

Planning Committee Agenda

9 March 2021 at 6pm

Remote Meeting

Membership

Councillor J A Sosin (Chair)

and Councillors

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

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

PLANNING COMMITTEE

9 March 2021

AGENDA

1. CHAIR'S ANNOUNCEMENTS
2. ATTENDANCE AND APOLOGIES FOR ABSENCE
3. DECLARATIONS OF INTEREST

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

4. MINUTES

To consider the minutes of the meeting on 9 February 2021

5. PUBLIC QUESTION TIME

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have been invited to participate in this meeting and have submitted their question or statement in writing and in advance. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

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

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

6. LAND ADJACENT TO 4 JAMES CROFT, GALLEYWOOD, CHELMSFORD – 20/01249/FUL

7. OFFICES AT GALLEYWOOD HALL, 279 BEEHIVE LAND, GREAT BADDOW, CHELMSFORD – 19/01180/FUL

8. MOSAIC PLAY AREA, GUYS FARM ROAD, SOUTH WOODHAM FERRERS – 20/01848/FUL

9. PLANNING APPEALS

MINUTES

of the

PLANNING COMMITTEE

held on 9 February 2021 at 6:00pm

Present:

Councillor J A Sosin (Chair)

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

Also present: Councillors P Clarke, J Lardge, M J Mackrory and J A Potter

1. Chair's Announcements

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

2. Attendance and Apologies for Absence

The attendance of those present was confirmed. Apologies for absence had been received from Councillor L Millane.

3. Declarations of Interest

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

4. Minutes

The minutes of the meeting on 12 January 2021 were confirmed as a correct record.

5. Public Question Time

There were no questions or statements from the public.

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

Councillor R J Hyland informed the Committee that he had chaired the committee of Galleywood Parish Council that had come to a view on this application and therefore would not participate in its consideration.

(M7, PL27, 2020 and M7, PL31, 2020) At its last meeting the Committee had again deferred consideration of an application for the construction of a single detached house on land adjacent to 4 James Croft, Galleywood. Owing to the latest restrictions on movement and public gatherings, it had not been possible to hold an official site visit, as the Committee had previously decided, and it was hoped instead that drone footage of the site could be obtained. That, however, had not been possible and the Committee was advised that its options were to determine the application without a site visit; defer the application until a formal site visit could be arranged in accordance with the previous decision of the Committee; or defer the application until the next meeting and request that members carry out an informal site visit if they felt they needed to see the site to come to a decision.

The majority of members of the Committee concluded that they had insufficient information on the impact of the proposed development to make a decision without an official site visit, as part of which they would need access to and view the site from neighbouring properties. Members also believed that in view of the length of time since the application was first brought to the Committee, it should, when next considered, be dealt with as if being brought to the Committee for the first time, with all information received and changes made in the meantime being included in the report on the application.

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

7. Planning Appeals

RESOLVED that the information on appeal decisions between 19 December 2020 to 27 January 2021 be noted.

The meeting closed at 6.20pm

Chair

PLANNING POLICY BACKGROUND INFORMATION

The Chelmsford Local Plan 2013 – 2036 was adopted by Chelmsford City Council on 27th May 2020. The Local Plan guides growth and development across Chelmsford City Council's area as well as containing policies for determining planning applications. The policies are prefixed by 'S' for a Strategic Policy or 'DM' for a Development Management policy and are applied across the whole of the Chelmsford City Council Area where they are relevant. The Chelmsford Local Plan 2013-2036 carries full weight in the consideration of planning applications.

SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA

- 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.
- DM6** Policy DM6 - New Buildings in the Green Belt - Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances. Planning permission will be granted for the redevelopment of previously developed land and replacement buildings subject to meeting prescribed criteria.
- DM13** Policy DM13 - Designated Heritage Assets - The impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- DM15** Policy DM15 - Archeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.

- 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.
- 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.
- DM28** Policy DM28 - Tall Buildings - The Council will support proposals for buildings above 6 storeys or above 16m high in parts of the City Centre provided, amongst other matters, the location is suitable for higher intensity development.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- 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.
- 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.
- SPS11** Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

VILLAGE DESIGN STATEMENTS

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

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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



Planning Committee
9th March 2021

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

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. The application was previously considered at the 12 January 2021 and 1 December 2020 Planning Committees. The application was deferred on the 1 December 2020 meeting for a Committee Members' site visit to be undertaken. Due to the coronavirus (COVID-19) lockdown restrictions it was not possible to undertake the Committee site visit. The application was then deferred at the 12 January 2021 to allow time for drone footage of the site to be provided by the applicant if that were possible. Unfortunately, due to coronavirus restrictions and privacy rules the applicant advised that it was not possible for them to provide drone footage. The application was then considered and deferred at the 9 February Planning Committee for a site visit to be undertaken before the application was to be considered at the 9 March Planning Committee.
- 1.2. Since the last meeting on the 9th February, the applicant has provided a further larger scale block plan which has been plotted using the site dimensions which they have measured on site rather than based on the Ordnance Survey, on which the previous larger scale block plan had been plotted. The new, larger scale plan more clearly shows the gap between the proposed house and the neighbouring property, No. 4; including the access to the rear garden, and has also confirmed that the soil and vent pipe will be located internally and not externally along this side elevation, a condition (condition 16) has been attached for this purpose. A copy of this larger scale block plan (S 04 B) is attached to the agenda papers.
- 1.3. As a result of the site measurements survey, the site width at the top of the site is confirmed at 7.518m and has narrowed at the bottom to 7.12m. The depth of the plot has increased to 26.6m and the back to boundary distance is 11.22m. The width of the side passageway at the top corner of the house measures 0.664m and at the bottom corner it measures 0.574m.
- 1.4. The Council black bin (household waste) for a house of this size would be in 180 litre form. A bin of this size measures 0.5m at its widest point. Based on the width of the side passageway as now shown, a bin of this size would be able to be maneuvered from the front to the back and vice versa along the passageway. The Council brown bin (garden waste) would be in 240 litre form. This bin measures 0.58m in width and it is therefore most unlikely that a bin of this would be capable of being maneuvered along this passageway. There is no planning policy requirement for domestic waste bins and receptacles to be stored in the back garden. The Local Plan (Policy DM26 Appendix B) states that the recommended location on a house plot for bins should be near to the house, close to the front or back door. Should it not be possible for the 240 litre bin to be wheeled along the passageway to the back garden it could be stored on the site frontage. The amended block plan shows that the storage of the bin on the site frontage would not impact on the ability to park two vehicles.
- 1.5. The application is referred to the Planning Committee at the request of a local ward member so that the impacts of the proposal with regards to the street scene, highways and overdevelopment can be considered by the Planning Committee.
- 1.6. The site is located within the Defined Settlement of Galleywood and is a parcel of land that originally formed part of the rear garden of No. 84 Well Lane, which is immediately to the south. The land lies immediately to the side (east) of No. 4 James Croft. The long rear garden of No. 82 Well Lane lies immediately to the east of the site.
- 1.7. The proposed development would have an acceptable design and would have a visually acceptable relationship with the design and character and appearance of the local area.

- 1.8. The proposal by virtue of its design, siting, size, scale and form, in combination with the side windows to No. 4 serving non-habitable rooms, together with the proposal having an acceptable back to back distance relationship; means that the proposed development would not adversely affect the amenity of any nearby or neighbouring residential properties.
- 1.9. The proposed development would meet the development standards contained within the Chelmsford Local Plan, would have a safe vehicular access from the highway and would provide sufficient off-street parking provision in accordance with adopted policy requirements.
- 1.10. Approval is recommended.

2. Description of site

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

3. Details of the proposal

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

4. Other relevant applications

- 4.1. 05/01930/FUL – Refused 25th November 2005
Erection of a detached house with integral garage

- 4.2. 20/00606/FUL – Application Withdrawn 18th June 2020
Proposed new dwelling with integral garage

5. Summary of consultations

- 5.1. The following were consulted as part of the application:
- Public Health & Protection Services
 - Essex County Council Highways
 - Galleywood Parish Council
 - Local residents
- 5.2. Full details of consultation responses are set out in appendix 1.
- 5.3. Public health and Protection Services state that this residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking).
- 5.4. Essex County Council Highways have no objection subject to conditions relating to a construction method statement, use of unbound material, no discharge of surface water into the highway, provision of parking spaces, provision of cycle parking, provision of Travel Information Packs.
- 5.5. Galleywood Parish Council object to the application on the following grounds:
- Overbearing to the proportions of the site
 - Potential overlooking to the neighbouring properties
 - Potential overshadowing of No. 4 James Croft to the rear as it would cut across the 45-degree line of available light
 - Not in-keeping with the street scene. The design does not appear to meet with the original development brochure stating that the area to be a development of 4/5 bedroom houses of Queen Anne and Georgian design
 - The proposal does not appear to provide adequate parking space to the front of the property to allow for utility bin storage nor cycle parking
 - The proposal does not appear to provide adequate vehicular turning space for entry and exit (less than the 6m regulation)
 - No installation of a vehicle charging point has been included
 - The Parish Council Committee are aware of an easement which covers the entry and exit point of the application site which does not appear to have been addressed
 - The access to the development and existing neighbouring houses is off a private access authority would be required
 - Concerns over materials being brought to the site
 - Concerns over impaired emergency vehicle access
- 5.6. Fifteen representations have been received objecting to the proposal. The objections are broadly based on the following grounds:
- Not in-keeping with the design of other properties within James Croft
 - The size is not the same as other properties within James Croft
 - Uncharacteristically close to No. 4 James Croft
 - The plot is half the width of the other plots
 - Inadequate off-street parking with limited availability of on-street parking in the cul-de-sac and difficult access via the shared private drive
 - No garage proposed

