu Society Travel plan 2024 -2025 (Amended) shall be implemented. It must include annual update to The Church of the Latter Day Saints car parking agreement for the Overflow Parking Plan, to provide the dates of the nine annual Major Hindu Events, where the use of the Church of the Latter Day Saints car park is required.</li></ol>

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 and NPPF 2024.

Date:- 14.01.2025 - Previous comments submitted, now superseded.

Date:- 08.01.2025 – Previous comments submitted, now superseded.

## Local Residents

### Comments

#### **Representations received – 6**

##### **Commenting – 1 response– Summarised as follows:**

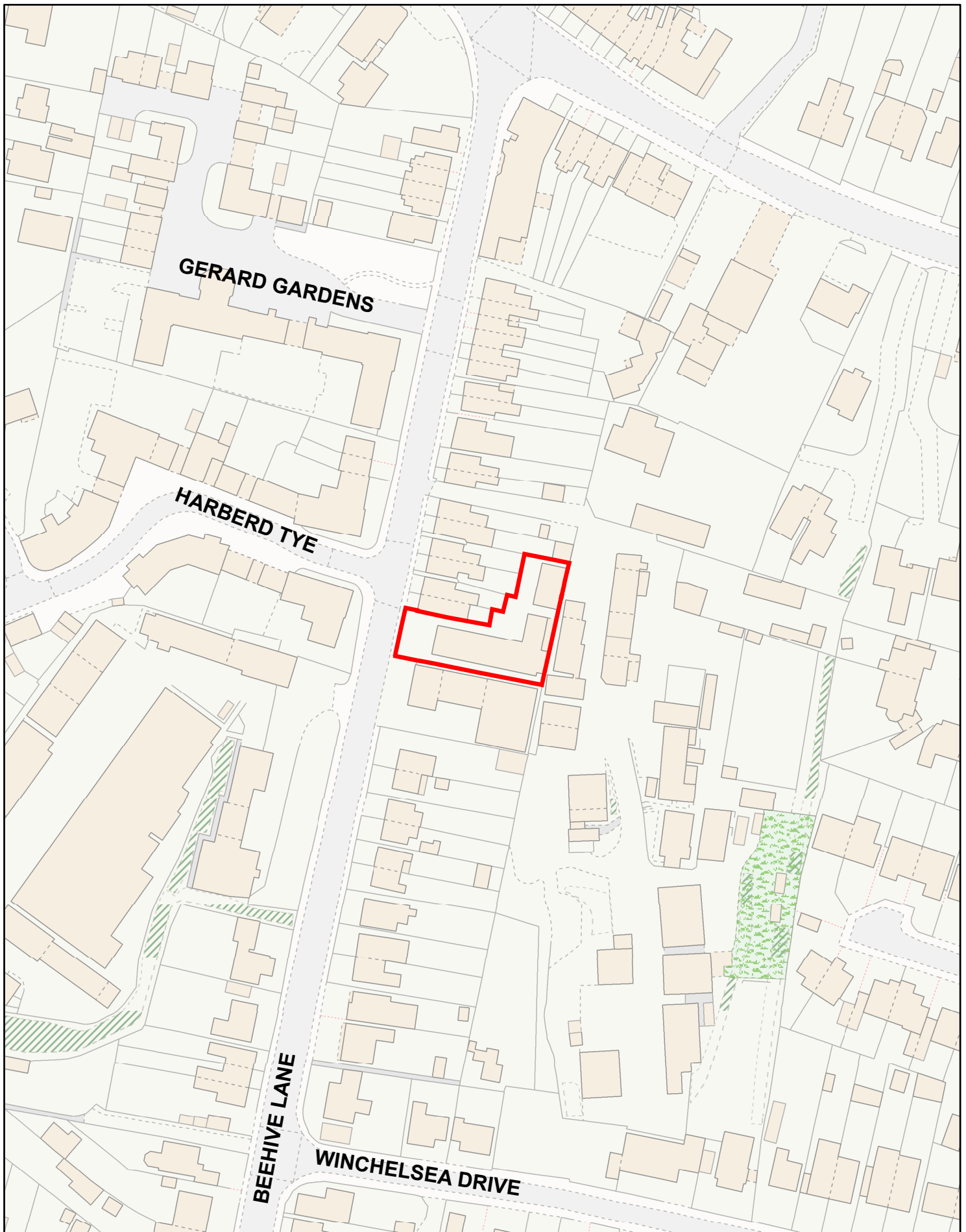
Concerns over noise/disturbance and parking/highway safety, however, no objections if these can be mitigated

##### **Supporting – 2 responses – Summarised as follows:**

Proposal addresses a need for a Hindu place of worship and support the proposal.

##### **Objecting – 3 responses – Summarised as follows:**

- Beehive Lane is a very busy road with limited parking
- Up to now noise from site has been 9am to 5pm, use should be restricted to this
- Building not suitable for religious purposes
- Sceptical about attendance figures as there are at least 3000 Hindus living in Chelmsford
- Has been used more than once without permission
- Concerns over capacity of the units
- Noise concerns
- No details of travel arrangements/proposed parking
- No details of days/hours of use
- Concerns over conditions of capacity/hours of use may not be adhered to



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**24/01546/FUL**

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

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

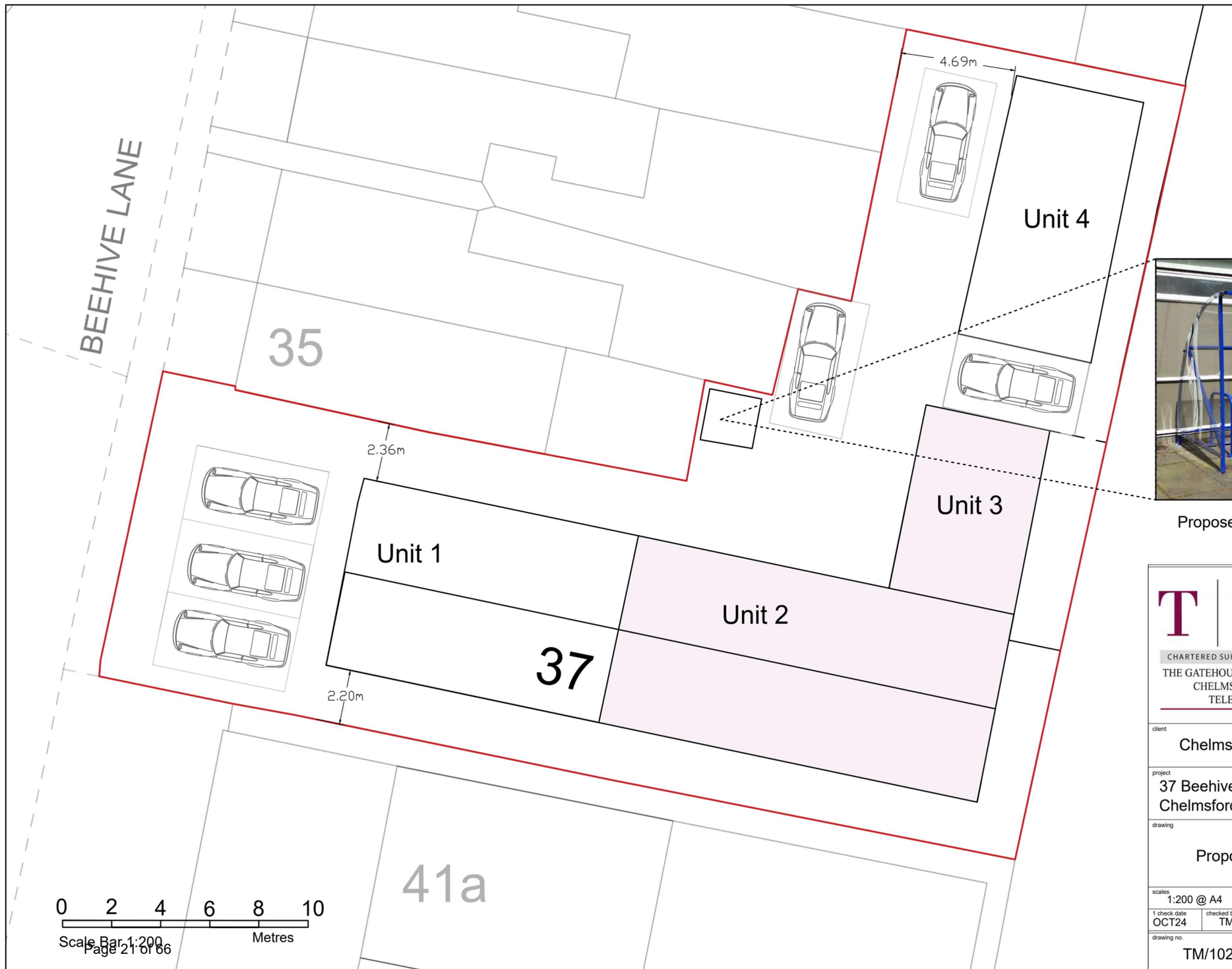
Telephone: 01245 606826

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Proposed bike storage rack

**T | M | A**

CHARTERED SURVEYORS • PROPERTY CONSULTANTS

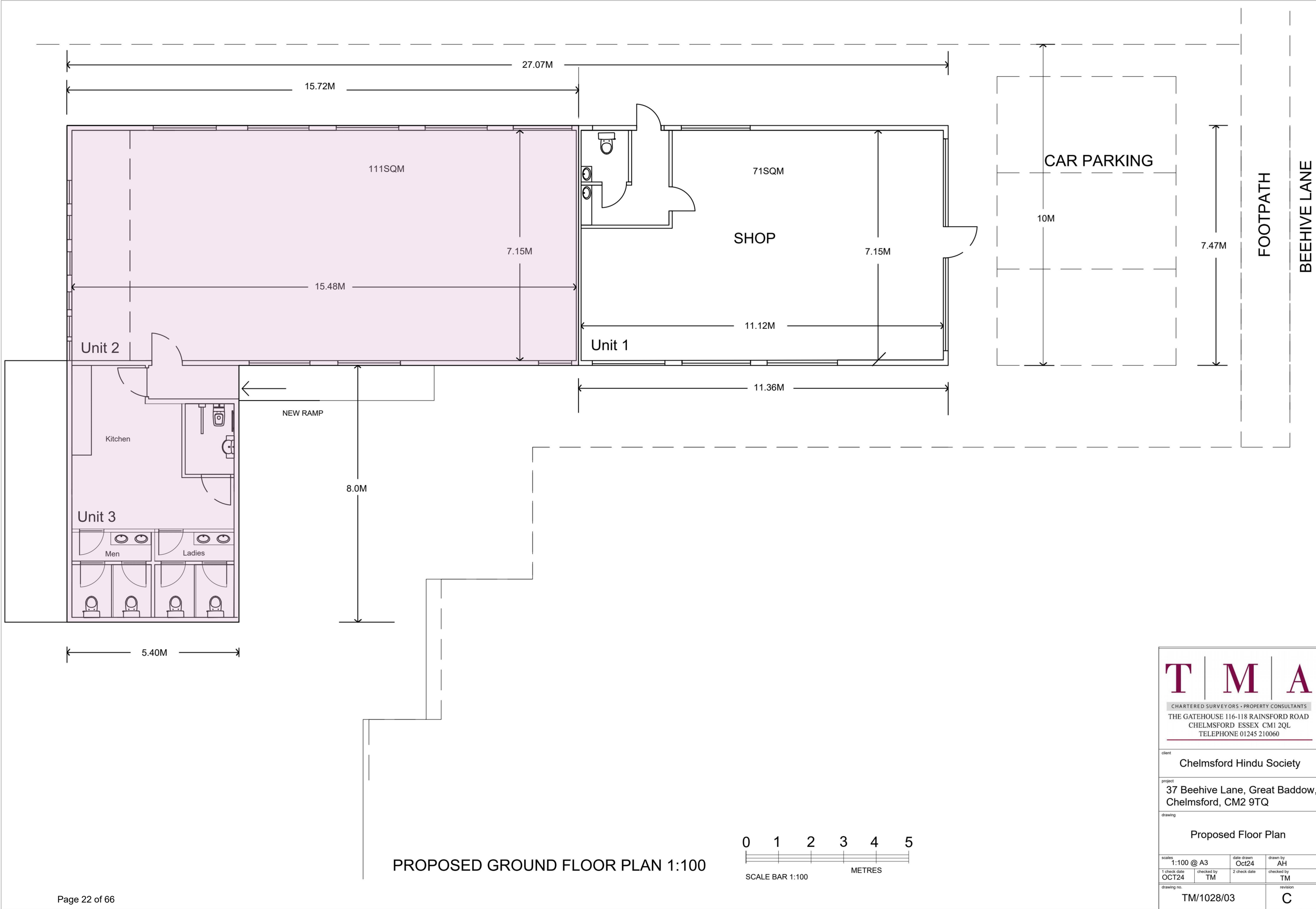
THE GATEHOUSE 116-118 RAINSFORD ROAD  
CHELMSFORD ESSEX CM1 2QL  
TELEPHONE 01245 210060

