

**4 February 2025 at 7pm**

**Council Chamber, Civic Centre, Chelmsford**

## **Membership**

Councillor J. Sosin (Chair)

## **and Councillors**

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

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

# PLANNING COMMITTEE

4 February 2025

## AGENDA

1. Chair's Announcements

2. Apologies for Absence

3. Declarations of Interest

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

4. Minutes

To consider the minutes of the meeting on 21 January 2025.

5. Public Question Time

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

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

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

6. 23/01105/FUL – Land West of the Fox and Raven, Chelmer Village Way, Chelmer Village, Chelmsford, Essex

7. 24/01373/FUL – Land South West of Brooklands, Sheepcotes Lane, Little Waltham, Chelmsford, Essex

8. 24/01723/FUL – Dovedale Sports Centre, Vicarage Road, Chelmsford, CM2 9BP

9. 21/02490/OUT – Banters Field, Main Road, Great Leighs, Chelmsford, Essex

10.88/02105/S73 – Daniel Kirby House Care Home, Moulsham Street,  
Chelmsford, CM2 9AQ

11.Planning Appeals

**MINUTES**  
of the  
**PLANNING COMMITTEE**  
held on 21 January 2025 at 7pm

Present:

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

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

### 1. Chair's Announcements

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

### 2. Apologies for Absence

Apologies for absence were received from Cllrs Lee and Pappa. Cllr Clark substituted for Cllr Lee.

### 3. Declarations of Interest

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

### 4. Minutes

The minutes of the meeting on 3 December 2024 were confirmed as a correct record and signed by the Chair.

### 5. Public Question Time

Public Questions and Statements had been submitted in advance for Items 8,9 and 10, they are summarised under the relevant item. [The questions and statements submitted in advance can be viewed via this link.](#)

6&7. 20/02064/OUT – Strategic Growth Site North of Woodhouse Lane, Broomfield, Chelmsford, Essex & 21/00881/FUL – Broomfield Hospital, Hospital Approach, Broomfield, Chelmsford, Essex, CM1 7ET

Declarations of Interest – Cllr Sosin declared a Non registrable interest for Items 6 and 7 and left the meeting for those items. Cllr Dobson took the Chair for Items 6 and 7.

The Committee considered Items 6 and 7 together, with one officer presentation due to the related nature of the items. The Committee also discussed both items together, before voting on separate resolutions for Items 6 and 7. Item 6 was for an outline application for residential development for up to 512 dwellings including affordable housing and custom build homes (Use Class C3), Local Centre (Use Classes E, F,1 and F,2), formal and informal open space, and associated infrastructure with all matters reserved except for primary access. Item 7, was for the Formation of a highway connection north of Woodhouse Lane, closure of sections of Woodhouse Lane, provision of turning heads north of Woodhouse Lane and connection to existing highway drainage.

The Committee were reminded of the resolutions of the Planning Committee made in June 2023, to approve the two applications, subject to the completion of the Section 106 agreement and conditions. The Committee were informed that since then, the S106 had been drafted and the finer details of clauses negotiated, as detailed in Appendix 1. The Committee heard that minor amendments to the suggested conditions and heads of terms for the S106 agreement had become necessary. It was noted that these included, flexibility on the First Homes S106 provisions, the removal of conditions 28 & 29 (Residential Travel packs and Smarter Choices Campaign), removal of Biodiversity Net Gain S106 provisions and Essex Coast RAMS tariff. The Committee heard that, the amendments were minor and policy compliant and that given their minor nature, it continued to be officer's view that the proposal was acceptable, subject to the conditions and the completion of the S106 agreement.

The Committee heard from a local ward member who expressed their disappointment at the NHS trust not signing up to access at the end of the link road, which would have been a preferred traffic solution and that the changes and closures on Woodhouse Lane were still required. The local ward member also asked about a cycle route between Essex Regiment Way and Broomfield Road and whether it was still being pursued.

In response to the points raised, officers confirmed that, there remained an aspiration in the S106 discussions for an active travel route across the valley and an obligation to secure a financial contribution towards this.