- Overbearing to the occupiers of No. 4 James Croft and No. 84 Well Lane
- Juvenile slow worms seen on the street
- Potential damage to the private drive to No. 8 James Croft during construction
- Previous planning permission was refused on the site for a detached dwelling, no changes between the proposal under consideration and previous refusal
- Overbearing and potential overlooking of the rear garden of No. 4
- No details provided about the trees on the site boundary with No. 4
- Loss of sunlight for No 10 (to the north)
- No site notice posted

6. Planning considerations

Main Issues

6.1. The main issues are whether:

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

Design, Character, Appearance and Layout

- 6.2. Chapter 12 of the National Planning Policy Framework (NPPF) (2019) sets out the objectives towards achieving well-designed places. Paragraph 127(a) of the NPPF states that planning decisions should ensure that developments will “function well and add to the overall quality of the area”. Paragraph 127(c) of the NPPF states that planning decisions should ensure that developments amongst other matters “are sympathetic to local character and history, including the surrounding built environment and landscape setting”. Paragraph 127(d) of the NPPF states that planning decisions should ensure that developments “establish or maintain a strong sense of place, using the arrangement of street, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.
- 6.3. Chelmsford Local Plan Policy DM23 relates to high quality and inclusive design. This Policy states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings, having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- 6.4. The proposed detached dwelling would have a gabled roof form with a two-storey centralised front gable feature. Amendments have been made during the lifetime of the application to the design of the front elevation of the proposal.
- 6.5. The proposal would be constructed from similar materials to those within the street and has been designed to take architectural cues and references from the design of other houses within James Croft such as the two-storey front gable. The design, though narrower than the other houses within the cul-de-sac, would respect and be compatible with the character and appearance of the area in which it is located.

- 6.6. The design of the house is acceptable and the building would fit comfortably within the existing street scene and complies with policy DM23.

Neighbour Amenity and Development Standards

- 6.7. Chelmsford Local Plan Policy DM29 relates to protecting living and working environments (neighbour amenity). This Policy states that planning permission will be granted for development proposals provided the development amongst other matters safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements.
- 6.8. The proposed dwelling would be located to the east of No. 4 James Croft. One first floor side bathroom window is proposed in the western (side) elevation of the proposal. One ground floor side window is proposed in the eastern (side) elevation of the proposed dwelling, this is shown to serve the intermediate landing and internal stairwell.
- 6.9. Within the existing neighbouring property, No. 4, there are side windows in the eastern (side) elevation. These windows at ground floor serve the cloakroom, kitchen and conservatory and at first floor the window serves a bathroom. The kitchen window in the side elevation is a secondary window as it is also served by the conservatory to the rear. As none of these rooms provide primary living accommodation the amount of weight given to them in terms of amenity is reduced.
- 6.10. To ensure that there is no adverse impact from the proposal in terms of amenity in respect of either of the side neighbours a condition would be attached to this planning permission requiring these proposed side windows to be obscure glazed and fixed shut 1.7m above the internal floor level. On the basis of this planning condition being attached to this planning permission the proposed windows would have an acceptable relationship with the neighbouring properties to the west and east, Nos. 4 James Croft and 82 Well Lane.
- 6.11. The proposed dwelling would be constructed 0.6m from the common boundary with No. 4, the proposed dwelling would only extend 1m deeper than the existing rear conservatory to No. 4. This in combination with the eastern orientation of the proposal to this neighbour means that in terms of any overshadowing impacts these would only be apparent in the early morning, as the sun path would not be obstructed by the proposed development for the latter parts of the day. This close relationship with no 4 was considered in 2005 when assessing a proposal for a single house on the site. It was felt at that time that the proposed house, due to a combination of poor design and neighbour relationship was unacceptable. The proposed house has an acceptable design. The proposed house doesn't breach a combined 45 degree angle measured from both the neighbours rear conservatory and also closest first floor window. On balance, the scheme would be acceptable in terms of its impact upon no 4.
- 6.12. The proposed dwelling would have a back to boundary distance of 11m, there would be a two-storey back-to-back distance of approximately 35m between the proposed dwelling and the existing house to the south, No. 84. It is acknowledged that the back to boundary distance falls short of the 15m distance set out in Table 9 of Appendix B of the adopted Local Plan which relates to privacy standards. The back to back distance of approximately 35m between properties would ensure that the privacy of the occupiers of No 84 Well Lane were not adversely prejudiced.
- 6.13. To ensure and maintain this acceptable relationship 'permitted development' rights for rear extensions and additional openings would be removed by planning conditions attached to this planning permission.

- 6.14. Subject to the conditions referenced above, whilst the proposal would have an impact on the amenity of No. 4, and No. 84, the proposal would not have a harmful impact on the amenity of any neighbouring or nearby residential property in respect of overlooking, overbearing or overshadowing.
- 6.15. The proposed three-bedroom unit would meet the National Space Standards for three-bedroom six person units. To the rear of the proposed dwelling a private rear garden and amenity space would be provided (approximately 80 sqm). The proposed development would comply with Chelmsford Local Plan Policy DM26 (Design Specification).

Parking and Access

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

Other matters

- 6.20. The planning history of the site is a material planning consideration. The 2005 planning application (05/01930/FUL refers) was refused and it was assessed against different national and local planning policies. The design of the current proposal differs from the 2005 scheme in that it has a gabled roof form (rather than a narrow span hip) with a centralised gable feature. The 2005 scheme had the appearance of a traditional Victorian detached house which bore little design reference to the street scene of James Croft unlike the current proposal which has acceptable design references to the other close by houses. The 2005 scheme was considered to have an unacceptable relationship with No.4 as it projected beyond the rear of this house close to the common boundary. The current scheme would have a similar relationship but would not be at odds with the Development Standards guidance in the 2020 adopted plan.
- 6.21. The application site is located within the Defined Settlement and within a sustainable location with good access to services, schools, shops and public transport. National planning policy seeks to encourage development in sustainable locations.
- 6.22. Comments from the local highway authority and Parish Council state that no garage or bicycle storage has been provided or shown. There is no requirement that new houses must include a garage. Given the nature of the proposed development bikes could be stored within either the house or the back garden. It would not be reasonable to require this information by planning condition in this instance. Similarly, comments have been submitted objecting on the grounds that

there is insufficient space for bins and other waste and recycling receptacles. Given the scope of the proposed development it is anticipated that any bins would either be stored in the house or back garden and would be brought to the front for collection/emptying on the relevant day. Details of a vehicle charging point would be submitted, as the details are required by planning condition.

- 6.23. It is likely that there may be some noise and disruption during the construction period, however, this would be temporary in nature. In respect of the parking of vehicles and storage of materials a construction method statement is required to be submitted by way of a planning condition attached to this planning permission; which requires details of the parking of vehicles for site operatives and visitors and areas to be shown for storage and reception of plant and materials.
- 6.24. The trees in the rear garden of No. 4 are not protected by a tree preservation order and have little public amenity value as they are small garden trees. It would not be reasonable to require these trees to be protected during the construction period by planning condition.
- 6.25. Given the scale of the proposal (one net dwelling) it is not considered necessary to require travel information packs by planning condition.
- 6.26. Easements are a private legal matter and not a material planning consideration.
- 6.27. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has completed a unilateral undertaking securing a financial contribution towards mitigation at a local wildlife site.
- 6.28. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable in accordance with the adopted Local Plan Policies.

7. Community Infrastructure Levy (CIL)

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

RECOMMENDATION

The Application be APPROVED subject to the following conditions: -

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site

Condition 3

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

Reason:

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

Condition 4

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

Reason:

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

Condition 5

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

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

Reason:

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

Condition 6

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

Reason:

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

Condition 7

Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging points shall be installed in accordance with details that that shall have been previously submitted to and agreed in writing by the local planning authority.

Reason:

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

Condition 8

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

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

Reason:

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

Condition 9

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

Reason:

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

Condition 10

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

Reason:

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

Condition 11

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

Reason:

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

Condition 12

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

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

Reason:

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

Condition 13

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

Reason:

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

Condition 14

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

Reason:

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

Condition 15

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

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

Reason:

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

Condition 16

No external soil and vent pipes or drain pipes shall be installed along or fitted to the western side elevation (external wall) of the proposed dwelling unless as otherwise may be agreed in writing by the local planning authority.

Reason:

To ensure that the access to the rear garden of the proposed dwelling is wide enough for bins, waste receptacles and bicycles in accordance with Policy DM23 and DM26 of the Chelmsford Local Plan.

Notes to Applicant

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

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

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

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

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

Development Management Team,

Essex Highways,

Springfield Highways Depot,

Colchester Road,

Chelmsford

CM2 5PU.

Telephone: 0845 603 7631. Email: development.management@essexhighways.org.

- 4 You are reminded that this application is subject to a Unilateral Undertaking, which requires that a payment should be made to the local authority upon commencement of the development (or at any other time as varied by the Undertaking).

- 5 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.chelmsford.gov.uk/cil, and further information can be requested by emailing cilenquiries@chelmsford.gov.uk. If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

- 6 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 7 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 8 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at www.chelmsford.gov.uk/streetnaming. Enquires can also be made to the Address Management Officer by emailing Address.Management@chelmsford.gov.uk

Positive and Proactive Statement

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

Background Papers

Case File

Public Health & Protection Services

Comments

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

Essex County Council Highways

Comments

29.09.2020 -

This Recommendation supersedes any previous recommendations for this application number 20/01249/FUL

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The access will be taken from a private part of the cul-de-sac, the revised proposal now includes two off-street parking spaces within the curtilage, therefore:

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

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

Note - MUD / DEBRIS ON HIGHWAY

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the

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

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

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

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

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

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

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

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

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

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

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

Informative:

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

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

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

07.09.2020 - Recommendation of Refusal

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

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

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

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

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

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

Notes:

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

i. The Chelmsford City Council new Local Plan includes the adoption of the Essex Planning Officer Association (EPOA) Parking Standards. The EPOA Parking Standards recommend that dwellings with 2no. bedrooms or more are provided with 2no. off-street parking spaces. Therefore, the proposal must include off-street parking provision in accordance with the current Parking Standards.

ii. As proposed the parking spaces would have substandard dimensions of less than 2.5 metres wide. The parking standards require that new parking spaces have minimum dimensions of 5.5 x 2.9 metres.

iii. Neither of the proposed parking spaces meet the minimum sizes recommended in the EPOA Parking Standards and therefore cannot be counted toward off-street parking provision.

iv. The Highway Authority may consider a revised proposal, that includes off-street parking provision with minimum dimensions in accordance with the EPOA Parking Standards.