client  
**Chelmsford Hindu Society**

project  
**37 Beehive Lane, Great Baddow,  
Chelmsford, CM2 9TQ**

drawing  
**Proposed Block Plan**

scale <b>1:200 @ A4</b>	date drawn <b>Oct24</b>	drawn by <b>AH</b>
1 check date <b>OCT24</b>	checked by <b>TM</b>	2 check date <b>TM</b>
drawing no. <b>TM/1028/01</b>	revision <b>C</b>	



**T | M | A**  
CHARTERED SURVEYORS • PROPERTY CONSULTANTS  
THE GATEHOUSE 116-118 RAINSFORD ROAD  
CHELMSFORD ESSEX CM1 2QL  
TELEPHONE 01245 210060

client			Chelmsford Hindu Society		
project			37 Beehive Lane, Great Baddow, Chelmsford, CM2 9TQ		
drawing			Proposed Floor Plan		
scales		date drawn		drawn by	
1:100 @ A3		Oct24		AH	
1 check date	checked by	2 check date	checked by	revision	
OCT24	TM		TM		
drawing no.				revision	
TM/1028/03				C	



**Planning Committee**  
**29<sup>th</sup> April 2024**

<b>Application No</b>	:	24/01773/FUL Full Application
<b>Location</b>	:	Shop Horseshoe Farm Main Road Bicknacre Chelmsford Essex CM3 4EX
<b>Proposal</b>	:	<b>Demolition of existing retail building (Class E use) and erection of new retail building (Class E use) with associated parking, landscaping and other infrastructure</b>
<b>Applicant</b>	:	Mr N Halls
<b>Agent</b>	:	Mr Michael Ward
<b>Date Valid</b>	:	20th December 2024

Appendices:

Appendix 1	Drawings
Appendix 2	Consultations

## 1. EXECUTIVE SUMMARY

- 1.1. The application is referred at the request of a local ward member so that the effect of the proposal on the area, highways and neighbour living conditions can be considered by the Planning Committee.
- 1.2. The application site is part of Horseshoe Farm, a farmstead of eighteenth century or earlier origins and contains a timber framed building which is likely to be a remaining building of the original farmstead, and an informal car parking area. The building is occupied by the Pet and Country Store. The site is an irregular shape and part of it lies beyond the Defined Settlement (DS) of Bicknacre and within the Rural Area. This area is fenced off in line with the rear boundaries of the adjacent sites either side creating a straight boundary edge to the village, beyond which is farmland.
- 1.3. The proposal is to demolish the existing building and to construct a single storey building to be used as a retail unit along with two parking areas for the new retail unit and an existing childcare facility on an adjacent site. The overall appearance of the building uses gabled roof forms to provide some of the character of a rural barn. The proposed building is suitably designed for the village location and would also be in keeping with the historic public house to the north of the site.
- 1.4. There is a recent planning approval (21/01863/FUL – planning history refers) for a building in Use Class E (retail and office) to be constructed on this site with associated parking areas, landscaping and a vehicular access from Main Road. The approved building is shown with two storeys and designed as a traditional barn. The principle of more intensive use of the site has therefore been established by this recent planning permission.
- 1.5. There is no objection in heritage terms to the demolition of the existing building at the site.
- 1.6. Given that the DS boundary runs in line with the rear boundary of the neighbouring properties and the existing use, the application site does not have the appearance and character of open countryside and is viewed as part of the run of built form which fronts Main Road.
- 1.7. Considering all other matters set out in this report the principle of development on this site is acceptable as it would support economic growth in the area, provide employment opportunities and would be positioned in a sustainable location easily accessible by walking and cycling. No harm has been identified to the intrinsic character and beauty of the countryside beyond the village boundary from the proposed development. As such, the proposal complies with Strategic Policy S8 and Policy DM8 of the Local Plan requirements.
- 1.8. The new building would be served by a relocated vehicular access from Main Road. The new retail unit would be served by 20 parking spaces. The adjacent childcare facility would be served with five parking spaces and a turning head accessed from the shared main access. The parking area would provide three EV charging spaces and three disabled parking spaces, as well as parking by motorbikes and bicycles. This parking provision is appropriate for the use and location.
- 1.9. A road refuge island would be installed to allow safe crossing for the public. The Highway Authority advises this to be sufficient for safe crossing of the road by pedestrians.
- 1.10. The proposal includes planting of several new trees and hedgerow along the boundaries of the site to mitigate the loss of several existing trees of low quality and to promote biodiversity on site. The proposal would result in overall 10% increase in BNG on site.

1.11. The impact on the closest residential property Horseshoe Farm has been carefully assessed in the provided Noise Report and an acoustic fence would be constructed along the southwest boundary with this residential house, to safeguard their residential amenity from noise associated with the activities within the site. This is considered acceptable and in line with the requirements set out in Policy DM29 of the Local Plan.

1.12. Approval is recommended subject to conditions.

## **2. DESCRIPTION OF SITE**

2.1. The application site is known as Horseshoe Farm and lies opposite the neighbourhood centre of Bicknacre. It is accessed from Main Road (B1418) and currently contains a timber building - The Pet and Country Store with an associated informal parking area part of which serves an adjacent childcare facility. The timber building is low in height and partly screened by roadside vegetation. To its southwest is a residential house with an office building, "Horseshoe Farmhouse"; to its north-east is a kids club and nursery. Further to the north lies The White Swan, a pub which is a non-designated heritage asset.

2.2. The application site is of an irregular form and a rear part of it lies beyond the Defined Settlement (DS) of Bicknacre. The site fronts the main road and has a main access from it. The existing building and service areas around it including the existing parking area are located within the DS boundary. The rear part of the application site, which is currently predominantly grassed, is in the rural area. This area is fenced off in line with the rear boundaries of the adjacent sites creating a straight boundary edge to the village beyond which is farmland.

## **3. DETAILS OF THE PROPOSAL**

3.1. The proposal is for a single storey retail building, sited end on to the road, rectangular in shape and measuring 34.5m in length and 12.5m in width. The gross internal space would measure 386 sqm. The height would be about 7.2m. The overall appearance of the building is of a rural barn, with gabled roof forms used to disguise its retail function. There would be two gables to the front with glazing and an area for signage. The building is proposed to be constructed of red brick and black weatherboard with red roof tiles (details of the materials would be reserved by a condition). The service plant would be positioned to the rear of the building.

3.2. The building would be positioned along the northeast site boundary and would back onto the nursery. It would be set back from the front to allow for access roads and parking, including parking for the nursery. Vehicular access from the road would be shared with the nursery. The main car park for the shop would be southwest of the building. The parking area would provide three EV charging spaces and three disabled parking spaces, as well as parking by motorbikes and bicycles. There would be 20 parking spaces to serve the shop. The nursery will be served with five parking spaces and a turning head.

3.3. The service yard would be at the back of the building and along the rear boundary line. A turning space would be provided in the rear so that larger delivery vehicles would reverse within the site to enter the main road in a forward gear.

3.4. The proposal includes planting of 11 new trees and new hedging along the boundaries of the site.

- 3.5. The highway access to the site would be relocated to southwest, the existing accesses would be closed and a 20 m pedestrian pavement created. A road refuge island would be created to facilitate safe crossing for the public.
- 3.6. An additional acoustic fence would be constructed along the southwest boundary with the residential house, Horseshoe Farm.

#### **4. OTHER RELEVANT APPLICATIONS**

##### **4.1. 21/01863/FUL - Approved 17th February 2022**

Demolition of existing building. Construction of new building for retail and office uses (Class E use), with associated parking and landscaping. Formation of access.

Note:

The proposed building was for retail and office uses, both of which also fall within Class E, which is the existing use of the site. It was acknowledged that the building would be located further into the site than the existing building, but it would have replicated the scale, proportions and detailing of a traditional barn and in the context of the surrounding built form on this side of Main Road, the proposed building would have been in keeping with the other two-storey buildings. The design and appearance of the building would have been in keeping with the historic public house to the north of the site.

The DS boundary has been drawn tight around the rear of the existing building therefore any extension or increase in the size of the built form would have likely needed to be located outside the DS boundary. However, as a result of the DS boundary also running further to the rear of the neighbouring properties, this particular site was not viewed as open countryside and was viewed as part of the run of built form which fronts Main Road. Therefore, in this context, and because the design and appearance of the development was acceptable, the proposal was considered not to result in harm to the intrinsic character and beauty of the surrounding countryside.

Strategic Policy S8 supports the delivery of economic growth across all areas of Chelmsford. This site comprises previously developed land partly in the DS of Bicknacre and is in a sustainable location. For these reasons the proposal was considered to comply with the Local Plan policies.

##### **4.2. 19/01358/FUL - Approved 25th September 2019**

Creation of a car park to provide 16 additional parking spaces with landscaping planting.

Note:

It was considered that the proposed development, whilst outside the DS boundary, would not have adversely impacted the intrinsic character and beauty of the wider countryside. It would have served existing local facilities. The development would have been contained within the site's limit which has been created by a distinct boundary of the nearby agricultural field. The proposed hardstanding would have not appeared to encroach into the wider countryside and would have appeared well contained and close to the settlement.

##### **4.3. 11/01309/FUL - Approved 10th October 2011**

Change of use from a B1 furniture workshop and associated A1 retail outlet to a sole A1 retail use for a pet shop.

Note:

It was considered that the proposed change of use is appropriate to the locality and would not have generated any unacceptable noise and activity particularly given its location on a busy main road. It would have been a use that would serve the local community and would have been complementary to the other commercial uses within the immediate vicinity.

Suitable car parking facilities were available by way of the large surface car park and no objections are raised by the Highway Authority to the use of the existing access into this car park subject to the sight splay to the south of the access (exit) being maintained clear of any obstructing vegetation.

4.4. 08/00271/FUL - Approved 3rd April 2008

Change of use of former farm shop to a workshop and associated retail outlet.