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

- The Link road had been the element of the previous proposal that would have had a big impact on biodiversity, therefore leading to a higher biodiversity net gain requirement, but as it had now been removed, the required biodiversity net gain could easily be delivered on the residential development site through landscaping requirements.
- The 'Smarter Choices' travel campaign would be part of the S106 agreement and these agreements, were legally enforceable via an injunction if it were considered necessary, which was a stronger power than a breach of condition notice.
- Phasing of the development and the enforcement of conditions, would be looked at and dealt with the same as any other compliance matters.
- Bus layby's on Broomfield Road were not part of the proposal and were not needed to make it acceptable.

**RESOLVED** that;

1. 20/02604/OUT be approved, subject to the completion of a S106 Agreement and compliance with the conditions detailed in the report, the details/minor variations of which would be delegated to the Director of Sustainable Communities/Planning Development Services Manager in liaison with the Chair and Vice Chair of the Planning Committee.
2. 21/00881/FUL be approved, subject to the completion of a S106 Agreement and compliance with the conditions detailed in the report, the details/minor variations of which would be delegated to the Director of Sustainable Communities/Planning Development Services Manager in liaison with the Chair and Vice Chair of the Planning Committee.

(7.04pm to 7.21pm)

### 8. 23/01105/FUL- Land West of the Fox and Raven, Chelmer Village Way, Chelmer Village, Chelmsford, Essex

Declarations of Interest – Cllr Hall declared an interest in this item as the local ward member and left the Committee for this item to speak as the local ward member.

Cllr Sosin took the Chair at this point for the remainder of the meeting.

The Committee were asked to consider a proposal for a residential development, comprising the construction of 55 affordable homes, provision of open space, landscaping, sustainable drainage, ground re-profiling, formation of bund, cycle and footpath links, vehicular access from Chelmer Village Way and highway changes to Chelmer Village Way. The Committee were informed that the application had been called in, by a local ward member, because the proposal represented a departure from the development plan. [The Committee were directed to the green sheet of amendments, which included amendments to conditions and accommodation mix, which can be viewed here.](#)

The Committee were informed that the proposal was located within the Rural Area and Green Wedge and when read together with local policies, the proposal did not comply with the Council's strategic approach to development and was unacceptable in principle. The Committee were also informed that, there would be some harm to the intrinsic character and beauty of the countryside and Green Wedge, along with a sizeable amount of tree and landscape removal. The Committee also noted that the site fell within the Chelmer and Blackwater Navigation Conservation Area and within the setting of five grade II listed buildings and was within Flood Zones 1,2 and 3.

The Committee were also informed of the benefits of the proposal, including much needed affordable homes, specifically some affordable rent units boosting housing supply, the transfer of land into public ownership for recreational, leisure and environmental opportunities and the fact that the site was in a well connected and sustainable location. The Committee also heard that a comprehensive landscaping scheme was proposed, in addition to three trees planted per dwelling and a landscaped bund to address flooding concerns, which had led to no objections from the Environment Agency, the lead Local Flood Authority or Anglian Water. The Committee also noted that there were no concerns from the Highways Authority, a new signalised crossing would benefit the wider community and new development and general enhancements to local open space.

The Committee were informed that taking into account, the benefits and harm of the proposal, against relevant national and local plan policies, it was considered that the public benefits of

the scheme, greatly outweighed the harm caused and that in this site-specific circumstance, the material considerations of the proposal justified a departure from the development plan and a recommendation for approval.

The Committee heard from members of the public both in support of and against the application. In summary, the member of the public speaking in support of the application highlighted the four years of collaborative work with the Council, the 55 affordable homes that would assist with meeting the greatest identified affordable need of 3 and 4 bed family homes, a new pedestrianised crossing amongst other travel improvements, new trees, the transfer of land into public ownership assisting with the Country Park ambition and over £240,000 of S106 contributions.

In summary, those speaking against the application highlighted concerns regarding the setting of a precedent for similar applications if approved, the affordable housing crisis being a national issue which could not be resolved by planning applications such as the one being considered, the gift of land not being necessary or related to the development and the size of the sequential test area that officers had used. The Committee also heard that there were listed buildings and a conservation area to be considered, the protection of the green wedge, significant concerns regarding flood risk due to historical flooding in the area, inaccurate flood analysis and the justification of the new crossing on Chelmer Village Way.