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

Galleywood Parish Council

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

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

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

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

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

Site Location

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

Summary

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

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

Local Residents

Comments

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

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

- Loss of sunlight for No 10 (to the north)
- No site notice posted



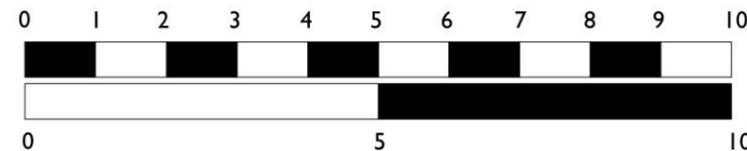
PROPOSED SITE PLAN
(1:100)

Large format domestic bin
240 ltr Located to front of site

Standard format domestic bin
180 ltr

BINS INDICATED TO PROVE
SPATIAL INTENT AND NOT
STORAGE LOCATION

PROPOSED SITE PLAN INSET
(1:100)



General Notes

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2. Do not scale off this drawing for construction
3. Any ambiguities, omissions and errors on this drawing should be notified immediately to the Architect before the commencement of works on site
4. All dimensions are in millimetres unless otherwise stated
5. All dimensions, unless otherwise indicated, are to the face of unfinished block walls or to the stud face of stud partitions
6. All dimensions are to be checked on site. Any discrepancies are to be notified immediately to the Architect before the commencement of works on site
7. All levels are in meters unless otherwise stated
8. This drawing is to be read in conjunction with all other relevant drawings and specifications for this project

All SVP's are located within the property
From bathroom down through kitchen

B	Land outline updated following site survey.	KFR	24.02.21
A	Land outline updated following site survey.	KFR	22.02.21
Rev	Description	Initial	Date

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PO BOX 7988
ARNOLD
NOTTINGHAM
NG5 3UJ
T: 0844 2480045
F: 0871 750 1968

Cornwall Office
PO BOX 306
PAR
CORNWALL
PL25 9FW
T: 01726 813797
F: 0871 750 1968

reynolds-associates.co.uk
enquiries@reynolds-associates.co.uk



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

Drawing title
**Proposed Plans
Site Plan
Access**

Scale at A3	1:100
Date	JAN 2021
Drawn by	SO
Checked by	KFR
Status	Planning

Job No. / Drg. No. / Rev. No.
11033 / S04 / B



10

4



Existing front building line

Parking for 2 cars

45 degree line from rear of first floor of property

Rear garden size is 80m²

Distance from face to face in excess of 30m

General Notes

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7. All levels are in meters unless otherwise stated
8. This drawing is to be read in conjunction with all other relevant drawings and specifications for this project

Rev	Description	Initial	Date
C	Amended to planning comments	SO	15.09.20
B	Revised Scheme	SO	17.07.20
A	Amended site boundary & layout	SO	07.04.20

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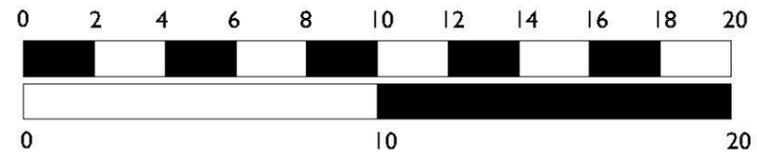
Job title
**Proposed House
Land Adjacent No. 4
James Croft
Galleywood**

Drawing title
**Proposed Plans
Site Plan**

Scale at A3	1:200
Date	April 2020
Drawn by	SO
Checked by	KFR
Status	Planning

Job No. / Drg. No. / Rev. No.
11033 / S03 / C

PROPOSED SITE PLAN
(1:200) 29



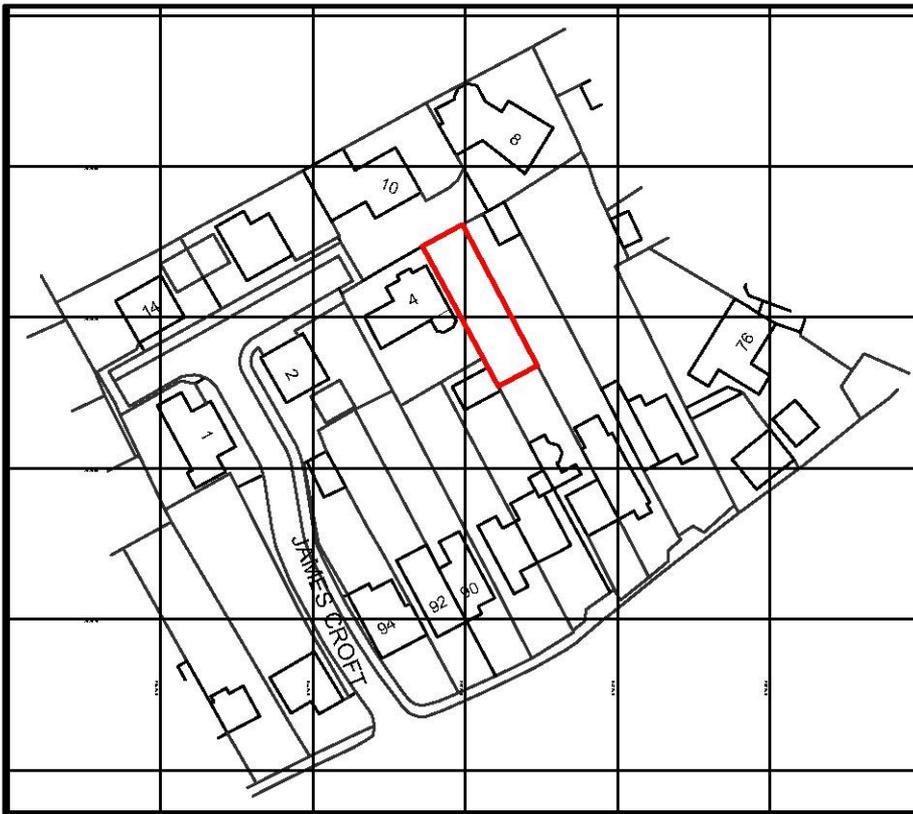


PROPOSED FRONT ELEVATION
(1:50)



General Notes

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2. Do not scale off this drawing for construction
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4. All dimensions are in millimetres unless otherwise stated
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7. All levels are in meters unless otherwise stated
8. This drawing is to be read in conjunction with all other relevant drawings and specifications for this project



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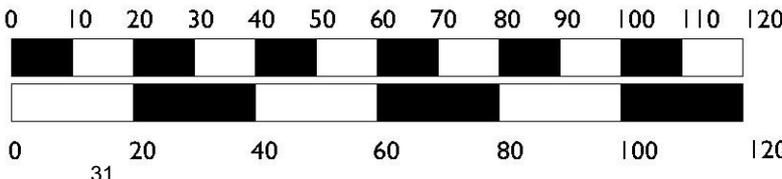
SITE LOCATION
(1:1250)

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

Mansard Office PO BOX 2988 ARNDID HOIT NGHAM NCS SZU T. 0844 2480415 F. 0811 750 1948 www.ds-associates.co.uk enquiries@reynolds-associates.co.uk	Cornwa Office PO BOX 306 PAR CORNWALL PL25 9FW T. 01726 813797 F. 0811 750 1948	 REYNOLDS ASSOCIATES
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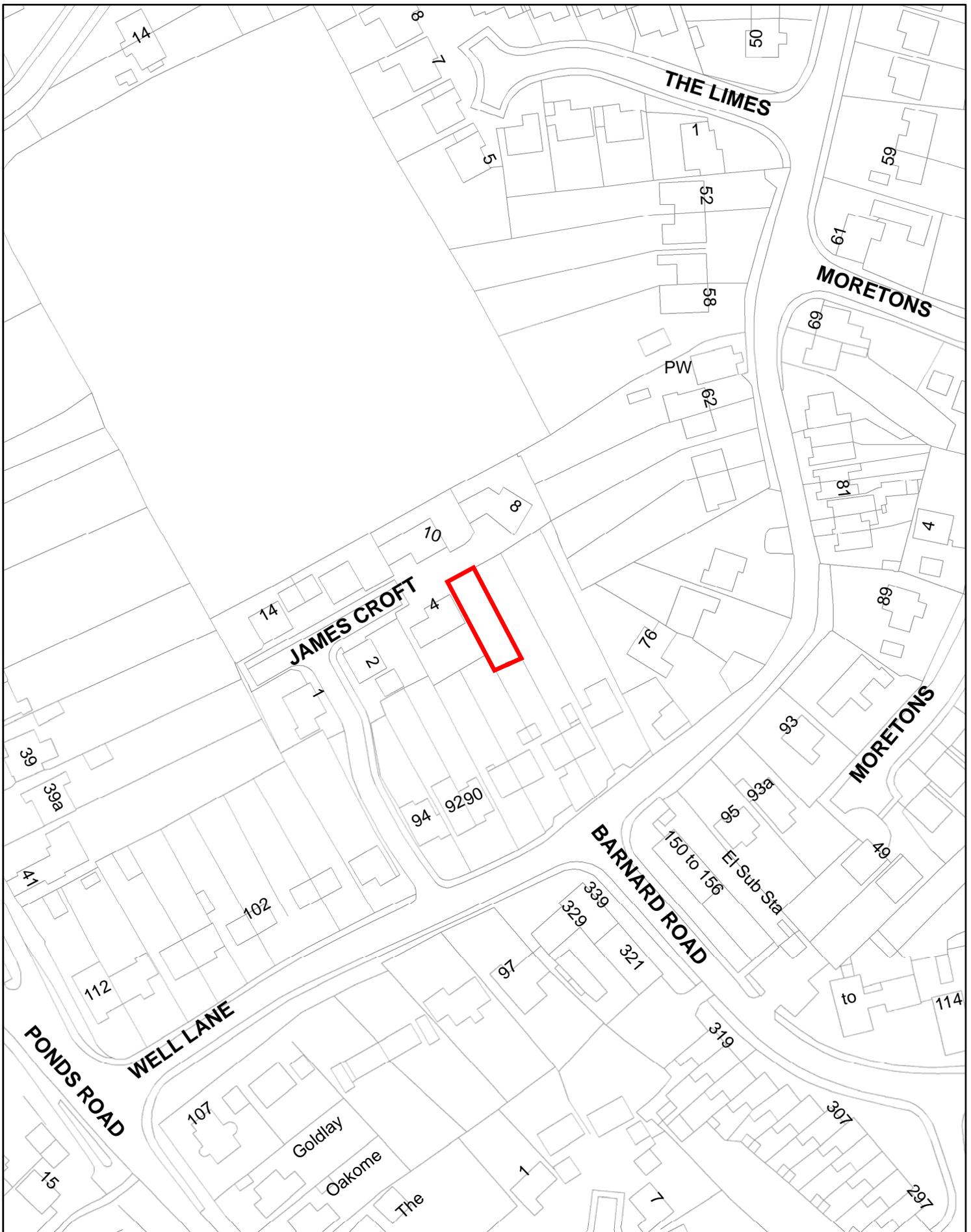
Job title
**Proposed House
 Land Adjacent No. 4
 James Croft
 Gallewood**