Note:

This planning permission followed an allowed appeal. The application was for the re-use of the former farm shop as a carpenter's workshop, showroom and retail sales premises. During the consideration of the proposal, it was determined that whilst the site is in the rural area planning policies support rural economic growth and employment opportunities in the rural area especially where the access to the site is sustainable (walking, cycling).

A concern was raised about the traffic, but this was overcome by improving the vehicular access to the site.

The impact on the residential neighbouring site was also considered acceptable. The noise impact from vehicle movement was considered negligible.

The subject building was not considered of particularly good design and appearance. It was stated that the appearance of the locality would probably be enhanced by the removal of the building. It was concluded that the harm that would be caused by its retention and re-use would be minimal.

4.5. 94/05030/FUL - Refused 19th April 1994

The sale of a small amount of bought in fresh fruit and vegetables to enable continuity of supply to the villagers between home grown croppings

4.6. 93/05035/FUL - Refused 21st December 1993

The sale of a small amount of bought in agricultural produce to enable continuity of business and supply to the villagers between home grown croppings

4.7. 88/0803 - Refused 8th August 1988 – ***Appeal Dismissed***

Alterations and change of use of redundant farm buildings to farm shop for sale of English fruit and vegetables including our own farm produce

4.8. 86/0926 - Refused 18th August 1986 – ***Appeal Dismissed***

Erection of two buildings comprising doctors surgery with ancillary living accommodation above and separate detached residential bungalow.



## 5. SUMMARY OF CONSULTATIONS

*Woodham Ferrers & Bicknacre Parish Council* – The Parish Council objects to this proposal.

The Parish Council is aware that planning consent 21/01863/FUL is a material planning consideration in determining the current application but the former consent is significantly different from this application because:

- This application has a much larger footprint with the building set further back into the site.
- This application is for a much different building. The previous application was for a two-storey office building with a small retail unit at the rear. This is for a much larger wholly retail mini supermarket.

The grounds of objection are:

### 1. Highway.

The application site is situated about midway between two mini roundabouts where four roads converge. The roads lead to South Woodham Ferrers, East Hanningfield, Danbury and Maldon. The stretch between the two roundabouts is about 150 metres and is very busy with traffic coming from four directions. It will involve delivery vehicles turning right into and out of the site crossing through traffic. New development in the Dengie Peninsula and South Woodham Ferrers will exacerbate this problem.

### 2. Pedestrian Safety

There is no crossing across the B1418. Virtually all housing in Bicknacre is on the opposite side of the road to the site. Whilst the site may be accessible to cars there is no safe access for pedestrians. Parents and children visiting and collecting children from Jester's Kids Club will have to cope with delivery vehicles waiting to turn into the site and whose view will be obscured by turning traffic. The obvious solution is a pelican type crossing or similar, but this could itself cause traffic to back up to the two mini roundabouts and beyond. We consider this to be a major safety issue. Any resident wishing to access the proposed store, particularly children, the elderly and infirm will be very vulnerable to serious injury. There is no adequate access for non-car users and is contrary to policy DM20.

### 3. Size

The approved scheme for office and retail had a retail footprint of 110.5 square metres. The proposed scheme has a footprint of 386 square metres, over three times as large. It is overdevelopment. Cars parking within the site will exacerbate congestion and cause nuisance. Turning delivery vehicles will conflict with parked vehicles. The proposal seeks to extend the defined settlement boundary solely for the purpose of constructing a much larger retail unit than previously permitted. The proposal therefore fails to satisfy the criteria in policy DM8 for new buildings and structures in the rural area

### 4. Impact

The proposal is to extend the built area further into agricultural land beyond the defined settlement boundary. This will also create light pollution across the adjacent field to Thrift Wood, an Essex Wildlife Trust nature reserve affecting wildlife. It will be unsightly when viewed across the field from St Peter's Way an ancient long distance footpath and bridleway.

Horseshoe Farm is a residential building immediately to the west. The proposed retail building



is planned to be built very close to the mutual boundary and for a much greater length than the previously approved application. This will cause noise, fumes and light pollution from cars, delivery vehicles, trolleys and shoppers. It fails to safeguard the living environment of the occupiers of Horseshoe Farm and is contrary to policy DM29.

Further comments were received requesting conditions if the proposed scheme is to be recommended for approval:

- Delivery hours restricted to 8am to 6pm Excluding Sundays and Bank Holidays.
- Opening hours restricted to 8am to 8pm.
- A Section 106 agreement for a crossing, improved street lighting and road improvements to alleviate congestion.
- Provision for litter.
- Consideration should be given to renewable energy sources – e.g. solar panels.
- Use of ‘white noise’ for reversing on delivery lorries
- Acoustic boundary with neighbouring properties.

*Public Health & Protection Services* – An asbestos survey should be carried out prior to demolition. If any asbestos is found, this must be removed by a qualified contractor and disposed of at a suitably licensed facility.

A non-residential development should provide electric vehicle charging points equivalent to 10% of the total parking provision.

A condition should be added in relation to plant noise. Plant must not exceed the sound power levels as set out in the Noise Assessment.

*Economic Development & Implementation* - The economic development team support this application which will bring an improved customer experience to the existing retail offer whilst also creating new jobs. Both businesses on the site will benefit from new parking arrangements and infrastructure, supporting longer term sustainability and growth of the enterprises.

*Essex County Council Highways* – From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to recommended conditions.

*Historic England* – no comments.

*Essex County Council (SUDS)* – Given the submitted Flood Risk Assessment Response to LLFA’s Comments (dated 19 March 2025), the information contained within the email received on the 11/04/25 including the half drain down time calculation and the associated documents which accompanied the planning application, SUDS do not object to the granting of planning permission for the proposed development submitted to recommended conditions.

*Local residents* – a large number of objections received. Issues raised include:

- The proposal would generate increased traffic and turning movements, including by HGV’s serving the development, on a busy stretch of road between two mini roundabouts where at present there is no pedestrian crossing. The retail unit would be on the opposite side of the road from where most residents live and the existing footway. The proximity of Jester’s Kids Club and Nursery raises additional safety concerns. The overall effect of the proposal would be detrimental to highway safety.

- Concern raised that there would be insufficient parking to serve the proposed development and the adjacent children's nursery, and there is insufficient space for a large delivery vehicle to turn safely within the site.
- There is no need for a new retail store in the village, particularly one of this size which would result in the loss of the existing pet store at the site and is likely to adversely affect trade at existing retail outlets in the locality, particularly the Priory Village Store which incorporates a post office.
- Most of the site lies outside the defined settlement boundary and within the rural area where more restrictive planning policies apply.
- The proposal would detract from the rural character of the location and area both from the loss of a local business and from the introduction of a modern supermarket and car parking with its associated activity, signage and lighting.
- The proposal would have an adverse effect on neighbouring property from the activity associated with the proposed use. The use would be likely to result in an increase in vehicular and other activity, noise from air conditioning and refrigeration units and the introduction of lighting. Air pollution from traffic movements is also a concern.
- The premises could become a gathering place in the evenings which in turn could result in noise and disturbance. There is also likely to be an increase in littering in the area.

## 6. PLANNING CONSIDERATIONS

**Principle of development** (*Policies S1 Spatial principles; S8 Delivering Economic Growth, DM8 New Buildings and Structures in the Rural Area*)

- 6.1. The site currently contains a building which is used as a retail shop. It was a former farm shop and a workshop, which was changed to its current use and occupied by a pet shop in around 2011 (planning history refers). The recent unimplemented planning approval 21/01863/FUL was for retail use and an office space. As such, the principle of retail use on this site has been long established by the previous planning approvals.
- 6.2. Strategic Policy S8 of the Local Plan supports the delivery of economic growth on previously developed land and in rural and sustainable locations. This application site comprises previously developed land and is in a sustainable location and within walking and cycling distance for residents of Bicknacre. The proposal accords therefore with the strategic aims of the Local Plan.
- 6.3. Although the existing building is located within the Defined Settlement (DS) boundary for Bicknacre, most of the site is located within the Rural Area beyond the DS boundary. The proposed building and the associated parking would be positioned partly within the DS and the Rural Area. As a result, a part of the built form would be located in the Rural Area and impact on it needs to be considered.
- 6.4. Policy DM8 relates to the construction of new buildings in the Rural Area. This requires development to not adversely impact the identified intrinsic character and beauty of the countryside and to also be for one of the stated forms of development set out in the policy. Point xiii. permits the replacement of existing buildings subject to compliance with Part C. Part C contains three criteria as follows:
  - i. *the existing building being replaced is of permanent and substantial construction; and*
  - ii. *the new building is in the same use as the existing; and*
  - iii. *the new building would not be out of keeping with its context and surroundings, and does not result in any other harm.*

6.5. In respect of these criteria:

- i. the existing building (pet shop) on the site is in use and is of permanent and substantial construction.
- ii. the use of the existing building falls within Class E. The proposed building would be for retail use, which also falls within Class E.
- iii. although the building would be larger and encroach into the Rural Area in comparison to the existing building, it has been designed to replicate the scale, proportions and detailing of a traditional barn. In the context of the surrounding built form on this side of Main Road and the Rural Area beyond the site, the proposed proportions and appearance of the new building would not be seen as an incongruous addition to the area. The proposed building is considered to be suitably designed for the village location and would also be in keeping with the historic public house to the north of the site.

6.6. As established during the previous recent planning application (planning history refers) of a two-storey building on this site for retail and office uses, the defined settlement boundary has been drawn tightly around the rear of the existing building therefore any extension or increase in the size of the built form would be likely to result in development located outside the village boundary. However, as a result of the defined settlement boundary also running further to the rear of the neighbouring properties, this particular site is not open countryside and is viewed as part of the run of built form which fronts Main Road. In this context, and because the design and appearance of the development is acceptable, the proposals would not result in harm to the intrinsic character and beauty of the surrounding countryside.

6.7. The principle of development on this site is therefore acceptable as it would support economic growth in the area, provide employment opportunities and would be positioned in a sustainable location easily accessible by walking and cycling. No harm has been identified to the intrinsic character and beauty of the countryside beyond the village boundary from the proposed development. As such, the proposal complies with Strategic Policy S8 and Policy DM8 of the Local Plan requirements.

**Design & Heritage Assets (Policies S3; DM13, DM14)**

6.8. The application site forms part of Horseshoe Farm, a farmstead of eighteenth century or earlier origins. The wider context is formed by various traditional buildings along Main Road, including the White Swan Public House to the northeast which can be considered as a non-designated heritage asset for its communal, historic and architectural, albeit at a modest level.

6.9. The farm building to be demolished is likely to be the remnant of the traditional farmstead, but has been considerably altered, so there is no objection on heritage grounds to its demolition.

6.10. The scheme sets the new building back into the site and uses a series of gabled roof forms to disguise the standard retail footprint, reference the history of the site and give a distinctive character. The elevations have brick, boarding and shop fronts, together detailing to add interest.

6.11. The car parking would be exposed but also partly screened by landscaping and seen in the context of the adjacent car park. There would be no adverse heritage impacts.

- 6.12. An informative is attached to this recommendation advising the applicant that a signage to the proposed use would require separate grant of advertisement consent.
- 6.13. The consultation response from Essex County Council Historic Environment Branch has identified that the existing building is a Georgian timber-framed agricultural building. While there is no objection to the demolition of the existing building, it is part of a dwindling architectural heritage, and it is recommended that it should therefore be 'preserved by record' prior to its demolition. A condition is attached to this recommendation with regards to this matter.