The Committee also heard from a representative of the local Village Council, who echoed the concerns raised by members of the public. They highlighted that the site was not within the adopted Local Plan and instead was on a floodplain within the green wedge. They also stated that the proposal would devalue the quality of the designated conservation area, highlighted no logical link between the application and a new country park, referred to traffic congestion concerns and a previously refused application for the site.

The Committee also heard from local ward members, who spoke against the application. They also echoed the concerns already raised by others at the meeting and confirmed that as nearby residents, they had witnessed the extensive flooding in the area that often occurred. They acknowledged the severe need for affordable housing within Chelmsford and accepted that this was an important consideration for the Committee. They also referred to the Climate Crisis that needed to be considered when looking at planning applications and referred to the five year housing supply that was set out for the Council already, therefore supplying some of the much needed homes. The Committee also heard concerns about an updated flood risk assessment and the implications of it along with an updated national coastal erosion risk map, which were due later in 2025. They highlighted that the updated documents may have an effect on planning applications and increased insurance premiums. The Committee also heard that the Local Plan specifically sought to reduce risks from flooding, by discouraging inappropriate developments in areas that flooded. They encouraged members of the Committee to attend a site visit, so they could visualise some of the concerns that had been raised.

The Committee also heard from another Councillor, who supported the significant housing benefits from the proposal. They highlighted the specific housing crisis in Chelmsford with 506 homeless households in temporary accommodation, that this application would help to tackle. They referred to the fact that many of them were housed outside of Chelmsford, due to a lack of capacity within Chelmsford and highlighted the long time periods that families were having to stay in temporary accommodation due to the housing crisis. They also referred to the importance of the green wedge, but also the suitability of the specific site being considered, along with the extensive mitigation measures that the application would have to put in place if approved.

In response to the points raised, officers stated that;

- Open space had been identified within the concept planning for Chelmer Village, but no record of a legal obligation passing it into public ownership had been found.
- The affordable rent units could only be occupied by those on the Council's housing register and that would be enshrined within the S106 agreement.
- The overall supply of affordable housing had not been keeping up with demand, with a specific need for larger family homes.
- The transfer of nearby land into public ownership, would secure it via perpetuity as public land and the Council felt the gift met the statutory tests and would be a public benefit.
- The sequential tests area that had been used for the application had been in accordance with requirements.
- Historic England had raised concerns, rather than objecting to the application and had asked the Council to give weight to their concerns and to see if they could be outweighed.
- Flood mitigation measures would address the high risk zones, there were no concerns from statutory authorities regarding flooding and there were no suggestions that the data used had been incorrect.
- It was not uncommon for set timeframes to be extended when considering applications, to see if objections could be overcome.
- The Highways Authority had concluded that the crossing was necessary and that was why the application had been reconsulted on at the end of 2024.
- A robust assessment had been carried out by the Highways Authority, detailing no severe impact within the vicinity of the site.
- Harm to the landscape was accepted as a result of the proposal, but it was reasonable to consider the wider locality, which included more urban areas on the Northern side.
- Approving this application, would not lead to the rest of the Green Wedge being developed on as a result.
- If the Environment Agency had felt that upcoming flood risk assessments were pertinent, then they would have referenced it and until it was published, the implications were unknown and the application had to be considered as it stood, with the proposed mitigation measures.

In response to the points and questions raised by members of the Committee, officers stated that;

- In a City Centre location, it was not uncommon for neighbour relationships, housing density and parking allocations to be different to other locations, due to the smaller nature of sites.
- Regarding flooding concerns, decisions had to be taken using the information from statutory consultees such as the Environment Agency.
- A previous application had been refused on the site in 2004, but this had been for a different use type, including a hotel, restaurant and country park, whereas the application being considered had a different form of development, resulting in the provision of much needed affordable homes, a key difference between the two applications.
- The nearby land was in private ownership, with public rights of way through it, the transfer would ensure that the site could be managed by the Council, ensuring it all remained accessible, instead of some access potentially being taken away and that the orchard area would be maintained by the Council.



- The flood risk assessments had been updated in October 2024, so were well within a reasonable timescale to be used for the application. The bund that had been proposed would take into account a 1 in 100 years flood event and conditions would secure the bund in perpetuity.
- Flooding concerns had not been included in the weighing up of harms and benefits, because the impact had been considered acceptable, through the various mitigation measures, meaning no statutory authorities had raised flooding as a concern.