Drawing title
**Site Plans
 Site Location Plan**



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





0 12.5 25 50 Metres

1:1,250



Planning Committee
20/01249/FUL

Planning & Development Management
Directorate for Sustainable Communities

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

Telephone: 01245 606826



**Planning Committee
9th March 2021**

Application No	:	19/01180/FUL Full Application
Location	:	Offices Galleywood Hall 279 Beehive Lane Great Baddow Chelmsford CM2 9SJ
Proposal	:	Erection of light industrial units (Use Class E(g)(iii) (formerly B1 Use)
Applicant	:	Chelmsford City Council Chelmsford City Council
Agent	:	Richard Horley
Date Valid	:	11th July 2019

Contents

1. Executive summary	2
2. Description of site	2
3. Details of the proposal	2
4. Other relevant applications	3
5. Summary of consultations	3
6. Planning considerations	4
7. Community Infrastructure Levy (CIL)	8

Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. The application is referred to the Planning Committee as Chelmsford City Council are the applicant and adverse comments in respect of the proposal have been received.
- 1.2. The application proposes three light industrial units. Whilst the application, when submitted, described the development as Use Class B1 light industrial units, the 'B1 Use Class' was revoked by national legislation changes in September 2020. The equivalent Use Class is now Class E (g)(iii).
- 1.3. Use Class E (g)(iii) is described as industrial processes which "can be carried out in a residential area without detriment to its amenity". As such, the proposal would not be detrimental to the amenity of nearby residents. Conditions could be used to require windows to be obscured and restrict the hours of use of the building.
- 1.4. The application site is previously developed land. The redevelopment of the site as proposed would not be harmful to the openness of the Green Belt. The proposal also includes a substantial landscaping scheme which would fully integrate the development into its surroundings.
- 1.5. The proposal is acceptable to the Highway Authority. Parking provision would accord with the Council's adopted standards. Sufficient turning space for larger vehicles would be available within the site to ensure that vehicles could enter and leave the site in a forward gear. The existing access would be altered, including the provision of appropriate visibility splays. A landscaped area and metal railing are proposed in order to introduce separation between the access and users of the public footpath to the north of the site.
- 1.6. The proposal would comply with the Chelmsford Local Plan. Approval of the application, subject to conditions, is recommended.

2. Description of site

- 2.1. The application site is a previously developed site formerly used as an educational facility. It is no longer used for this and is vacant.
- 2.2. The site is owned by Chelmsford City Council. It contains an old farmhouse building and other single storey buildings. There is an existing access to the north part of the site from Beehive Lane.
- 2.3. A public right of way runs along the northern boundary of the site. This is close to both Beehive Lane Community Primary School and Great Baddow High School.
- 2.4. A preserved Horse Chestnut tree (TPO/2004/007), is situated at the entrance to the site and adjacent to the public right of way. A group of Elm trees were also protected as part of this Order but have succumbed to Dutch Elm disease.
- 2.5. The site is within the Metropolitan Green Belt.

3. Details of the proposal

- 3.1. The proposal seeks to demolish all existing buildings within the site and construct one rectangular building towards the south east corner. The building would provide three light industrial units. The building would be 8.5m tall with a hipped roof form and would have a footprint of 456 square metres.

- 3.2. Amendments were made during the lifetime of the application to significantly reduce the size of the building and alter the access and parking arrangements.
- 3.3. A paved area to the front of the building would give vehicle access to the units. Each unit would have a roller shutter door.
- 3.4. A new 'L' shaped parking area for 16 cars would be provided to the north of the building.
- 3.5. The existing vehicular access to the site would be widened to 6m to allow for vehicles to enter and exit at the same time. The access would be separated from the public footpath to the north by an area of landscaping and a new railing to protect users of the footpath.
- 3.6. A landscaping scheme is also proposed. This includes the planting of a new beech hedge, a new native species hedge and twenty-one new trees.

4. Other relevant applications

- 4.1. There are a number of historical applications relating to the former use of the site, however none are relevant to the current application.

5. Summary of consultations

Anglian Water Services Ltd – No objection.

Great Baddow Parish Council (response to revised plans)– No objection but raises concern about traffic access and the access point being located near a school. Concern is also raised that the height of the proposed units will be out of keeping and that privacy for neighbouring properties will be compromised by the erection of Unit C (request that opaque glass be used in the windows).

Ramblers Association – No response.

Public Health & Protection Services – No comments.

Essex County Council Highways - Good separation between the vehicular access and the public right of way footpath with new fencing to re-enforce this. The vehicular access has been widened with a separate footway transition into the site. Tracking diagrams demonstrate that vehicles (including HGV and articulated HGV) can turn and leave in forward gear. The proposal is acceptable subject to conditions.

Local residents – Objections received from 9 local residents, raising the following concerns:

- Highway safety (including users of the public footpath);
- Traffic congestion;
- Asbestos;
- No need for commercial units, site more suitable for housing;
- Security;
- Hours of use and noise disturbance;
- Pollution;
- Insufficient parking;
- Appearance and scale are not in-keeping;
- Harmful to privacy of No.285.

6. Planning considerations

Main Issues

- 6.1. The main issues to be considered as part of this application, and therefore addressed below, are:
- (a) Green Belt
 - (b) Traffic, Highway Safety and Parking
 - (c) Neighbour Amenity
 - (d) Trees and Ecology
- 6.2. Each will be addressed in turn below.

Green Belt

6.3. The site is located within the Green Belt where the National Planning Policy Framework (NPPF) and Policies S11 and DM6 seek to preserve the openness of the Green Belt. New buildings within the Green Belt are regarded as inappropriate development except where they fall within one of the prescribed purposes. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF directs local authorities to afford any harm to the Green Belt substantial weight.

6.4. The NPPF list the forms of development that are not considered to be inappropriate. This includes:

“Limited infilling or the partial or complete redevelopment of previously developed Land, whether redundant or in continuing uses (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development.”

6.5. The NPPF defines 'previously developed land' as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

6.6. Policy DM6 echoes the NPPF and states that planning permission will be granted for the redevelopment of previously developed land in accordance with Part B of the Policy. Part B says that planning permission will be granted where the proposed development would not have a greater impact on the openness of the Green Belt than the existing use and/or development. The Council will assess: the size, scale, massing and spread of development; the visual impact of the development; the activities/use of the new development and the location of the site and whether it is appropriate to the type of development proposed.

- 6.7. The redevelopment of the site may not be inappropriate development where the proposed development does not have a greater impact on openness than the site as existing. Openness is a concept that is not defined. It has both spatial and visual considerations. It is useful to look at quantitative comparisons in order to consider a spatial impact. Visual impact is a more qualitative consideration.
- 6.8. The site contains four main buildings and an older dilapidated glasshouse. The farmhouse building is the largest and has a height of 7.3m. The buildings have a combined footprint of approximately 550 square metres and a combined built volume of approximately 2300 cubic metres.
- 6.9. The proposed development would consist of one building. This would have a footprint of 456 square metres and would have an overall built volume of around 2954 cubic metres.
- 6.10. The development would represent a 28% increase in built volume and a 17% reduction in building footprint.
- 6.11. The new building would be 1.2m taller than the tallest building on site at present. This is a relatively modest increase and 8.5m is not excessive in height. Most importantly, the building would be set further back into the site than the existing buildings. The tallest existing building is set 12.5m back from the boundary with the road, whereas the proposed building would be set back by over 35m. This set back position means that the proposal would not be overly prominent in wider views and would not detract from the more rural character of this side of the road.
- 6.12. Overall, the proposal would reduce the footprint of buildings within the site and would result in the building being set further back from the road, therefore reducing its prominence. The proposal would not have a greater impact on the openness of the Green Belt when compared to the existing development. This means that the proposal is not inappropriate development within the Green Belt. The development accords with Green Belt policy.