#### **Neighbour Amenity (Policy DM29)**

- 6.14. Policy DM29 of the Local Plan states that development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
- 6.15. The property to the southwest of the site is residential but it comprises of a dwelling and an office building. The office building sits in between the dwelling and the application site. An acoustic report has been submitted with this application outlining recommendations to minimise the noise impact on this neighbour; a condition is attached to this recommendation requiring compliance with the report.
- 6.16. The acoustic report recommends, and the proposal includes an acoustic fence to be constructed along the boundary with the neighbouring residential site (Horseshoe Farmhouse). It is considered that this would mitigate the noise levels from the proposed development to acceptable levels. In addition, a buffer zone of 3m wide and new trees as well as a new hedgerow would be introduced along the boundary with Horseshoe Farmhouse. As such, given the residential house is on a busy road, and is next door to an existing retail unit, and taking into account the recommended mitigation measures in the acoustic report, the effect of the proposal on the residential living conditions of the occupiers of Horseshoe Farmhouse is considered to be acceptable in the context of Policy DM29 of the Local Plan.
- 6.17. The proposed building would be located 21m away and to the north of the boundary with Horseshoe Farmhouse, and due to the modest height would not result in any harmful overbearing impacts on the amenity of this neighbouring site.

#### **Highway safety and parking (Policy DM27)**

- 6.18. There are two existing accesses to the site from Main Road. It is proposed to consolidate these to provide a single access point to serve the new building and the adjacent childcare facility. Parking provision would remain in place for this facility in addition to parking being available for the proposed development. The scheme proposes 25 parking spaces, all would accord with the minimum sizes recommended for a parking bay. Disabled parking spaces and EV charging points would also be incorporated into the parking provision. The site also provides a service area to the rear and a turning space for servicing vehicles. The overall parking provision for the retail unit and the childcare facility would comply with the parking requirements set in Policy DM27 of the Local Plan.
- 6.19. During the life of the application a new pedestrian refuge island has been proposed to be installed on Main Road to provide easy and safe access to the site by foot. It would connect the two pavements on both sides of the road. This would improve the connectivity to the site and provide a safe crossing to other business on the east side of Main Road, including the Kid's club and nursery and the public house.

The residential property, Horseshoe Farm, would also benefit from new a safe crossing to the heart of the village.

- 6.20. The vehicular access was also revised (widened) during the life of the application to ensure that the larger vehicles would be provided with adequate turning space to join the traffic.
- 6.21. The proposals have been considered by the Local Highway Authority, they have not raised objections subject to adding appropriate conditions. There would not be any unacceptable highway safety impacts as a result of the proposed development.

### **Other matters**

#### *Hours of opening (Policy DM29)*

- 6.22. The proposed new retail unit would operate between 7am and 10pm every day. These times are considered to be reasonable and should not result in unacceptable levels of noise and disturbance to nearby residential property. A condition is attached to this recommendation securing the opening hours. Delivery is recommended to be carried out during the opening hours only.

#### *Sustainable Buildings (Policy DM25)*

- 6.23. EV Charging points are also required for commercial buildings and the proposed three EV charging points meets this policy requirement, which is provided as part of the proposal.

#### *Ecology and Biodiversity Net Gain (Policies S4; DM16)*

- 6.24. Strategic Policy S4 of the Local Plan seeks to conserve and enhance the natural environment through protection of protected sites and species, whilst planning positively for biodiversity networks and minimising pollution. Policy DM16 of the Local Plan seeks to conserve and enhance the networks of habitats, avoid negative impacts on biodiversity and deliver a net gain in biodiversity where possible.
- 6.25. This submission is accompanied by a Preliminary Ecological Appraisal (PEA) prepared by Richards Graves Associates. The PEA states that the site does not offer suitable habitat for roosting bats within either the existing building or trees. There was no evidence of badgers or suitable habitat for dormouse or common reptiles on site and the site is not well connected to other larger areas of habitats that may be more suitable. The habitat on site does however offer suitable habitat for nesting birds; the survey recommends that any vegetation clearance be undertaken outside the bird nesting season. There is a pond within 500 m of the site, but it is separated from the site by roads, built development and arable fields, it is therefore unlikely that any species would be harmed by the proposed development.
- 6.26. The PEA set out the precautionary measures that are secured by a condition added to this recommendation. Overall, the proposed scheme is considered to result in no harm to protected species subject to adherence to the recommendation contained in the approved PEA.
- 6.27. In terms of Biodiversity Net Gain (BNG) the baseline habitats include modified grassland, bramble scrub and urban trees. The habitat to be created is mixed scrub and urban trees. The baseline hedgerow includes native hedgerow and non-native and ornamental hedgerow. Native hedgerow would be created on-site. BNG requirements would be satisfied.

6.28. The final BNG plan is reserved by a condition attached to this recommendation.

*Trees and soft landscaping (Policy DM17, DM24)*

6.29. Policy DM17 of the Local Plan states that planning permission will be granted for development that does not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area. Policy DM24 states that development proposals should retain existing trees and other landscape features where appropriate and explore opportunities for new tree planting.

6.30. The application is accompanied by an Arboricultural Impact Assessment. The assessment confirms that there are no trees of high quality within the site (Category A) or protected trees. One tree within the site is of moderate quality (Category B), there are four trees of low quality (Category C) and two trees of lower quality (Category U). The proposal includes removal of one tree in Category B to facilitate the proposal, along with two other trees in Category C. It should be noted that the removal of these trees was accepted under the previous planning application and the loss of a Category B tree is required to provide suitable and safe access to the site. The loss of the trees would be mitigated by planting additional trees within the site. The final details of soft landscaping and planting of trees are secured by a condition added to this recommendation. The proposal accords to requirements of Policy DM17 and DM24 as it would provide suitable mitigation for the loss of trees.

*Flood risk (Policy S2)*

6.31. The site is in Flood Zone 1. During the life of the application revisions to the initial drainage scheme were required. The applicant has submitted a preferred option for the water discharge which would discharge surface water from the site to the ordinary watercourse northwest of the site via the applicant's farmland in accordance with drawings 61300-RJL-XX-XX-DR-C-0002 and 0003. The discharge the foul water would be into a sewer in Main Road. The scheme is also designed to incorporate permeable paving. This system is designed as a tanked permeable system that provides attenuation to help to limit the discharge flows from the site.

6.32. The LLFA has not raised objection to the proposed drainage scheme, subject to conditions listed in this recommendation.

**Conclusion**

6.33. Considering all matters set out in this report the principle of development on this site is acceptable as it would support economic growth in the area, provide employment opportunities and would be positioned in a sustainable location easily accessible by walking and cycling. No harm has been identified to the intrinsic character and beauty of the countryside as a result of the proposed development. As such, the proposal complies with Strategic Policy S8 and Policy DM8 of the Local Plan requirements.

6.34. The assessment established that the proposed development would retain an acceptable relationship with the neighbouring residential site, would not adversely impact on the highway safety and efficiency, would provide acceptable levels of parking for the retail use the nursery and the Kid's Club.

6.35. The proposal includes planting of several new trees and rows of hedge along the boundaries of the site to mitigate the loss of several existing trees of low quality and to promote biodiversity on site. The proposal would result in overall 10% increase in BNG on site.

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

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

6.37. 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**

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

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

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

Reason:

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



**Condition 4**

Prior to the commencement of the development, a Precautionary Ecological Method Statement should be submitted to and approved in writing by the local planning authority. It shall include the following:

- Sensitive timing of works
- Reasonable avoidance measures
- Measures to be implemented should a protected species be found

The development shall be carried out in accordance with the agreed Precautionary Ecological Method Statement at all times.

Reason:

In the interests of Biodiversity and protected species in accordance with Policy DM16 of the Chelmsford Local Plan.

**Condition 5**

No development to which this permission relates shall commence until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the listed building in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 6**

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

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

Reason:

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

**Condition 7**

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 8**

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 9**

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

- (a) windows,
- (b) doors,
- (c) shop fronts,
- (d) eaves,
- (e) verge,
- (f) plinth,
- (g) brick detailing,
- (h) vents and flues.

The development shall then be carried out in accordance with the approved details.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the nearby non-designated heritage asset in accordance with Policy DM14 of the Chelmsford Local Plan.

**Condition 10**

Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The 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, 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) details of the planting of trees within the site;
- f) 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, DM17 and Policy DM23 of the Chelmsford Local Plan.

**Condition 11**

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 12**

The areas of hardsurfacing hereby permitted shall be constructed using a permeable surface or shall include drainage to prevent discharge of surface water 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 13**

Prior to first occupation of the proposed development the 25no. parking spaces (5no. for the Nursery and 20no. for the Food Store) shown in the Site Layout & Block Plan, drawing no. 24-0079-002 Rev P, including any parking spaces for the mobility impaired, shall be constructed hard surfaced, sealed and marked out in parking bays ready for use in accordance with the Parking Standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason:

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

**Condition 14**

No occupation of the development shall occur until the construction of the new vehicular access to the site as shown in the Site Layout & Block Plan, drawing no. 24-0079-002 Rev P and other highway works listed within this condition have been provided, and regulated by an appropriate Highways Legal Agreement between the Applicant/Developer and the Highway Authority using the powers of the Highways Act, 1980, to regulate the highway works to the satisfaction of the Local Planning Authority:

- i. The new 20 metre length of footway to the front of the Food Store and the parking area for the Nursery on the east side of Main Road (B1418).
- ii. Provision of the pedestrian refuge/splitter island with dropped kerb tactile pedestrian crossings.
- iii. Provision of clear to ground vehicular visibility splays of 2.4 metres x 43 metres to the new vehicular access as measured from the nearside carriageway edge.
- iv. No waiting at any time Traffic Regulation Order (TRO) shall be provided to prevent parking on the Main Road (B1418) carriageway from the White Elm Road roundabout junction to the north to extend to the south to the Priory Road roundabout junction, details to be agreed with and provided at no cost to the Highway Authority.
- v. Provision of all signing and lining in association with the highway works.

In the event that the application for the TRO (iv above) is not approved, and no alternative scheme has been identified and permitted, the applicant shall provide to the local planning authority a written statement explaining the reasons why it is not possible to introduce parking restrictions in this area.

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 15**

Prior to the first use of the development hereby permitted bicycle parking spaces shall be laid out within the site in accordance with drawing No 24-0079-002 Rev P and those spaces shall thereafter be kept available at all times for the bicycle parking in association with the permitted use within the site.

Reason:

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

**Condition 16**

Prior to the first occupation of the building hereby permitted, three electric vehicle charging points shall be installed and retained in accordance with details 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 17**

Prior to use/occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

The maintenance plan should account for all the sites surface water pipework up to and including the point of connection to the ordinary watercourse, as well as the maintenance for the headwall.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

**Condition 18**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason:

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

**Condition 19**

No goods, plant, machinery, merchandise or materials shall be stored outside.

Reason:

In the interests of the visual amenities of the area in accordance with Policy DM23 of the Chelmsford Local Plan and in the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

#### **Condition 20**

No works except demolition shall take place until a detailed surface water drainage scheme for the site based on the principles of Drainage Plans 61300-RJL-XX-XX-DR-C-0002 and 0003, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. 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 45% climate change 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. Two stages of treatment to be provided for the sites Medium Pollution Hazard Level.
- 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.
- The final drainage plan to indicate the locations of the rainwater down pipes from the proposed store draining into the permeable paving, as well as the location of the proprietary treatment system (Aqua-Filter or similar) to be installed to provide the required treatment.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to use/occupation.