The Committee accepted the arguments put forward for the affordable housing element of the application and the severe need for it, specifically within Chelmsford. The Committee however, also echoed many of the concerns raised during the meeting by members of the public and local Councillors, highlighting the high number of concerns including, the impact on the green wedge, the precedent that would be set if approved, impacts to the conservation area and trees and the proposal not meeting agreed design standards. The Committee felt that the affordable housing provision, did not outweigh the many negative elements that had been raised. A proposal was made by a Member of the Committee and seconded, to defer the application to the next meeting, as the Committee were minded to refuse it for the reasons detailed below. The proposal was voted on and carried by the Committee.

**RESOLVED** that the item be deferred to the next meeting, as the Committee were minded to refuse the application and that officers would report back with detailed reasons for refusal at the next meeting based on the below reasons;

- Unacceptable development in the Green Wedge, conflicting with Policy DM7 in the Adopted Local Plan.
- Harm to listed buildings and the conservation area, conflicting with Policy DM13 in the Adopted Local Plan.
- Removal of a large number of protected trees, conflicting with Policy DM17 in the Adopted Local Plan.
- The Development itself not meeting policy standards, conflicting with Policy DM24 and DM26 in the Adopted Local Plan.

(7.22pm to 9.13pm)

#### 9. 24/01468/FUL – Pippins Place, Helmons Lane, West Hanningfield, Chelmsford, Essex, CM2 8UW

Declarations of Interest – Cllr Dobson declared an interest in this item as the local ward member and left the Committee for this item to speak as the local ward member.

The Committee were asked to consider a proposal for the demolition of an existing dwelling and construction of two new dwellings with associated hard and soft landscaping. The Committee noted that the application had been called in by a local ward member, so that the scale of the development, its impact on neighbouring properties and parking arrangements could be considered. [The Committee were directed to the green sheet of amendments, which included a change of wording and a summary of objections, which can be viewed here.](#) The Committee heard that the site was within the Defined Settlement of West Hanningfield, with the principle of development being acceptable. The Committee was informed that the proposal would have a design, form and appearance that would remain in character with the local area, the houses would be well screened from Helmons Lane and would not adversely affect the residential amenity of neighbouring properties. The Committee also heard the dwellings would utilise the existing in and out access arrangement, which would become two separate

accesses and would be served by sufficient off-street parking. Therefore, the application had been recommended for approval by officers.

The Committee heard from members of the public who raised concerns regarding, the scale of the development, the effect it would have on the fabric of the village, flood gates being opened for similar bungalows to be replaced, not fitting with the village design guide and inaccurate drawing heights. The Committee also heard that a claimed increase in habitat was not accurate as trees had been removed before a survey, privacy issues due to the new houses being near existing bedrooms and concerns around vehicular access and the private lane and that Councillors should visit the site. The Committee also noted concerns, regarding policies DM6 and DM9 for new buildings in the Green Belt and that very special circumstances did not exist.

The Committee also heard from a representative of the Local Parish Council, who felt that the application represented overdevelopment, was not in line with the village design statement, similar properties that a precedent would be set for needed to be kept in mind and approval would have a negative affect for the village. The Committee were informed that the Parish Council were not aware of any similar proposals being approved in the past and that there was an important duty to protect villages. The Committee also heard that the application was simply for commercial benefit and would do little to assist with the Council's housing crisis.

The Committee also heard from a local ward member who had called the application in. They stated that they had concerns regarding the proposed dwellings due to their size and height being overbearing for the street scene and neighbours, the blocking of natural light and the garages not being large enough to be compliant. They also highlighted that the land levels detailed in the drawings should be checked for accuracy, and that the application would not be deliverable without further remodelling due to private access issues. The Committee were asked to consider and refuse the application on the basis that the proposed properties were overbearing and out of place in the street scene, contravening polices DM23 and DM29.

In response to the points raised, officers stated that;

- The site was not within the Green Belt.
- The access track was a private matter on land ownership and therefore not relevant for the Committee to consider.
- There was no minimum of maximum size for buildings and instead the planning application needed to be assessed, officers felt the two buildings fitted onto the site, complied with standards and were not overdevelopment in their opinion.
- The village design guide referred to was before the NPPF, so only limited weight could be given for it as a material planning consideration, although it did refer to a huge mix of types and styles of dwellings, no standard building style and the application was therefore not out of sense with the village design statement.
- Condition 4 covered height levels, that would have to be agreed before works could start.
- The relationship between neighbouring properties had been deemed acceptable and vehicle access was again a private matter for the owner of the lane.