Traffic, Highway Safety and Parking

- 6.13. Beehive Lane is a B road that stretches from Galleywood to Great Baddow. It has one lane in each direction and has a speed restriction of 30mph. The Highway Authority (Essex County Council; ECC) have not raised any concerns in relation to the capacity of the surrounding road network to accommodate vehicle movements associated with the proposal.
- 6.14. The drawings submitted with the application demonstrate that sufficient visibility splays would be achievable in both directions.
- 6.15. The proposed use of the site for light industrial purposes would generate movements by larger vehicles. The proposed access to the site has been redesigned during the life of the application to ensure that it is wide enough for two vehicles to pass one another without obstructing Beehive Lane. Drawings have also been submitted to demonstrate that larger Heavy Goods Vehicles (HGVs) entering the site could turn and leave the site in a forward gear.
- 6.16. A public footpath runs along the northern boundary of the site. This is frequently used by pedestrians, including children walking to and from the nearby schools. The revised access arrangements would mean that the access is separated from the footpath by an area of landscaping. The landscaping would mean that the access is at least 2.5m away from the edge of the footpath. A metal railing is also proposed along the edge of the footpath to introduce a

physical barrier between the footpath and the access. The proposal therefore introduces a good level of separation between the access and the footpath.

- 6.17. Policy DM27 requires parking provision in accordance with the EPOA parking standards. For B1 uses (now Class E(g)(iii)business uses) one parking space is required per 30 square metres of floorspace. The proposal is for three units, each providing 141sqm of floorspace. This gives a total of 423 square metres. This means that 14 parking spaces are required.
- 6.18. The application proposes 14 parking spaces, an additional 2 disabled bays, a cycle store and spaces for one powered two-wheeled vehicle. The proposal accords with the adopted parking standards and is acceptable.
- 6.19. The proposal is acceptable from a highways and parking perspective. Essex County Council, the Highway Authority, have no objection to the proposal.

Neighbour Amenity

- 6.20. The application proposes three light industrial units. Whilst the application, when submitted, described the development as Use Class B1 light industrial units, the 'B1 Use Class' was revoked in September 2020. The equivalent Use Class is now Class E (g)(iii). The description of the development has therefore been updated.
- 6.21. Use Class E (g)(iii) is described as industrial processes which "can be carried out in a residential area without detriment to its amenity". This means that any future occupiers of the buildings would need to carry out processes which by their nature do not cause detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 6.22. Concern has been raised in relation to the hours of use of the building. As any use of the building would, by definition, not cause detriment to amenity it is not necessary to restrict the use of the building itself. It would however be necessary to restrict industrial process and activities from taking place outside of the building as this could cause disturbance to local residents. A condition to this effect is recommended.
- 6.23. Number 285 Beehive Lane is a residential property adjoining the southern boundary of the site. Unit C would be closest to the neighbouring property, set away from the common boundary by 3.2m. The building would be to the north side of the neighbouring property so it would not cause overshadowing. Further, the building would be far enough away from the neighbouring house to avoid it being oppressive or overbearing to the neighbouring occupiers.
- 6.24. In addition to the amenity of nearby properties being protected by the nature of the Use Class definition, the proposal has been designed in such a way to minimise potential impacts on nearby properties. The roller shutter door to unit C would be positioned as far away from the boundary with the neighbouring property as possible. This would minimise any potential noise disturbance. Two rooflights would be present in the front facing roof slope of Unit C. Although these would be high level and would not offer views over the neighbouring property, a condition could be attached requiring the southernmost rooflight to be opaque or obscured in order to minimise light spill and the perception of overlooking. A condition is also recommended to require details of external lighting to be submitted and agreed before it is installed.
- 6.25. Overall, the proposal would be not detrimental to the amenity of local residents and their amenity would be safeguarded by the nature of the use being defined as one which can be carried out in a residential area without detriment to its amenity.

Trees and Ecology

- 6.26. A preserved Horse Chestnut tree (TPO/2004/007) is situated close to the entrance of the site and adjacent to the public footpath along the northern boundary. A group of Elm trees were also protected as part of this Order but have succumbed to Dutch Elm disease.
- 6.27. The proposed development seeks to widen the existing access adjacent to the Horse Chestnut tree. The works are unlikely to adversely impact the tree as it has adapted to the existing hard surfacing within its root area. The proposal would not adversely affect the health or condition of the preserved tree. Conditions relating to the construction of the access and arboricultural supervision are recommended to ensure that this is the case.
- 6.28. The proposal includes a significant amount of new landscaping. This includes areas of grass, wild grass, shrub planting, 77m of new Beech hedge planting, 66m of new native hedgerow planting and 21 new trees. The new trees would include 5 Hornbeams, 3 English Oaks, 5 Cherry trees, Field Maples, Silver Birches and a Walnut tree. The landscaping scheme would fully integrate the new development into its surroundings and would enhance biodiversity within the site.
- 6.29. The application is supported by a bat survey and report which was carried out at the correct time of year, following adopted best practice methodologies. The structures on site were recorded as having a high potential to support roosting bats and triggered further survey effort to establish the presence or absence of bats.
- 6.30. The additional detailed surveys did not record bat use in any structures. Therefore it can be reasonably confirmed the site does not support roosting bats. The surveys did however record bat activity (commuting and foraging individuals) in the local area. A condition is recommended regarding lighting at the site to avoid unnecessary light spill and lighting of boundary features which could affect bat activity.
- 6.31. The proposed development, if carried out, would not result in adverse harm to a protected species.

Other Matters

- 6.32. Concern has been raised by local residents about the potential for asbestos to be present within the site. It is possible that asbestos sheeting is present within the buildings. Removal of asbestos is likely to require a licence from the Health and Safety Executive (HSE) which would ensure safe removal and disposal. An informative is recommended.
- 6.33. Concern has also been raised in relation to security and the potential for increased burglaries. There is no evidence to demonstrate that the development would give rise to additional crime within the wider area. As such any crime would remain a matter for the Police and planning permission could not reasonably be refused based on the fear or perception of crime.

Conclusion

- 6.34. The use of the building for light industrial processes would not harm residential amenity. By definition, light industrial processes are those which can be carried out within a residential area without causing detriment to amenity.

- 6.35. The proposal would make use of previously developed land and would not harm the openness of the Green Belt. The building would not be visually intrusive due to its set back position. The proposal includes a substantial landscaping scheme which would fully integrate the development into the area as well as adding ecological value to the site. The proposal would not harm the protected tree within the site.
- 6.36. The scheme is acceptable to the Highway Authority as it provides sufficient parking spaces, turning space within the site, and can be provided with suitable visibility splays. Alterations to the existing access and the introduction of a landscaped area and metal railing between the access and the public footpath would protect pedestrians using the footpath to the north of the site.
- 6.37. Representations have been made which suggest a preference for residential development on the site, and that there is not a need for the commercial units proposed. There is no policy basis for refusing a planning application based on a preference for another form of development. Applications must be determined on the basis of the development applied for. In this case, the proposal is policy compliant and acceptable.
- 6.38. The proposed development would comply with the Chelmsford Local Plan. Approval of the application, subject to conditions, is therefore recommended. There are no material considerations to indicate that the application should not be approved.

7. Community Infrastructure Levy (CIL)

- 7.1. The development would be CIL liable, however industrial uses are zero rated meaning that there would not be a CIL charge payable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site

Condition 3

Prior to 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 4

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 5

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:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan and to ensure the lighting would be sensitive to biodiversity in accordance with Policy DM16 of the Chelmsford Local Plan.

Condition 6

Prior to the first occupation of the building hereby permitted, one electric vehicle charging point shall be installed in accordance with details that that shall have been previously submitted to and agreed in writing by the local planning authority.

Reason:

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

Condition 7

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 8

Industrial processes and activities shall not take place anywhere on the site except within the building hereby approved.

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 9

The southernmost rooflight in the north-west facing roof slope shown on approved Drawing No 3436:04D shall be:

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

Reason:

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

Condition 10

No development in relation to the proposed access and access drive shall take place until an arboricultural method statement setting out arrangements for the building operations and excavations within the root protection area of the Horse Chestnut tree (protected by TPO/2004/007) has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

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

Condition 11

Before any works are carried out in relation to the proposed access and access drive a written scheme of arboricultural supervision, which shall include a timetable for carrying out the supervision, shall be submitted to and approved in writing by the local planning authority. The works shall then be implemented in accordance with the approved details subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

To safeguard the existing trees in accordance with Policy DM17 of the Chelmsford Local Plan.

Condition 12

(i) All hard and soft landscaping works (including the metal rail adjacent to the public footpath to the north of the site) shown on approved drawing 001 D shall be carried out in accordance with the approved drawing prior to the first occupation of the development hereby permitted.

(ii) Prior to the first occupation of the development hereby permitted a scheme for the management and maintenance of the approved landscaping scheme (to cover a minimum period of 5 year from the date of first occupation of the development) shall be submitted to and agreed in writing with the local planning authority and subsequently carried in accordance with those details.

Reason:

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

Condition 13

Prior to the first occupation of the development the vehicular access shall be reconstructed in accordance with drawing no. 3346:022 Rev H.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interest of highway safety

Condition 14

Prior to the first occupation of the development, the vehicular access to the site at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the Beehive Lane carriageway as shown on the drawing no. DR2 Swept Path and Visibility Splay Drawing. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason:

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

Condition 15

Prior to first occupation of the development the areas within the site identified for the purpose of loading, unloading, turning, manoeuvring and parking shown on the drawing no. 3346:022 Rev H, shall be provided and retained thereafter for that sole purpose.

Reason:

To ensure that turning spaces and parking spaces are available within the site in the interest of highway safety.

Condition 16

The approved Servicing and Delivery Management Plan, JTP20239 January 2021 shall be adhered to at all times.

Reason:

In the interests of highway safety.

Condition 17

The premises shall be used only for light industrial purposes falling within Use Class E(g)(iii) and for no other purpose (including any other purpose in Class E or Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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 18

Prior to the first occupation of the building hereby approved the existing building on the site shall be demolished and the resultant material cleared from the site.