Reason:

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

#### **Condition 21**

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

07:00 – 22:00 Mondays – Sundays.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

#### **Condition 22**

Deliveries shall be taken at or despatched from the site only between 07:00 and 22:00 on Mondays to Sundays.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 23**

The development hereby permitted shall only be carried out in accordance with the details and recommendations contained in the approved Noise Assessment, December 2024, including the installation of a 2m high close boarded acoustic fence to the southwest boundary in accordance with approved drawing No 24-0079-002 Rev P.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 24**

The development hereby permitted shall only be carried out in accordance with the details and recommendations contained in the approved Preliminary Ecological Appraisal Report, Version 1.0.

Reason:

To ensure that no harm is caused to protected species in accordance with Policy DM16 of the Chelmsford Local Plan.

**Condition 25**

Prior to their installation, details of the facilities for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved details.

Reason:

To ensure that suitable facilities for refuse disposal are provided and that such facilities are visually satisfactory in accordance with Policy DM23 and DM26 of the Chelmsford Local Plan.

**Condition 26**

Prior to their installation details of any means of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.

Reason:

To ensure that the development would not result in unacceptable light pollution within the rural area in accordance with Policy DM8 of the Chelmsford Local Plan.

**Condition 27**

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 28**

In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled Tree Survey, Arboricultural Impact Assessment and Method Statement (November 2024).

Reason:

To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 of the Chelmsford Local Plan.

**Condition 29**

No service vehicles beyond a maximum length 10.5 metres shall be used to service the development hereby permitted.

Reason:

In the interests of highway safety.

**Condition 30**

All roads shown on the approved drawings to be served by a refuse collection vehicle shall be constructed to a standard capable of carrying a 26-tonne vehicle.

Reason:

In the interests of highway safety and to ensure that the development is accessible in accordance with Policy DM23 and Policy DM24 of the Chelmsford Local Plan.

**NOTES TO APPLICANT**

1 Hours of work during construction

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

Noisy work:

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

Light work:

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

In some circumstance further restrictions may be necessary.

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

- 2 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 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.
- 4 The Local Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are: Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 5 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).
- 6 The Council's Public Health and Protection Services team should be contacted with regard to the need for any new or varied Licences or Permits that may be required under the Licensing Act 2003.
- 7 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.
- 8 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 9 It is recommended that an asbestos survey is undertaken prior to demolition. Any asbestos found must be removed by a qualified contractor and disposed of at a licensed facility.
- 10 In accordance with Section 76 of the Town and Country Planning Act 1990, your attention is drawn to Section 21 (2) Access to Goods, Facilities, Services and Premises Part 3 of the Disability Discrimination Act 1995 (as amended 2005) . The development hereby approved in outline appears to fall within the categories indicated in Section 21 (2) of Part 3 of the Act. Provision should be made to meet the needs

of both sensory and mobility impaired disabled people. Such provision, using the guidance given in British Standards Institution Code of Practice - BS8300:2001 (as amended June 2005): Design of buildings and their approaches to meet the needs of disabled people, should include, where appropriate,

- (i) suitably signed and located car parking spaces;
- (ii) safe access around and into all buildings;
- (iii) clear circulation spaces and travel route within all buildings;
- (iv) all necessary facilities and amenities within buildings;
- (v) PEEPS (Personal Emergency Escape Plan Strategy) and;
- (vi) prominent user friendly sign posting of all routes and amenities within and around buildings.

As the Secretary of State attaches great importance to the provision of facilities for the disabled in a building to which the 1995 Act applies, the City Council expects compliance with the Act in the submission of details pursuant to this permission.

- 11 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)
- 12 The applicant is advised that:
- i. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement with the Highway Authority to regulate construction works.
  - ii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
  - iii. The above to be provided at no cost to the Highway Authority
  - iv. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

The applicant shall note the following:

- A Stage 1 Road Safety Audit has been provided for the new vehicular access with pedestrian refuge/splitter island and designer's response.
- Part of the Road Safety Audit will require a skid resistance assessment (in accordance with DMRB CS228). This shall be carried out by arrangement with Essex County Council together with any remedial construction work resulting from the assessment, at the developers cost as part of any proposed highway scheme.

- 13 The applicant is advised that Main Road is an important distributor route, whose function is to carry traffic safely and efficiently between major centres within the region and consequently carries high volume traffic. To protect the route function, no development shall take place, including any ground works or demolition, parking of vehicles or storage of materials, without prior agreement of the Local Authority.
- 14 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.

#### **POSITIVE AND PROACTIVE STATEMENT**

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

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

24-0079-001/E  
 24-0079-002/P  
 DR1/B  
 DR3  
 DR4  
 DR5  
 Road Safety Audit Response Report/March 2025  
 Stage 1 Road Safety Audit/ Final/March 2025  
 Flood Risk Assessment/61300 / 19 March 2025  
 24-0079-003/E  
 24-0079-004/B  
 24-0079-005/D  
 Biodiversity gain plan  
 Noise Assessment  
 Preliminary Ecological Appraisal report  
 Summary Historic Building report  
 Sustainable drainage assessment  
 Transport statement  
 Tree Survey, Arboricultural Impact Assessment and Method Statement

Appendix 2 – Consultations

**Woodham Ferrers & Bicknacre Parish Council**

Comments
<p>05.02.2025 - Priory Pet and Country Store, Main Road. Bicknacre 24/01773/FUL</p> <p>The Parish Council objects to this proposal.</p> <p>The Parish Council is aware that planning consent 21/01863/ FUL is a material planning consideration in determining the current application but the former consent is significantly different to this application because:</p> <p>' This application has a much larger footprint with the building set further back into the site.</p>

' This application is for a much different building. The previous application was for a two storey office building with a small retail unit at the rear. This is for a much larger wholly retail mini supermarket.

The grounds of objection are:

#### 1. Highway.

The application site is situated about midway between two mini roundabouts where four roads converge. The roads lead to South Woodham Ferrers, East Hanningfield, Danbury and Maldon. The stretch between the two roundabouts is about 150 metres and is very busy with traffic coming from four directions. It will involve delivery vehicles turning right into and out of the site crossing through traffic. New development in the Dengie and South Woodham Ferrers will exacerbate this problem.

#### 2. Pedestrian Safety

There is no crossing across the B1418. Virtually all housing in Bicknacre is on the opposite side of the road to the site. Whilst the site may be accessible to cars there is no safe access for pedestrians. Parents and children visiting and collecting children from Jesters Kids Club will have to cope with delivery vehicles waiting to turn into the site and whose view will be obscured by turning traffic. The obvious solution is a pelican type crossing or similar but this could itself cause traffic to back up to the two mini roundabouts and beyond. We consider this to be a major safety issue. Any resident wishing to access the proposed store, particularly children, the elderly and infirm will be very vulnerable to serious injury. There is no adequate access for non-car users and is contrary to policy DM20.

#### 3. Size

The approved scheme for office and retail had a retail footprint of 110.5 square metres. The proposed scheme has a footprint of 386 square metres, over three times as large. It is overdevelopment. Cars parking within the site will exacerbate congestion and cause nuisance. Turning delivery vehicles will conflict with parked vehicles. The proposal seeks to extend the defined settlement boundary solely for the purpose of constructing a much larger retail unit than previously permitted. The proposal therefore fails to satisfy the criteria in policy DM8 for new buildings and structures in the rural area

#### 4. Impact

The proposal is to extend the built area further into agricultural land beyond the defined settlement boundary. This will also create light pollution across the adjacent field to Thrift Wood, an Essex Wildlife Trust nature reserve affecting wildlife. It will be unsightly when viewed across the field from St Peter's Way an ancient long distance footpath and bridleway.

Horseshoe Farm is a residential building immediately to the west. The proposed retail building is planned to be built very close to the mutual boundary and for a much greater length than the previously approved application. This will cause noise, fumes and light pollution from cars, delivery vehicles, trolleys and shoppers. It fails to safeguard the living environment of the occupiers of Horseshoe Farm and is contrary to policy DM29.

17.03.2025

In addition to the comments previously submitted by the Parish Council, if officers are minded to recommend approval of application 24/01773/FUL, it would like the following restrictions to be applied:

- Delivery hours restricted to 8am to 6pm Excluding Sundays and Bank Holidays.
- Opening hours restricted to 8am to 8pm.
- A Section 106 agreement for a crossing, improved street lighting and road improvements to alleviate congestion.
- Provision for litter.
- Consideration should be given to renewable energy sources – e.g. solar panels.
- Use of ‘white noise’ for reversing on delivery lorries
- Acoustic boundary with neighbouring properties.

## Public Health & Protection Services

### Comments

10.01.2025 - An asbestos survey should be carried out prior to demolition. If any asbestos is found, this must be removed by a qualified contractor and disposed of at a suitably licensed facility.

A non-residential development should provide electric vehicle charging points equivalent to 10% of the total parking provision.

A condition should be added in relation to plant noise. Plant must not exceed the sound power levels as set out in the Noise Assessment.

## Economic Development & Implementation

### Comments

16.01.2025 - The economic development team support this application which will bring an improved customer experience to the existing retail offer whilst also creating new jobs. Both businesses on the site will benefit from new parking arrangements and infrastructure, supporting longer term sustainability and growth of the enterprises.

## Essex County Council Highways

### Comments

No response received

## Highways Agency Development Control

### Comments

11.04.2025

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

1. Prior to first occupation of the development, the construction of the new vehicular access shown in the Site Layout & Block Plan, drawing no. 24-0079-002 Rev P, shall be regulated by an appropriate Highways Legal Agreement between the Applicant/Developer and the Highway Authority using the powers of the Highways Act, 1980, to regulate the highway works. This will provide for but not be limited to the following:

- The new 20 metre length of footway to the front of the Food Store and the parking area for the Nursery on the east side of Main Road (B1418).
- Provision of the pedestrian refuge/splitter island with dropped kerb tactile pedestrian crossings.
- Provision of clear to ground vehicular visibility splays of 2.4 metres x 43 metres to the new vehicular access as measured from the nearside carriageway edge.
- No waiting at any time Traffic Regulation Order (TRO) shall be provided to prevent parking on the Main Road (B1418) carriageway from the White Elm Road roundabout junction to the north to extend to the

south to the Priory Road roundabout junction, details to be agreed with and provided at no cost to the Highway Authority.

- Provision of all signing and lining in association with the highway works.

**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.

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

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

3. 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.

4. Main Road is an important distributor route, whose function is to carry traffic safely and efficiently between major centres within the region and consequently carries high volume traffic. To protect the route function, 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;

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

Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense, where it is caused by developer.

**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.

**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.

5. Prior to first occupation of the proposed development the 25no. parking spaces (5no. for the Nursery and 20no. for the Food Store) shown in the Site Layout & Block Plan, drawing no. 24-0079-002 Rev P, including any parking spaces for the mobility impaired, shall be constructed hard surfaced, sealed and marked out in parking bays ready for use in accordance with the Parking Standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not

be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

6. 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.

7. Prior to the Food Store becoming operational a Service & Car Park Management Plan shall be submitted and agreed in writing with the Local Planning Authority. The approved plan shall be adhered to at all times. The Plan shall provide for:

- i. Service vehicles servicing the site of maximum length 10.5 metres shall be used to service the Food Store;
- ii. Deliveries to the convenience store would be managed in advance;

**Reason:** In the interests of highway safety

#### **General**

I Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement with the Highway Authority to regulate construction works.