In response to questions and points raised by the Committee, officers stated that;

- The distances between the plots and neighbours were acceptable and similar to the existing dwelling.
- There was no set definition of over development, officers had looked at a number of aspects though, including the character of the street and nearby building heights.

Members of the Committee discussed the application and noted that the proposed conditions met concerns and that the footprint of the two buildings was similar to the existing one.

**RESOLVED** that the application be approved subject to the conditions detailed in the report and the amendment detailed on the green sheet.

(9.23pm to 9.51pm)

10. 24/01373/FUL – Land South West of Brooklands, Sheepcotes Lane, Little Waltham, Chelmsford, Essex

RESOLVED that the item be deferred to the next meeting.

### 11. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 16<sup>th</sup> November 2024 and 8<sup>th</sup> January 2025 be noted.

The meeting closed at 9.51 pm.

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

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

### **Local Plan review**

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

<b>Policy Code</b>	<b>Policy Description</b>
SPS1	Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
SPS2	Strategic Policy S2 Addressing Climate Change & Flood Risk - The Council, through its planning policies and proposals that shape future development will seek to mitigate and adapt to climate change. The Council will require that all development is safe, taking into account its expected life span, from all types of flooding.
SPS3	Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.
SPS4	Strategic Policy S4 Conserving & Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SPS5	Strategic Policy S5 Protecting & Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.
SPS6	Strategic Policy S6 Housing & Employment Requirements - In order to meet the full objectively assessed housing need in the period 2013-2036 provision is made for a minimum of 18,515 net new homes at an average annual rate of 805 net new homes per year. A minimum of 55,000sqm of business employment floorspace (Use Classes B1-B8) will also be allocated in the Local Plan for the period up to 2036.

Policy Code	Policy Description
SPS7	Strategic Policy S7 The Spatial Strategy - New housing and employment growth will be focussed to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around Key Service Settlements outside of the Green Belt in accordance with the Settlement Hierarchy. New development allocations will be focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford, and South and East Chelmsford. Where there are large and established mainly institutional uses within the countryside, Special Policy Area will be used to support their necessary functional and operational requirements.
SPS10	Strategic Policy S10 Securing Infrastructure & Impact Mitigation - Infrastructure must be provided in a timely, and where appropriate, phased manner to serve the occupants and users of the development. Infrastructure will be secured through planning conditions and/or obligations or through the Community Infrastructure Levy or its successor.
SPS11	Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. The intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.
DM1	Policy DM1 - Size & Type of Housing - The Council will protect existing housing from redevelopment to other uses and will require an appropriate mix of dwelling types that contribute to current and future housing needs and create mixed communities. For developments of 10 or more dwellings, 50% of the new dwelling shall be constructed to meet requirement M4 (2) of the Building Regulations. On sites of 30 or more dwellings 5% off the affordable units shall also be provided as wheelchair user dwellings. Sites of 100 dwellings or more will need to comply with Ai), A ii) and Bi) and provide 5 % self-build homes which can include custom housebuilding; and provision of Specialist Residential Accommodation taking account of local housing needs.
DM2A	Policy DM2 (A) - Affordable Housing & Rural Exception Sites - The Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites which comprise 11 or more residential units.
DM7	Policy DM7 - New Build & Structure in the Green Wedge - Planning permission will be granted for new buildings and structures where the development does not conflict with the purposes of the Green Wedge designation and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
DM8	Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
DM9	Policy DM9 - Infilling in the Green Belt, Green Wedge & Rural Area - Planning Permission will be granted for infilling where the site is a small gap in an otherwise built up frontage and where the development would not detract from the existing character or appearance of the area and would not unacceptably impact on the function and objectives of the designation. In the Green Belt, infilling may only be limited and only where the site is located within a village.