Reason:

The retention of the existing dwelling in addition to the replacement dwelling hereby approved would be contrary to Policy DM6 of the Chelmsford Local Plan.

Condition 19

There shall be no 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.

Notes to Applicant

- 1 The developer should commission an asbestos survey of the site by a suitably qualified and experienced consultant. Asbestos removal may require a licence from the HSE and any asbestos found on site should be removed by a licensed contractor and disposed of at an approved facility. Copies of Duty of Care documentation for any asbestos waste should be provided to the Council's Public Health and Protection Service.
- 2 In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy work

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

Light work

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

In some circumstances 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

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

- 5 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.chelmsford.gov.uk/cil, and further information can be requested by emailing cilenquiries@chelmsford.gov.uk. If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

- 6 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.

Background Papers

Case File

Anglian Water Services Ltd

Comments
<p>07.12.2020</p> <p>The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:</p> <p>https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/</p> <p>Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:</p> <p>https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/</p>
<p>01.10.2019</p> <p>Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment of Chelmsford Water Recycling Centre that will have available capacity for these flows.</p> <p>The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.</p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.</p> <p>From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.</p>

Great Baddow Parish Council

Comments
<p>13.08.2019</p>

The Parish Council objects to this proposal on the following grounds:

- 1) There is inadequate information regarding the contamination of the site and how it will be dealt with.
- 2) The increase in traffic resulting from the proposed development will amplify and add to the many hazards that already exist on this heavily used route.
- 3) The height of the proposed structures is significantly greater than other buildings near or adjacent to the site
- 4) The Parish Council request that conditions of usage and proposed times of usage be included in the proposal
- 5) The Parish Council request that the proposal include consideration for additional trees and hedges

The Parish Council also suggest that housing need is a greater priority and given that there are other empty industrial units in the local area, there seems to be no justification for further units.

If the planners are minded to go ahead with this proposal, it is requested that it goes before the Chelmsford City Planning Committee first.

15.12.2020

The Parish Council does not object to this planning application but is concerned about traffic access to and from a busy road and the access point being located near a school. The Parish Council is also concerned that the height of the proposed units will be out of keeping with surrounding buildings and that privacy for neighbouring properties will be compromised by the erection of Unit C and therefore request that opaque glass be used in the windows should this application be permitted.

Ramblers Association

Comments

No response received

Public Health & Protection Services

Comments

No PH&PS comments with regard to this application.

Essex County Council Highways

Comments

15.02.2021

The proposal includes appropriate revisions and additions to mitigate the concerns raised by the Highway Authority. These additions include:

Good separation between the vehicular access and the PRow footpath no.16 with new fencing to re-enforce this.

The vehicular access has been widened with a separate footway transition into the site, into the shared ped/vehicle carriageway.

Tracking diagrams demonstrate that vehicles entering the site can turn and leave in forward gear:

- o 10.5 metre Rigid HGV/Refuse vehicle.
- o Articulated HGV.
- o A Servicing and Delivery Management Plan.
- o Parking Layout and bay sizes in accordance with the EPOA Parking Standards.

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

1. Construction Management Plan
2. Visibility splays
3. Reconstruction of access
4. Provision of all signing and lining in association with the highway works.
5. Planting to be set back by 1m from the highway boundary.
6. No unbound material used in the surface treatment of the vehicular access within 20 metres of the highway boundary.
7. No discharge of surface water onto the Highway.
8. Provision and retention of loading, unloading, turning facilities, manoeuvring spaces and parking spaces.
9. Adherence to Servicing and Delivery Management Plan, JTP20239 January 2021.
10. No obstruction of public footpath no.16 (Parish 220 Great Baddow).

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies.

08.08.2019

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

1. There is insufficient width and segregation between users of footpath no. 16 and vehicles including Heavy Goods Vehicles, to enter and leave the development site, without unacceptable risk, conflict, interference and hazard to users of footpath no. 16, to the detriment of highway safety.
2. Footpath 16 (Parish of Great Baddow 220) is a public right of way which is accommodated within the alignment of the existing vehicular access to the development site, in a shared pedestrian vehicular surface arrangement.
3. The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users and safeguard the existing network of Definitive Public Rights of Way where affected by development, ensuring that it remains protected and open for use by the public and having regard to the Department for Environment, Food and Rural Affairs Circular 1/09, or its subsequent replacement.
4. It is the duty of the Highway Authority to ensure safe passage over the definitive right of way footpath no.16 and for it to be maintained free and unobstructed at all times.

Notes

- i. The Highway Authority may consider a revised proposal where the vehicular access is redesigned to include appropriate width for all vehicles, including Heavy Good Vehicles, to enter and leave the site in a safe and controlled manner. It must also include appropriate segregation measures to protect all users of footpath no.16.
- ii. It is noted that the existing vehicular access has appropriate visibility splays available over highway land, however the foliage outgrowth on both sides of the vehicular access, would require facing back to re-provide visibility for both emerging and approaching vehicles.
- iii. The proposal as submitted includes off-street parking provision in accordance with the current EPOA Parking Standards.
- iv. The proposal as submitted includes turning areas which would enable all vehicles entering the site to turn and leave in forward gear.

Local Residents

Comments

Objections received from 9 local residents, raising the following concerns:

Character & Design

- Building will be taller than the properties either side and the house it replaces.

- Beehive Lane is a residential area.
- Not aesthetically pleasing in a residential area.
- Industrial estate is not an appropriate use; houses and affordable houses would be more appropriate.

Amenity

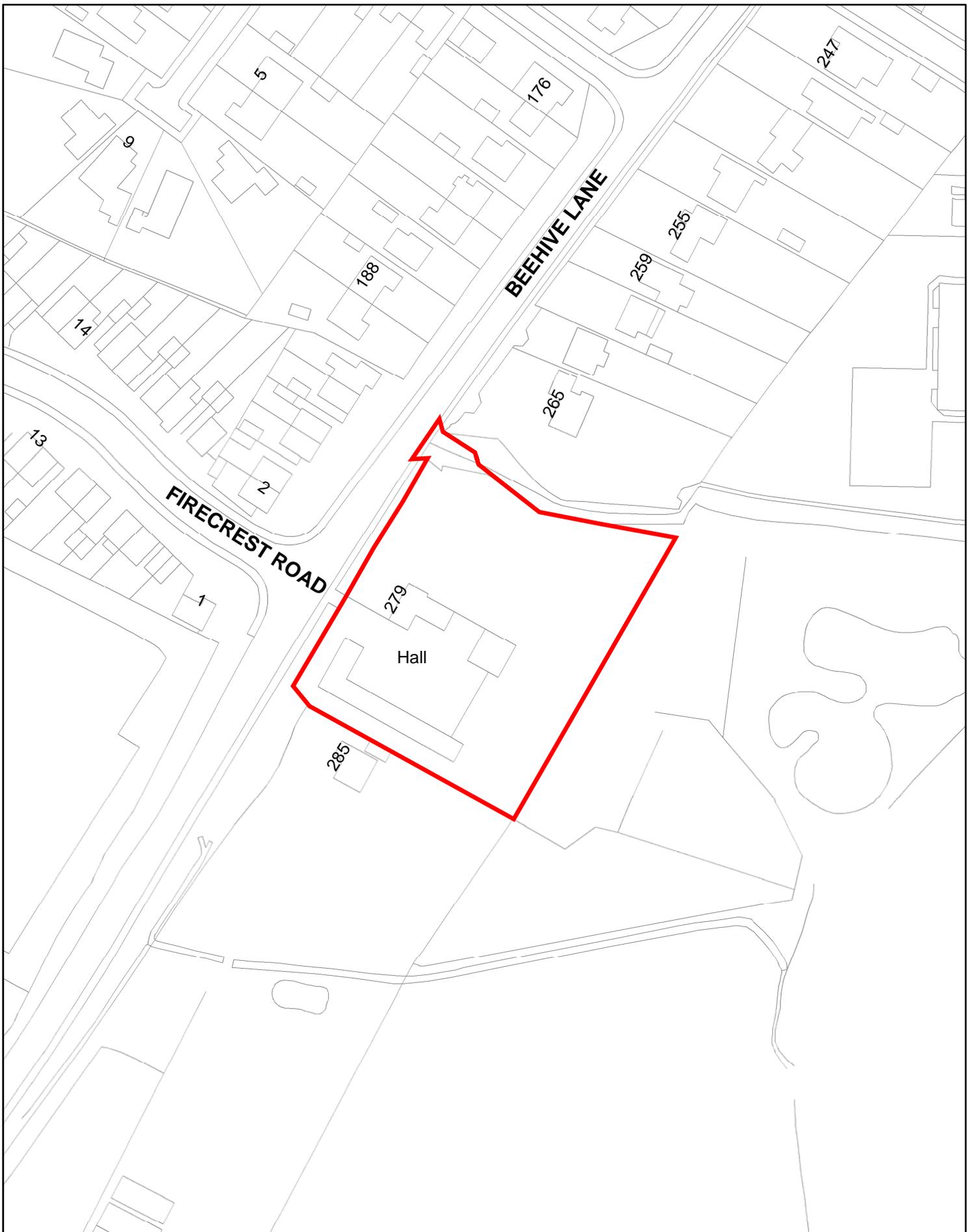
- Site could be expanded in the future.
- Asbestos on site which could affect local residents and schools.
- Light, noise, smell pollution.
- Overlooking of no.285.
- Working hours would be extended.
- Hours of use could be day and night.

Highway Safety

- Access is close to a junction and public footpath which is widely used.
- Traffic using the site will cause danger.
- No where for HGVs to park.
- Insufficient parking.
- Increase in commercial vehicles.
- Increased traffic accidents.
- Traffic is already heavy.