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

III The above to be provided at no cost to the Highway Authority

IV The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

#### **Notes**

- A Stage 1 Road Safety Audit has been provided for the new vehicular access with pedestrian refuge/splitter island and designer's response.
- Part of the Road Safety Audit will require a skid resistance assessment (in accordance with DMRB CS228). This shall be carried out by arrangement with Essex County Council together with any remedial construction work resulting from the assessment, at the developers cost as part of any proposed highway scheme.

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

**Informatives:**

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

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

## Historic England

Comments
No comments.

## Essex County Council (SUDS)

Comments
<p>11.04.2025</p> <p>Thank you for your email received on 11/04/2025 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.</p> <p>As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.</p> <p>In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:</p> <ul style="list-style-type: none"><li>• Non-statutory technical standards for sustainable drainage systems</li><li>• Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide</li><li>• The CIRIA SuDS Manual (C753)</li><li>• BS8582 Code of practice for surface water management for development sites.</li></ul> <p><b>Lead Local Flood Authority position</b></p>



Having reviewed the Flood Risk Assessment Response to LLFA's Comments (dated 19 March 2025), the information contained within the email received on the 11/04/25 including the half drain down time calculation and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

#### **Condition 1**

No works except demolition shall take place until a detailed surface water drainage scheme for the site based on the principles of Drainage Plans 61300-RJL-XX-XX-DR-C-0002 and 0003, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. 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 45% climate change 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. Two stages of treatment to be provided for the site's Medium Pollution Hazard Level.
- 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.
- The final drainage plan to indicate the locations of the rainwater down pipes from the proposed store draining into the permeable paving, as well as the location of the proprietary treatment system (Aqua-Filter or similar) to be installed to provide the required treatment.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to use/occupation.

#### **Reason:**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.

- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

## Condition 2

Prior to use/occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

The maintenance plan should account for all the sites surface water pipework up to and including the point of connection to the ordinary watercourse, as well as the maintenance for the headwall.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

**Reason:** To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

## Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

**Reason:** To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022.

[Flood risk assessments: climate change allowances](#) - GOV.UK ([www.gov.uk](http://www.gov.uk))

- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.

<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

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.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

## Local Residents

Comments
<p>106 Representations received, the main issues are summarised as follows:</p> <ul style="list-style-type: none"> <li>• The proposal would generate increased traffic and turning movements, including by HGV's serving the development, on a busy stretch of road between two mini roundabouts where at present there is no pedestrian crossing. The retail unit would be on the opposite side of the road from where most residents live and the existing footway. The proximity of Jester's Kids Club and Nursery raises additional safety concerns. The overall effect of the proposal would be detrimental to highway safety.</li> </ul> <p><b>Comment:</b> The highway authority is satisfied that subject to compliance with conditions the proposed development would not materially harm traffic related safety or cause undue problems on the local highway network. The conditional requirements include a crossing point and provision of a pedestrian refuge in the centre of the carriageway.</p> <ul style="list-style-type: none"> <li>• Concern raised that there would be insufficient parking to serve the proposed development and the adjacent children's nursery, and there is insufficient space for a large delivery vehicle to turn safely within the site.</li> </ul> <p><b>Comment:</b> See report paragraph 6.18.</p> <ul style="list-style-type: none"> <li>• There is no need for a new retail store in the village, particularly one of this size which would result in the loss of the existing pet store at the site and is likely to adversely affect trade at existing retail outlets in the locality, particularly the Priory Village Store which incorporates a post office.</li> </ul>

**Comment:** The floor area of the store falls below the threshold for sequential testing. It is not the role of the local planning authority to safeguard existing businesses from competition. The location close to the centre of the village is sustainable and acceptable in planning terms.

- The majority of the site lies outside the defined settlement boundary and within the rural area where more restrictive planning policies apply.

**Comment:** Land adjacent to the northeast and southwest of the site lies within the defined settlement and the rear boundary of the site is consistent with the edge of the defined settlement on either side. The effect on the rural character of the area would be minimal. In addition, the previous planning permission for commercial and retail development and associated parking/servicing (reference 21/01863/FUL) establishes the principle of developing the site.

- The proposal would detract from the rural character of the location and area both from the loss of a local business and from the introduction of a modern supermarket and car parking with its associated activity, signage and lighting.

**Comment:** The design and proposed materials of the building are respectful of the village location. New landscaping will mitigate its impact and lighting and signage can be controlled by condition and separate advertisement consent legislation respectively.

- The proposal would have an adverse effect on neighbouring property from the activity associated with the proposed use. The use would be likely to result in an increase in vehicular and other activity, noise from air conditioning and refrigeration units and the introduction of lighting. Air pollution from traffic movements is also a concern.

**Comment:** These effects are unlikely to be so harmful to warrant refusal of the application.

- The premises could become a gathering place in the evenings which in turn could result in noise and disturbance. There is also likely to be an increase in littering in the area.

**Comment:** These matters can be controlled by effective management.

- The proposed development is likely to result in an adverse effect on wildlife at the site and in the vicinity.

**Comment:** See report paragraphs 6.24 – 6.28.



0 10 20 30 40 50 metres  
Comparative scale (1:1250)

E	27.02.25	Minor adjustment to red line due to modification to highway access	GM
D	19.11.24	Red & blue lines corrected to title plan & adjusted for new length of footway	GM
C	25.09.24	Red & blue lines amended	GM
B	02.07.24	Red & blue lines amended	GM
A	26.06.24	Red & blue lines amended	GM
No.	Date	Amendment	Initials

Client :	Mr. N. Halls
Project :	Proposed Food Store, Priory Pet Foods & Country Store Site, Bicknacre.
Drawing :	Site Location Plan
Scale :	1:1250 @ A4
Date :	June 2024
Status :	Planning
Dwg No :	24-0079-001
Rev :	E

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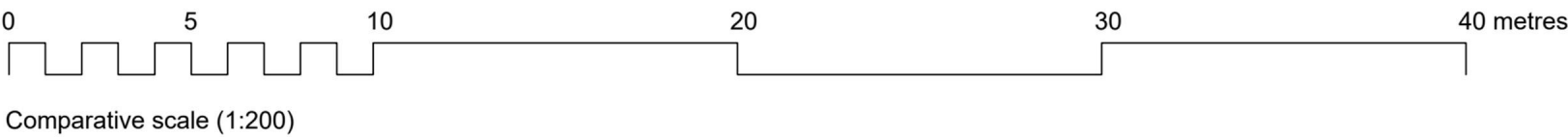
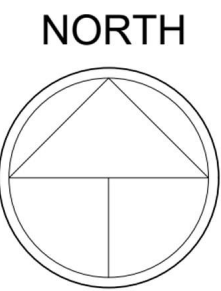


Notes:

1. All landscaping shown is indicative, with full landscape design subject to condition.
2. Biodiversity Net Gain calculation subject to final landscape scheme design.
3. Existing fence on south-west boundary to be replaced with a new 2-metre high acoustic fence.

LANDSCAPE KEY:

- Existing hedge
- Existing tree
- New hedge
- Indicative new tree / shrub



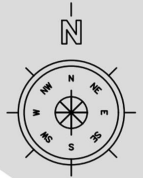
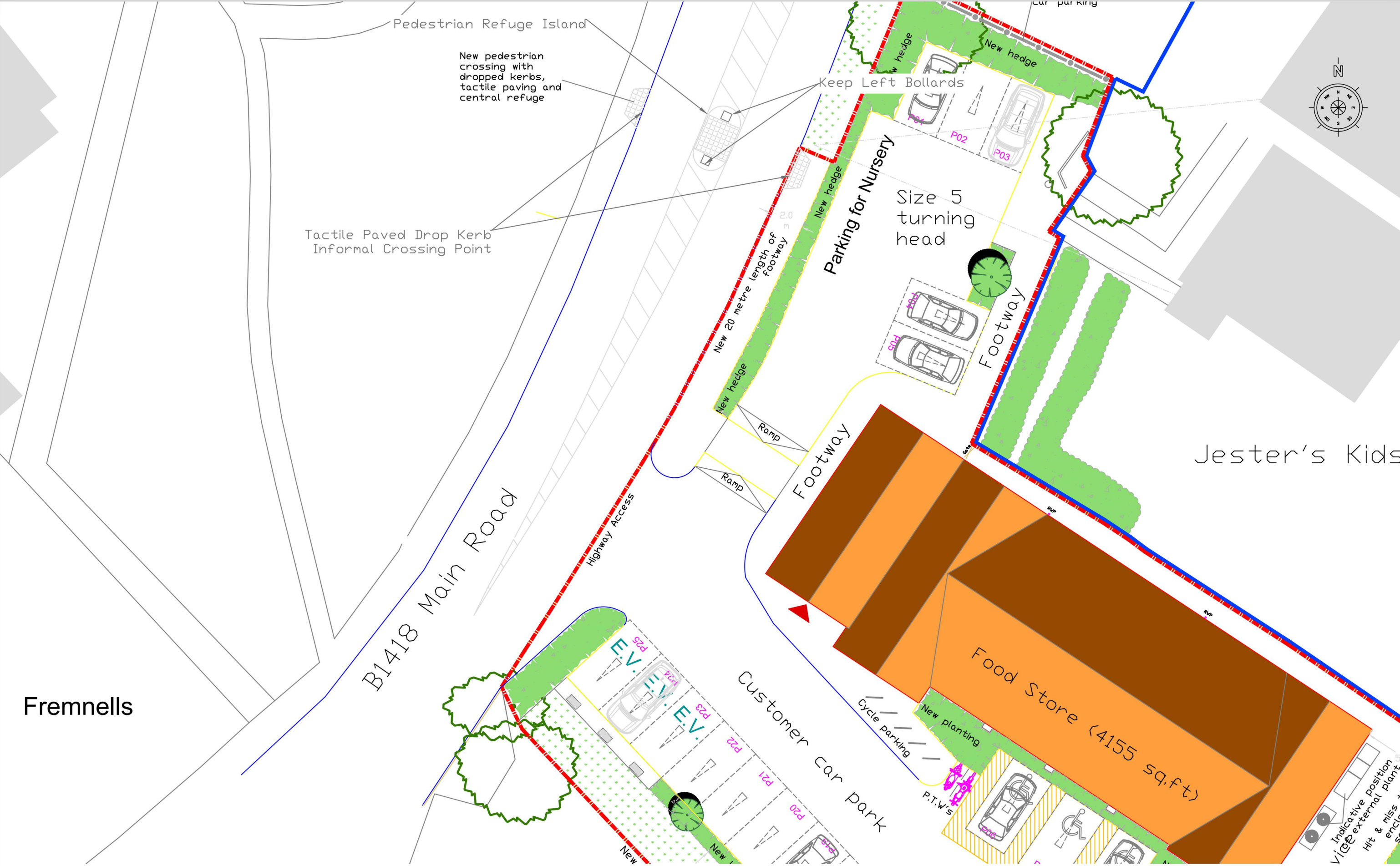
P O N M L K	17-03-25	Kerb geometry amendments	GM	J	22.11.24	Gate to service yard annotated	GM
	14-03-25	Site entrance kerb geometry amended	GM	H	22.11.24	Minor amendments to site boundary	GM
	28.02.25	Minor amendments to layout.	GM	G	19.11.24	Notes and landscape key added	GM
	28.02.25	Amendment to pedestrian crossing detail	GM	F	19.11.24	Red and blue lines amended. Minor amendments to site layout	GM
	27.02.25	Minor adjustment to red line due to modification to highway access	GM	E	26.09.24	Minor amendment to landscaping	GM
	19.02.25	1.2m high post & 3-rail paddock fence added	GM	D	24.09.24	Amendments in response to pre-app	GM
				C	10.07.24	E.V. Parking revised.	GM
				B	09.07.24	Parking revised.	GM
				A	02.07.24	Parking revised. Service turning space enlarged. General layout revisions. Red & Blue lines amended.	GM
No.	Date	Amendment	Initials	No.	Date	Amendment	Initials
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Client :	Mr. N. Halls
Project :	Proposed Food Store, Priory Pet Foods & Country Store Site, Bicknacre.
Drawing :	Site Layout & Block Plan
Scale :	1:200 @ A1
Date :	June 2024
Status :	Planning
Dwg No :	24-0079-002
Rev :	P