Policy Code	Policy Description
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 - Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
DM16	Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
DM17	Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
DM18	Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.
DM20	Policy DM20 - Delivering Community Facilities - Planning permission will be granted for new, or extensions to existing facilities and services which support the local community where there is sufficient access, including for the disabled and sufficient vehicle parking. The development must also be visually compatible with its surroundings.
DM23	Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
DM24	Policy DM24 - Design & Place Shaping Principles in Major Developments - The Council will require all new major development to be of high quality built form and urban design. Development should, amongst other matters, respect the historic and natural environment, be well-connected, respond positively to local character and context and create attractive, multi-functional, inclusive, overlooked and well maintained public realm. The Council will require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments.
DM25	Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
DM26	Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.

Policy Code	Policy Description
DM27	Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
DM29	Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
APPB	Appendix B forms part of the adopted Local Plan and provides information about standards that apply to all new residential developments in Chelmsford including conversions, apartments, houses, Houses in Multiple Occupation (HMO's) and extensions, unless it can be demonstrated that the particular site circumstances require a different design approach. The standards seek to ensure new developments will meet the needs of their occupiers, minimise the impact of new developments on surrounding occupiers and encourage higher rates of recycling.

## VILLAGE DESIGN STATEMENTS

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

## NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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



**Planning Committee  
4<sup>th</sup> February 2025**

<b>Application No</b>	:	23/01105/FUL Full Application
<b>Location</b>	:	Land West Of The Fox And Raven Chelmer Village Way Chelmer Village Chelmsford Essex
<b>Proposal</b>	:	<b>Residential development comprising the construction of 55 affordable homes, provision of open space, landscaping, sustainable drainage, ground re-profiling, formation of bund, cycle and footpath links, vehicular access from Chelmer Village Way and highway changes to Chelmer Village Way.</b>
<b>Applicant</b>	:	Mr Sean Marten Countryside Properties (UK) Limited and Stonebond Properties Ltd
<b>Agent</b>	:	Mr Sean Marten
<b>Date Valid</b>	:	17th July 2023

## 1. INTRODUCTION

- 1.1. This application was considered at the Planning Committee on 21 January 2025.
- 1.2. The Planning Committee resolved that the application be deferred to the next meeting as the Committee were minded not to approve the application and Officers would report back on potential reasons for refusal in relation to the following matters:
1. Harm to the Green Wedge
  2. Harm to Listed Buildings and the Conservation Area
  3. Loss of protected trees
  4. Development does not meet policy standards
- 1.3. In accordance with the Council's Planning Code of Good Practice the application was deferred until the following meeting to allow consideration of the wording of the reasons for refusal, and for officers to advise on the implications of such a decision.
- 1.4. The officer report from 21 January 2025 and the green sheet addendum paper are appended to this report.



## 2. CONSIDERATION OF CONCERNS RAISED BY THE PLANNING COMMITTEE

### **(1) Harm to the Green Wedge**

- 2.1. The application site lies within the Green Wedge where Strategic Policy S11 states that the Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. These networks prevent urban sprawl and settlement coalescence and provide for wildlife, flood storage capacity and recreation, and sustainable travel. This is supported by Policy DM7 which restricts development to a prescribed number of uses in the Green Wedge.
- 2.2. The following reason for refusal is suggested in relation to this matter:

*Chelmsford Local Plan Strategic Policy S11 states that the Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. These networks prevent urban sprawl and settlement coalescence and provide for wildlife, flood storage capacity and recreation, and sustainable travel. Development that materially harms the role, function and intrinsic character and beauty of the Green Wedge will not be approved.*

*Chelmsford Local Plan Policy DM7 recognises the role of the main river valleys in providing important open green networks for wildlife, flood storage capacity, leisure and recreation and sustainable means of transport. New buildings within the Green Wedge will be restricted to a limited number of prescribed uses to ensure that the openness, role and function of these landscapes are not adversely affected.*

*The proposed development of 55 affordable homes does not fall within any of the forms of development allowed under Criteria A of Policy DM7 and is therefore contrary to this policy. In addition, it is considered the proposal would unacceptably impact on the openness, role, function and intrinsic character and beauty of the Green Wedge through the loss of trees and landscaping and the construction of built form on an undeveloped, rural field.*

*The development is therefore contrary to Strategic Policy S11 and Policy DM7 of the adopted Chelmsford Local Plan.*