Other

- Reduction in property value.
- No need for industrial units.
- Increase in burglaries and anti-social behaviour.



0 12.5 25 50 Metres

1:1,250



Planning Committee
19/01180/FUL

Planning & Development Management
Directorate for Sustainable Communities

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

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SCHEDULE OF UNITS PARKING PROVISION

B1 LIGHT INDUSTRIAL

3 UNITS
 UNIT A = 141m²
 UNIT B = 141m²
 UNIT C = 141m²

TOTAL 3 UNITS = 423m²

CALCULATION:
 1 Space per 30m² = 14 bays

client Chelmsford City Council
 project Galleywood Hall, Beehive Lane, Great Baddow, Essex.

title Site Plan

john finch partnership
 chartered architects & town planning consultants

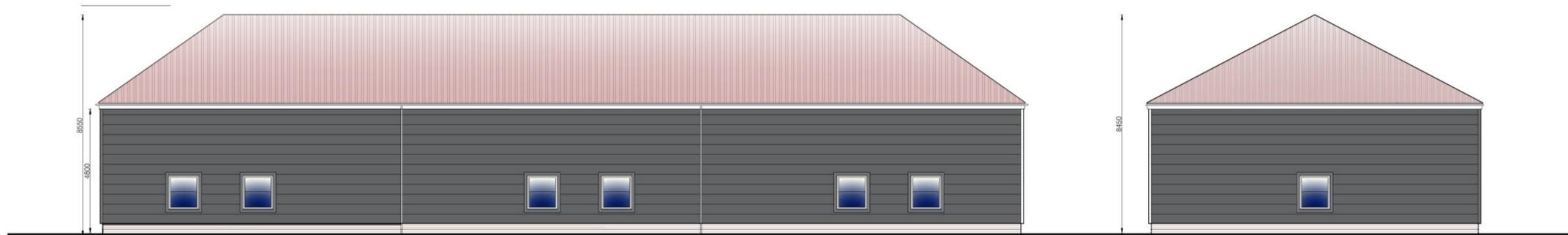
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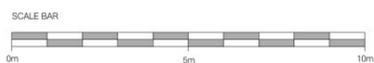
South East Elevation

North East Elevation



North West Elevation

South West Elevation



client	Chelmsford City Council		
project	Galleywood Hall, Beehive Lane, Great Baddow, Essex.		
title	Elevations		
	 chartered architects & town planning consultants		
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date	04/01/19	scale	1:100 @ A1
drawn	JH/au	checked	RJH
dwg no	3346:04	revision	D



**Planning Committee
9th March 2021**

Application No	:	20/01848/FUL Full Application
Location	:	Mosaic Play Area Guys Farm Road South Woodham Ferrers Chelmsford Essex
Proposal	:	Change of use from public open space and playground to residential garden land.
Applicant	:	Mr Richard Wilson Chelmsford City Council
Agent	:	
Date Valid	:	16th November 2020

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

1. Executive summary

- 1.1. The application is referred to the Planning Committee because the application site is land owned by Chelmsford City Council and an objection to the development has been received.
- 1.2. The proposal is for the change of use of an area of open space to residential garden land.
- 1.3. Planning Permission was previously granted for the change of use of the application site to residential garden land by the Planning Committee under planning application 15/01030/FUL. This planning permission has expired and was not implemented. The previous application was not implemented due to delays in the legal process and the conveyancing of the land to purchasers residing at adjacent residential properties.
- 1.4. The previous application was considered under the Policies of the Core Strategy and Development Control Policies Development Plan Document.
- 1.5. The 2015 planning application was originally submitted in response to complaints having been received about anti-social behaviour and fly-tipping on the land. At the time the Council's Property Services wrote to the South Woodham Ferrers Town Council advising them of the application submission, as a solution to these ongoing concerns. The Town Council objected on the previous application on similar grounds to their objection to this application. Following the determination of the 2015 planning application the City Council offered the land to the Town Council, however, no response was ever received to that offer.
- 1.6. In 2012 a review was undertaken by the Council's Parks Department which included the application site. The report found that the site was unsuitable for use as an equipped play area and the equipment (consisting of one item) was recommended for removal and the base was to be removed. Since this report was published the equipment and base have been removed and the site has been backfilled and seeded.
- 1.7. The proposal would result in the loss of open space. The proposal would for the reasons outlined within the report, on balance, comply with criterion i) of Policy DM21 (B) of the Chelmsford Local Plan (adopted May 2020).
- 1.8. The development would have an acceptable relationship with all nearby and neighbouring residential properties and would not be harmful to the visual amenities of the local area.
- 1.9. The proposal is recommended for approval.

2. Description of site

- 2.1. The site is a small irregular shaped piece of land, measuring approximately 230 square metres. It is located to the rear of Nos. 34 – 40 Guys Farm Road, to the east of 46 – 48 Guys Farm Road and to the north of 32 Crouch Beck.
- 2.2. There is a footpath along its northern edge, and beyond that to the north are Nos. 42 and 44 Guys Farm Road.
- 2.3. Some of the residents have formed gates within their back gardens allowing access onto the land. As part of an investigation on the previous proposal on the site (15/01030/FUL refers) it was found that the residents cannot acquire any access rights over the land.

- 2.4. The site was previously used as a playground and contained an area of tarmac with a marked game on it. The area of tarmac has been removed and the site is now overgrown.
- 2.5. The site is located within a residential area in the Urban Area of South Woodham Ferrers.
- 2.6. The site is adopted open space. At the time of the Open Space Study which informed the Chelmsford Local Plan the previous planning permission on the site had not been implemented. As the site had not changed use, it was included within the Local Plan as open space.

3. Details of the proposal

- 3.1. Planning permission is sought for the change of use of the land to residential garden land. The applicant's intention is that the piece of land should be made available to those adjoining the site as additional garden.

4. Other relevant applications

- 4.1. 15/01030/FUL – Approved 14th October 2015
Change of use from public open space and playground to residential garden land.

5. Summary of consultations

South Woodham Ferrers Town Council
Public Health & Protection Services
Property Services
Parks & Open Spaces
Local residents

- 5.1. Full details of consultation responses are set put in appendix 1.
- 5.2. South Woodham Ferrers Town Council object to the application as they would like the City Council to retain this open space together with the responsibility of owning it. Should this not be possible residents should be charged for the acquisition at market rates.
- 5.3. Public Health & Protection Services have no comments to make on the application.
- 5.4. Property Services are the applicant, as the land is Council owned. No response has been received.
- 5.5. Parks & Open Spaces have not commented on the application.
- 5.6. One neighbour representation has been received on the application in support of the application, stating that they have no objections to the proposal.

6. Planning considerations

Main Issues

- 6.1. The main issues are whether the principle of development is acceptable, whether the loss of open space is acceptable, whether alternative play provision can be provided elsewhere, and the impact upon the amenity of occupiers of adjoining houses.

Loss of open space

- 6.2. Chelmsford Local Plan Policy DM21 (Protecting Community Facilities) is relevant to the determination of this application. Part B of this Policy relates to existing open space. This Policy states that the change of use of premises or redevelopment of existing open space, sports and recreational buildings and land, including playing fields forming part of an education establishment, will only be permitted where:
- i) An assessment has been undertaken which clearly shows the facility is surplus to requirements; or
 - ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - iii) The development is for alternative provision, the needs of which clearly outweigh the loss
- 6.3. Criterion i) requires an assessment that the site is surplus to requirements. At face value the proposed development would fail to meet this criterion, as there is a deficiency in South Woodham Ferrers as a whole of this type of open space. The local area (within a minute walk) (480m buffer) of the site which is the accessibility part of the Open Space Study indicates that this particular locality is well served with this type of amenity green space.
- 6.4. Criteria ii) of Policy DM21 has not been met. In the past, improvements to the larger play areas in the locality including the facility at Holbrook Close have been undertaken. These works were partly to mitigate the loss of the application site play area. The policy requires improvement to the quantity and quality which has not previously been undertaken and is not proposed by this application.
- 6.5. The proposal would not meet criterion iii) as the alternative does not outweigh the loss.
- 6.6. The wording of the criteria of Policy DM21 are 'or', so it only needs one of the criteria to apply to consider the development to be in accordance with this policy. In respect of criterion i) the accessibility standard is a better measure of whether there is a deficiency against the standard for amenity green space. Using this standard there is not a local deficiency of this type of facility.
- 6.7. The application site could be used as natural green space. The benefits of the site of this type of open space would be limited however, due to its small size and the fact that it is enclosed by housing, not allowing for wildlife corridors or connections to other areas and pockets of natural green space. There could also be issues related to the area being unkept and/or attracting anti-social behaviour and fly tipping associated with this type of use which have been the case previously.

- 6.8. On a fine balance, the proposed change of use would comply with criterion i) of Policy DM21. As stated above Holbrook Close Play Area which is located nearby has been improved. Similarly, for the reasons also outlined within this report other types of open space would not be suitable or practical given the site constraints, size and location of the site.

Other matters

- 6.9. The change of use of the land to residential garden should help to eliminate any anti-social behaviour and resulting disturbance or opportunities for fly tipping. The proposal would not adversely affect the amenity of any nearby or neighbouring residential properties, and, the proposed change of use would not be harmful to the visual amenities of the local area.
- 6.10. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable in accordance with the adopted Local Plan Policies.

7. Community Infrastructure Levy (CIL)

- 7.1. The application is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site

Positive and Proactive Statement

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

Background Papers

Case File

South Woodham Ferrers Town Council**Comments**

05.01.2021 - The Planning Committee of South Woodham Ferrers Town Council OBJECTS to this application and wishes the Chelmsford City Council to retain the open space together with the responsibility of properly maintaining it. Should this not be possible considers that adjacent residents should be charged for the acquisition at market rates.

Public Health & Protection Services**Comments**

25.11.2020 - No PH&PS comments with regard to this application.