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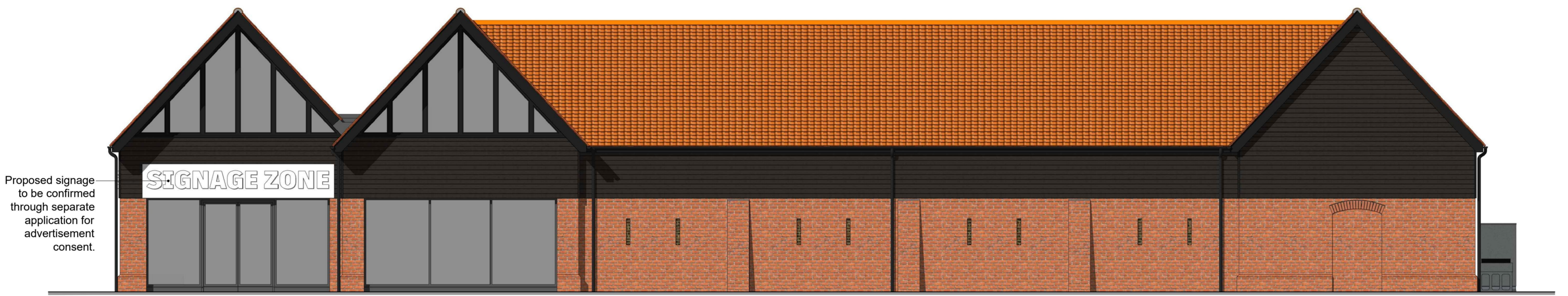
Fremnells

Jester's Kids

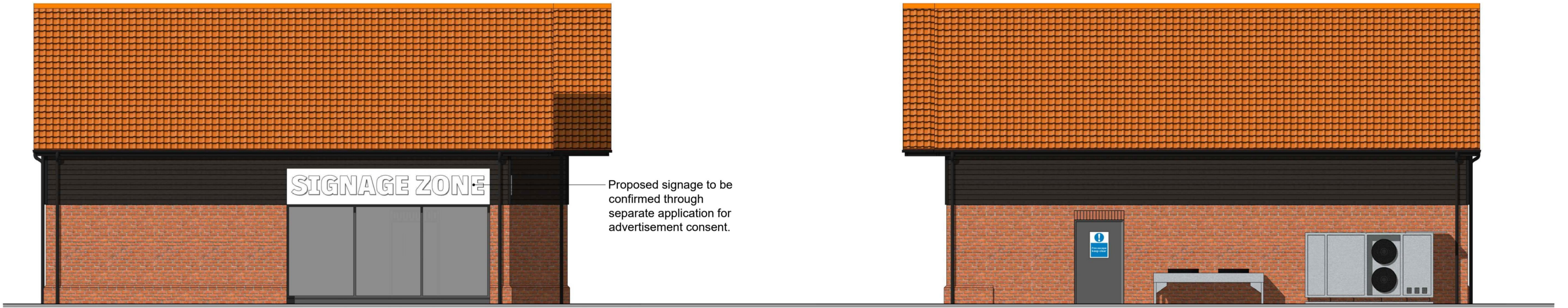
client: N Halls	title: Proposed Access and Pedestrian Improvements	date: 25/2/2025	scale @ A3: 1:200
project: Priory Stores, Bicknacre	status: Planning (not for construction)	drawn	Revision B
discipline: Transport Planning	project no. JTP 923	chk'd: SAA	dwg no. DR1





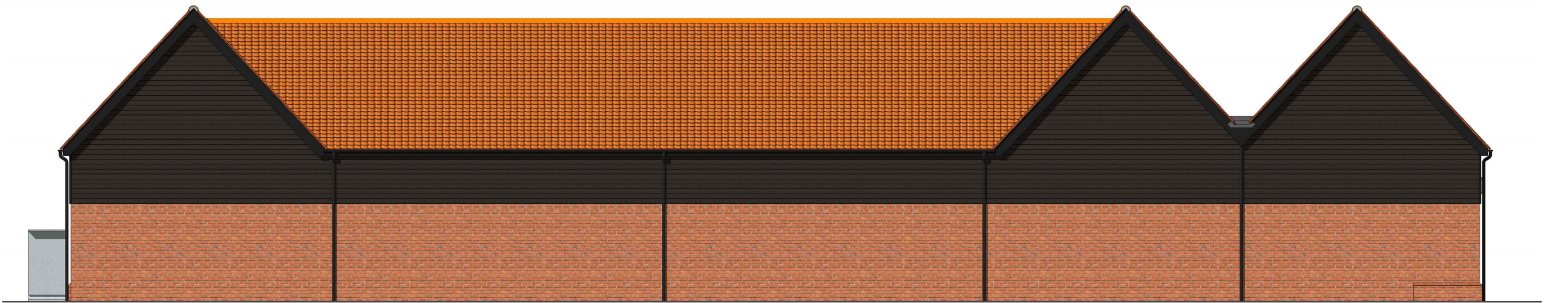


Southwest (Car Park) Elevation

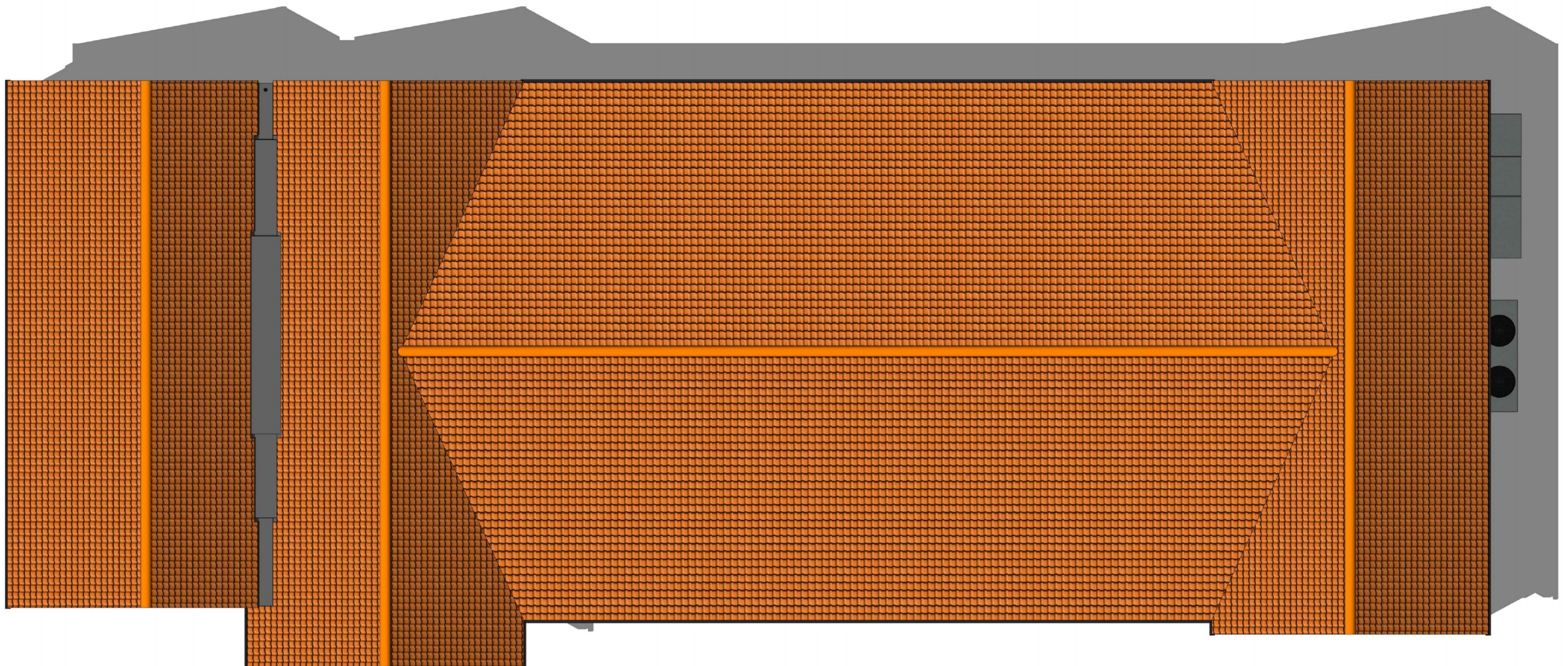


Northwest (Street) Elevation

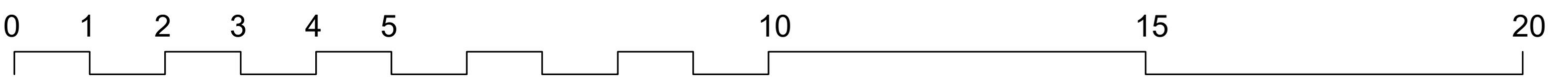
Southeast Elevation



Northeast Elevation



Roof Plan



Comparative Scale (1:100)