Property Services**Comments**

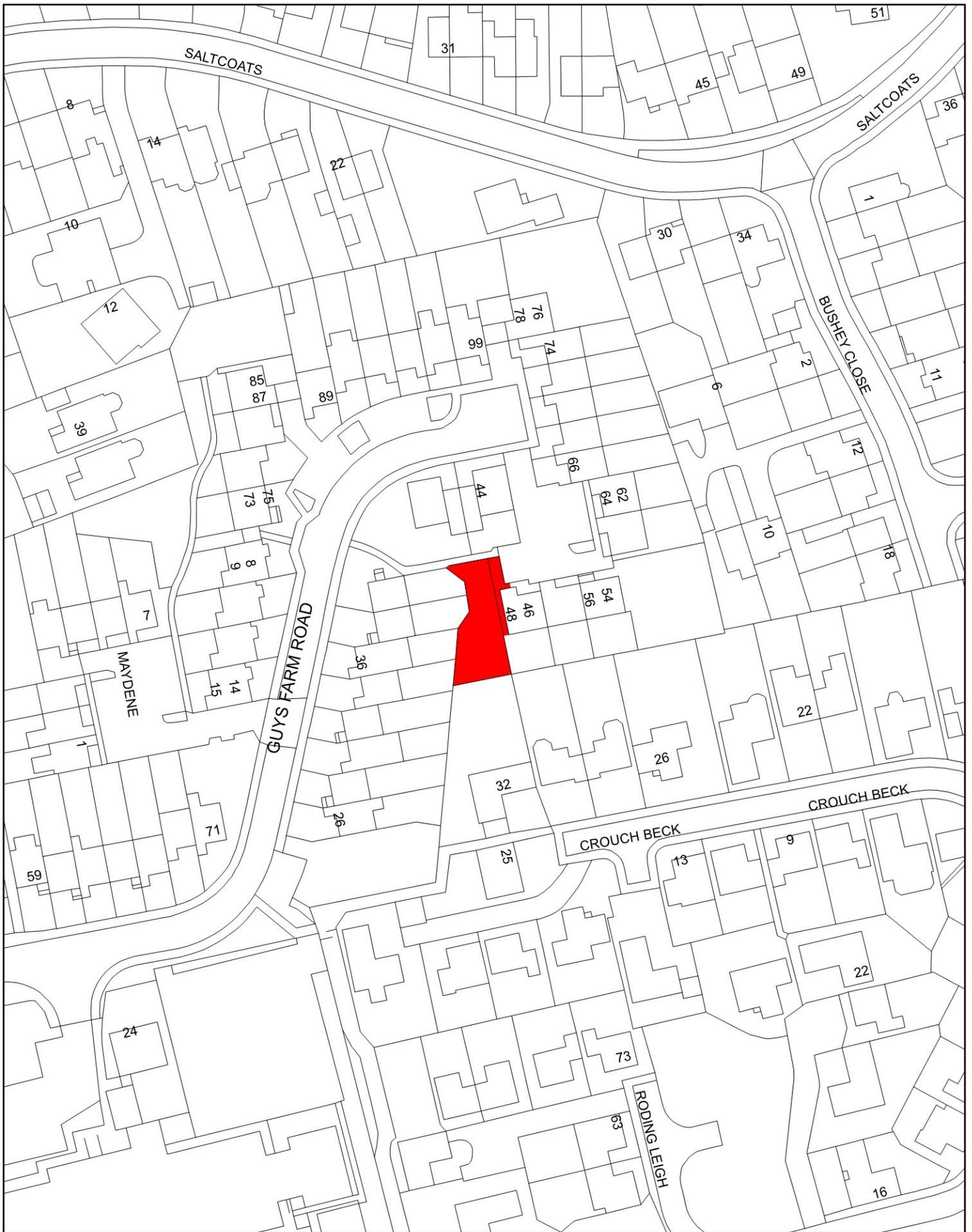
No response received

Parks & Open Spaces**Comments**

No response received

Local Residents**Comments**

One representation received – in support - No objections



Scale:- 1:1,000 (at A4 Portrait)

CPS.693.1
Land adj 40 Guys Farm Road, SWF.



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CPS.693.3
Land at the rear of 40 Guys Farm Road shown shaded red subject
of planning application for change of use to garden land.

Scale:- 1:250 (at A4 Landscape)



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Land rear of 34-40 Guys Farm Road, South Woodham Ferrers

The land in question is an area of approximately 231m² situated at the rear of 34-40 Guys Farm Road, South Woodham Ferrers. It is shown shaded red on the attached plan (CPS.693.3).

The land is owned by Chelmsford City Council (CCC) and has been used as a playground since the construction of the estate. There was formerly an area of tarmac on the land with a marked game.

The Director of Public Places conducted a review of play areas in 2012 which was considered by the Council's Cabinet on 10th July 2012. The site was stated as being unsuitable for use as an equipped play area and the equipment (consisting of one item) should be removed, the base taken out and the area be backfilled and seeded. This has now taken place. It was noted that there is local provision of play space at Holbrook Close.

There have been complaints from locals about antisocial behaviour in the general area of the site and the end of the Guys Farm Road cul-de-sac. Damage has occurred to bushes and fences in the area of this site and therefore it has been decided that the play area should be closed and made available to those adjoining the site as additional garden space.

Appeals Report

Appeal Decisions received between 27/01/2021 and 25/02/2021

PLANNING APPEALS

Total Appeal Decisions Received	4	
Dismissed	2	50%
Allowed	2	50%
Split	0	0%

Informal Hearing

Land Rear Of St Edmunds Meadow Lane Runwell Wickford Essex

Reference	19/01384/FUL
Proposal	Proposed stationing of two mobile homes for residential occupation by Gypsy/Traveller families
Appeal Decision	Appeal Allowed - 23/02/2021
Key Themes	Green Belt; Whether any harm would be outweighed by other considerations (such as need, supply and personal circumstances).
Agreed with CCC on	Harmful to Green Belt; Council do not have an unmet need for Gypsy and travellers; GTAA is sound in findings, as is the Local Plan approach.
Disagreed with CCC on	The personal circumstances of the applicant outweigh Green Belt harm and inappropriateness.
Costs Decision	None

Written Reps

Site At Rolphs Farm Blasford Hill Little Waltham Chelmsford Essex

Reference	19/01952/FUL
Proposal	Demolition of existing agricultural buildings. Construction of a new dwelling with associated landscaping and car parking area.
Appeal Decision	Appeal Dismissed - 09/02/2021
Key Themes	Compliance with Policy DM7(C)
Agreed with CCC on	New building would not be same use as proposed Proposed building would be out of keeping with context and surroundings Previous prior approval is given little weight Development harmful to open character of Green Wedge
Disagreed with CCC on	Pole Barn on site is permanent and substantial
Costs Decision	None

Highview Nathans Lane Writtle Chelmsford Essex CM1 3RF

Reference	20/00891/FUL
Proposal	Demolish existing dwelling. Construction of replacement dwelling.
Appeal Decision	Appeal Allowed - 09/02/2021
Key Themes	Green Belt, whether inappropriate development and harmful to openness.
Agreed with CCC on	
Disagreed with CCC on	Not materially larger than the approved 'fall-back scheme' so not inappropriate.
Costs Decision	None

Notes: It is Officer's view that the Inspectors reasoning and justification for allowing the development is incorrect. Officers are likely to write to the Planning Inspectorate raising concerns over this.

Baddow Park Mushroom Farm West Hanningfield Road Great Baddow Chelmsford Essex CM2 7SY

Reference	20/00160/FUL
Proposal	Part retrospective application for access and parking comprising; 1) Separation of access roads to wedding venue and industrial estate; 2) Hardsurfacing of existing industrial vehicle park (planning ref 10/00058/FUL) including change of use and hardsurfac
Appeal Decision	Appeal Dismissed - 11/02/2021
Key Themes	- whether the proposal would be inappropriate development in the Green Belt- would any harm be outweighed by any very special circumstances
Agreed with CCC on	- that the proposal would amount to inappropriate development in the Green Belt and that it would be harmful to openness- Agreed that no very special circumstances existed that would outweigh the harm
Disagreed with CCC on	
Costs Decision	None

TREES APPEALS

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

Householder

Atwood House Woodside Little Baddow Chelmsford Essex CM3 4SR

Reference	19/05156/TPO
Proposal	Beech (T5) - Reduce height to previous points, approx 4m. Crown lift to 6m to remove growth - Reason- To reduce effects of wind swirl and crown lift to stop branches causing damage to the building. To also reduce root expansion.
Appeal Decision	Appeal Dismissed - 03/02/2021
Key Themes	The effect of the proposed tree works on the character and appearance of the area, and the justification for the work.
Agreed with CCC on	Tree contributes to the mature landscape area and its character and appearance. The works would have a detrimental effect on the shape and form of the tree, and impact on its health and life expectancy. There proposed works would result in harm to the character and appearance of the area
Disagreed with CCC on	None
Costs Decision	None

50A Rignals Lane Galleywood Chelmsford CM2 8QT

Reference	19/05208/TPO
Proposal	T1 - Beech - Fagus sylvatica - Rear Garden - Fell - Reason: primarily because of its dominance in my back garden, the excessive shading and its low amenity value. I wish to replace it in the same position with a Rowan tree.
Appeal Decision	Appeal Dismissed - 18/02/2021
Key Themes	Impact of removal of the tree on the character and appearance of the area and whether sufficient justification has been demonstrated for the proposed removal.
Agreed with CCC on	Tree contributes to the wider character and appearance of the area. Replacement planting would take many years to mature and fill the gap left by the Beech tree. The shade cast and liveability issues are not uncommon where mature trees exist and the inconveniences resulting from the tree is not onerous or harmful to outweigh the loss of the tree. The felling is not justified.
Disagreed with CCC on	None
Costs Decision	None