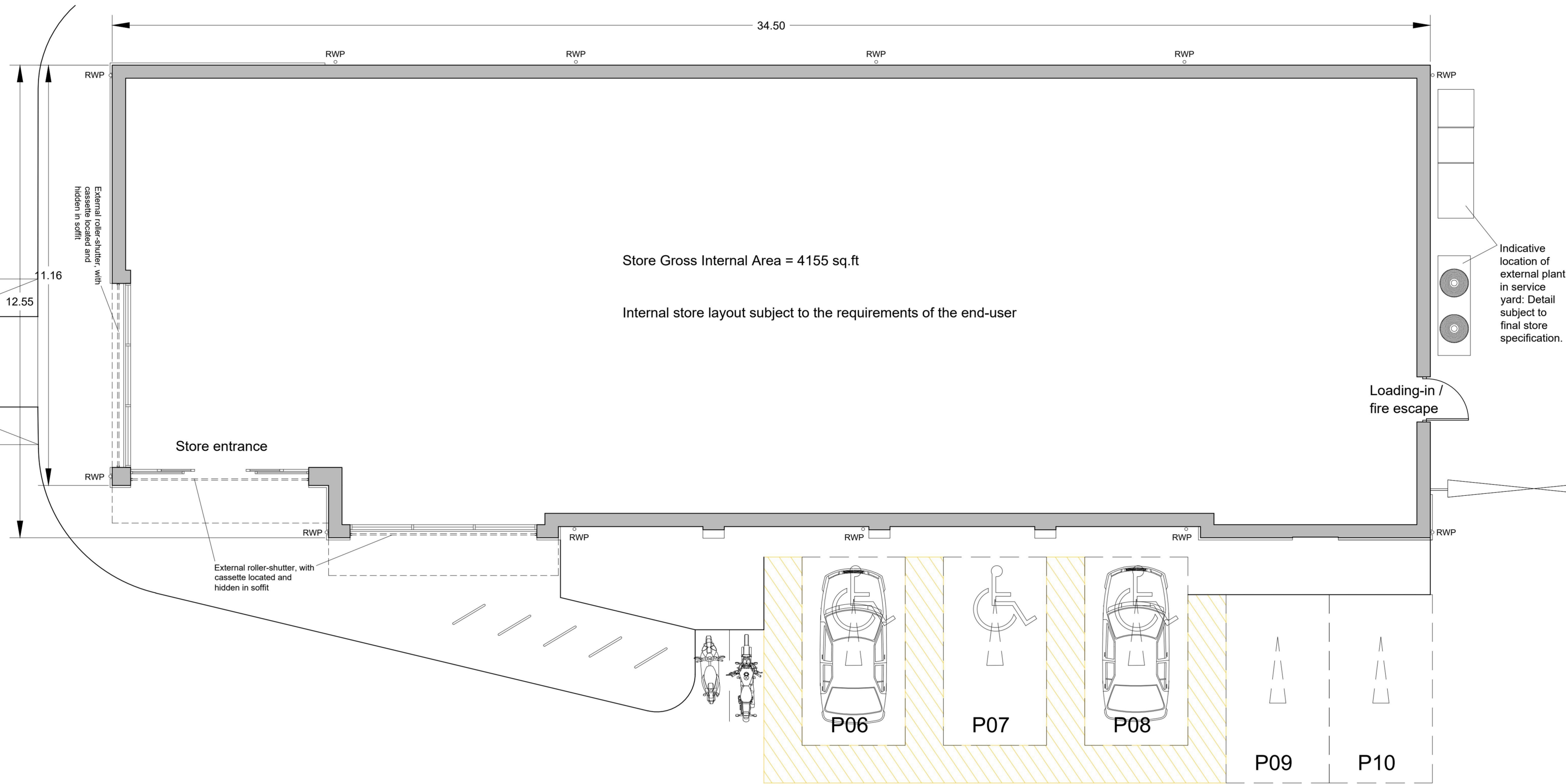
No.	Date	Amendment	Initials
E	04.12.24	Sign zone detail amended	GM
D	04.12.24	Sign zone detail amended	GM
C	19.11.24	Indicative plant detail added, elevations coloured	GM
B	24.09.24	Elevations amended following pre-app	GM
A	09.07.24	Minor corrections	GM

Client :	Mr. N. Halls
Project :	Proposed Food Store, Priory Pet Foods & Country Store Site, Bicknacre.
Drawing :	Proposed Store Elevations
Scale :	1:100 @ A2
Date :	June 2024
Status :	Planning
Dwg No :	24-0079-003
Rev :	E

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Comparative Scale (1:100)  
Page 62 of 66

Client : Mr. N. Halls		Project : Proposed Food Store, Priory Pet Foods & Country Store Site, Bicknacre.	
Drawing : Floor Plan		Scale : 1:100 @ A3	
Date : July 2024		Status : Planning	
Dwg No : 24-0079-005		Rev : D	
No.	Date	Amendment	Initials
D	22.11.24	Minor amendments to plan	GM
C	19.11.24	Additional detail added to plan	GM
B	23.09.24	Plan amendments following pre-app	GM
A	10.07.24	Minor plan amendments	GM

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# Appeals Report

Appeal Decisions received between 22/01/2025 and 14/04/2025

## PLANNING APPEALS

Total Appeal Decisions Received	11	
Dismissed	10	91%
Allowed	1	9%
Split	0	0%

### Written Reps

#### 6 The Old Nursery Rettendon Wickford Essex SS11 7HH

Reference	22/01606/FUL
Proposal	single storey outbuilding
Appeal Decision	Appeal Dismissed - 25/03/2025
Key Themes	
Agreed with CCC on	
Disagreed with CCC on	
Costs Decision	None

#### Land South East Of Wood Edge Main Road Bicknacre Chelmsford Essex

Reference	23/00719/OUT
Proposal	Outline application for new dwellinghouse with all matters reserved.
Appeal Decision	Appeal Dismissed - 12/03/2025
Key Themes	The main issue is the effect of the proposed development on the intrinsic character and beauty of the countryside and appearance of the surrounding area.
Agreed with CCC on	Inspector agreed that the development would harm the intrinsic character, beauty and appearance of the area. agreed that the development would result in significant harm to the character and appearance of the surrounding area and would conflict with Policies S1, S11, DM8 and DM9 of the LP
Disagreed with CCC on	Did not disagree with the council.
Costs Decision	None

#### Workshop Fairlawn Woodham Road Rettendon Wickford Essex SS11 7QW

Reference	23/01978/FUL
Proposal	Proposed demolition of existing commercial buildings and construction of four new dwellings
Appeal Decision	Appeal Dismissed - 24/01/2025
Key Themes	Green Belt, Highway Safety
Agreed with CCC on	Highway Safety
Disagreed with CCC on	Green Belt
Costs Decision	None

**43 Mill Road Stock Ingatestone CM4 9LN**

<b>Reference</b>	24/00552/FUL
<b>Proposal</b>	Replacement dwelling with formation of new access
<b>Appeal Decision</b>	Appeal Dismissed - 10/03/2025
<b>Key Themes</b>	Design
<b>Agreed with CCC on</b>	Design
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**Crowsheath Farm Hawkswood Road Downham Billericay Essex CM11 1JT**

<b>Reference</b>	24/00062/FUL
<b>Proposal</b>	Retrospective Planning Application to Retain Site Access, Wall and Parking Area
<b>Appeal Decision</b>	Appeal Dismissed - 04/04/2025
<b>Key Themes</b>	- the effect of the proposal on the openness and purposes of the GB;- the effect of the proposal on Biodiversity;- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
<b>Agreed with CCC on</b>	- the proposal would be inappropriate development in the Green Belt because it would impact its openness and encroaches into the countryside;- no very special circumstances exist to outweigh the identified harm;- Technical Note does not provide sufficient assurance that the proposals would conserve or enhance the network of habitats and species and avoid negative Biodiversity effects.
<b>Disagreed with CCC on</b>	- none.
<b>Costs Decision</b>	None

**Householder****Gay Bowers Farm Bakers Lane West Hanningfield Chelmsford Essex CM2 8LD**

<b>Reference</b>	24/00268/FUL
<b>Proposal</b>	Demolition of existing garage and extensions. Construction of two storey side extensions and single storey rear extension.
<b>Appeal Decision</b>	Appeal Dismissed - 27/02/2025
<b>Key Themes</b>	Green belt harm non designated hertiage asset harmDesign
<b>Agreed with CCC on</b>	gb harm ndha harm design harm
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**Arundene Elm Green Lane Danbury Chelmsford Essex CM3 4DW**

<b>Reference</b>	24/00893/FUL
<b>Proposal</b>	Construction of a new front entrance sliding gate and piers
<b>Appeal Decision</b>	Appeal Dismissed - 13/02/2025
<b>Key Themes</b>	The main issues are the impact of the proposal upon i) the character of the area ii) highway safety.
<b>Agreed with CCC on</b>	Inspector agreed that the development would be contrary to Chelmsford Local Plan 2020 Policy DM23
<b>Disagreed with CCC on</b>	Inspector disagreed that the development would have an unacceptable impact on highway safety. The inspector was of the view that the development would be acceptable on highway safety grounds.
<b>Costs Decision</b>	None

**Bus Shelter Chelmsford Railway Station Approach Duke Street Chelmsford Essex**

<b>Reference</b>	24/00928/ADV
<b>Proposal</b>	Proposed Double-sided digital Bus Shelter advertising displays. Digital displays to portray static advertising images.
<b>Appeal Decision</b>	Appeal Allowed - 20/02/2025
<b>Key Themes</b>	Impact on character and appearance of the area; heritage assets
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	No harm to character and appearance or heritage assets
<b>Costs Decision</b>	None

**West End Service Station 120 - 134 Rainsford Road Chelmsford CM1 2QL**

<b>Reference</b>	24/01307/ADV
<b>Proposal</b>	Proposed free standing illuminated advertisement display.
<b>Appeal Decision</b>	Appeal Dismissed - 20/02/2025
<b>Key Themes</b>	digital advertisement, heritage assets, non-designated heritage assets, excessive clutter
<b>Agreed with CCC on</b>	Harm to Listed Building
<b>Disagreed with CCC on</b>	Excessive clutter, harm to non-designated heritage assets
<b>Costs Decision</b>	None

**54 Roxwell Road Chelmsford Essex CM1 2ND**

<b>Reference</b>	24/01182/FUL
<b>Proposal</b>	Retrospective application for the retention of brick boundary walls with gates and a vehicle crossover
<b>Appeal Decision</b>	Appeal Dismissed - 18/02/2025
<b>Key Themes</b>	The main issues are the impact of the proposal upon i) the character of the area ii) highway safety.
<b>Agreed with CCC on</b>	Agreed with the Council that the development would be harmful to the character of the area. Agreed with the Council that the development would result in an unacceptable impact to highway safety.
<b>Disagreed with CCC on</b>	Inspector did not disagree with the Council on any points.
<b>Costs Decision</b>	None

**Kessley Margaretting Road Galleywood Chelmsford Essex CM2 8TS**

<b>Reference</b>	24/01244/FUL
<b>Proposal</b>	Raise roof to create first and second floor, single storey rear extensions, with internal alterations and additional fenestration.
<b>Appeal Decision</b>	Appeal Dismissed - 19/02/2025
<b>Key Themes</b>	character and appearance of the area; heritage assets; neighbour amenity
<b>Agreed with CCC on</b>	harmful to all - character and appearance of the area; heritage assets; neighbour amenity
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

## ENFORCEMENT APPEALS

Total Appeal Decisions Received	2	
Dismissed	2	100%
Allowed	0	0%
Split	0	0%

### Written Reps

#### 6 The Old Nursery Rettendon Wickford Essex SS11 7HH

<b>Reference</b>	21/00129/ENFB
<b>Proposal</b>	Without planning permission, the construction of an outbuilding
<b>Appeal Decision</b>	Appeal Dismissed - 25/03/2025
<b>Grounds of Appeal</b>	Whether the appeal site is grey belt land. Whether the developments are or would be inappropriate development in the Green Belt. The effect on the openness and purposes of the Green Belt. Whether other considerations clearly outweigh the harm to the Green Belt.
<b>Agreed with CCC on</b>	The development is inappropriate development in the Green Belt. The developments do not preserve the openness of the Green Belt. The very special circumstances required to justify a grant of planning permission do not exist.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land North East Of Field 2284 Maltings Road Battlesbridge Wickford Essex

<b>Reference</b>	18/00429/ENFB
<b>Proposal</b>	Without planning permission, the material change in the use of land to a mixed use comprising storage, the siting of caravans, the operation of a manufacturing business, and a use for recreational purposes.
<b>Appeal Decision</b>	Appeal Dismissed - 20/03/2025
<b>Grounds of Appeal</b>	Appellant disputed that the operation of a manufacturing business has not occurred. Appellant disputed that the matters stated in the notice do not constitute a breach of planning control. Whether the development is inappropriate development in the Green Belt, the effect on openness and the character and appearance of the area. The effect on flood risk.
<b>Agreed with CCC on</b>	The matters stated in the notice have occurred and constitute a breach of planning control. The use as a whole is inappropriate development in the Green Belt. The development does not preserve the openness of the Green Belt, and is harmful to the character and appearance of the area. The development results in harm in terms of flood risk.
<b>Disagreed with CCC on</b>	Small correction to wording in section 3, and 5i. (deletion of the words "the siting of caravans").
<b>Costs Decision</b>	None