### **(2) Harm to Listed Buildings and the Conservation Area**

- 2.3. The site lies within the Chelmer and Blackwater Navigation Conservation Area and within the setting of five grade II listed buildings, the closest being the Fox and Raven pub and the Miller and Carter Barn.
- 2.4. The following reason for refusal is suggested in relation to this matter:

*Paragraph 212 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

*Chelmsford Local Plan Strategic Policy S3 and Policy DM13 of the Chelmsford Local Plan reflect national policy.*

*The site lies within the Chelmer and Blackwater Navigation Conservation Area and within the setting of five grade II listed buildings.*

*There would be a fundamental change to the character of the site, from an undeveloped, rural field to an urban development of 55 units. The development would impact upon the setting of the listed buildings and the Conservation area through the encroachment upon open land that contributes positively to their significance. It is considered that harm to the heritage assets would be less than substantial and to which great weight should be afforded.*

*It is considered the public benefits of the development do not outweigh the less than substantial harm caused to the heritage assets.*

*The development is therefore contrary to the National Planning Policy Framework and Strategic Policy S3 and Policy DM13 of the adopted Chelmsford Local Plan.*

### **(3) Loss of protected trees**

- 2.5. The site is bordered by trees and hedgerows, which are protected due to the site's location within the Conservation Area. Policy DM17 advises that planning permission will only be granted for development proposals that do not result in the unacceptable harm to the health of trees within a Conservation Area.
- 2.6. To accommodate the development, the removal of 30 individual trees, 2 groups of trees and 2 small woodland groups is required. It would also require the part removal of 1 woodland and 1 hedge.
- 2.7. Therefore, the following reason for refusal is suggested in relation to this matter:

*Chelmsford Local Plan Policy DM17 advises that planning permission will only be granted for development proposals that do not result in the unacceptable harm to the health of trees within a Conservation Area.*

*The boundaries of the site are bordered by established trees and woodland. These are protected by the site's location in the Chelmer and Blackwater Navigation Conservation Area. To accommodate the development, the removal of individual trees, groups of trees and small woodland groups is required. It would also require the part removal of a woodland and a hedge.*

*There would be harm to the health of the protected trees and woodland through their complete removal, contrary to Policy DM17. It is considered that neither the proposed landscaping scheme submitted with the application nor the public benefits arising from the development justify the removal of the trees and woodland.*

*The development is therefore contrary to Policy DM17 of the adopted Chelmsford Local Plan.*

#### **(4) Development does not meet policy standards**

- 2.8. Policy DM24 requires all new major development to be of a high quality built form and urban design and should reflect the principles set out in the policy. This policy goes further to state that new residential development must be in accordance with the standards set out in Appendix B, unless it can be demonstrated that the particular site circumstances require a different design approach to allow for a lower provision.
- 2.9. Policy DM26 requires all new dwellings to comply with the following:
- i. Achieve suitable privacy and living environment for residential occupiers; and
  - ii. Achieve sufficient private amenity space; and
  - iii. Provision of open space; and
  - iv. Achieve appropriate internal space through adherence to the Nationally Described Space Standards; and
  - v. Provide appropriate and well designed recycling and waste storage.
- 2.10. The policy advises that the above must be in accordance with the standards as set out in Appendix B, unless it can be demonstrated that the particular site circumstances allow for a lower provision.
- 2.11. The following reason for refusal is suggested in relation to this matter. It should be noted that whilst Policy DM23 was the suggested policy for refusal for this matter at 21 January 2025 Committee, it is considered that the appropriate policies for this refusal reason are Policy DM24 – Design and Place Shaping Principles in Major Developments and Policy DM26 – Design Specification for Dwellings.
- 2.12. In addition, it is considered, as set out in the 21 January 2025, the application provides an appropriate mix of on and off-site open space provision and financial contributions which were a result of discussions with Parks and Green Spaces. Therefore, open space provision is not included in the suggested reason for refusal.

*Policy DM24 requires all new major development to be of a high quality built form and urban design and should reflect the principles set out in the policy. This policy goes further to state that new residential development must be in accordance with the standards set out in Appendix B, unless it can be demonstrated that the particular site circumstances require a different design approach to allow for a lower provision.*

*DM26 requires all new dwellings to comply with design specifications for dwellings which include achieving suitable privacy and living environment for residential occupiers, achieving sufficient private amenity space and the provision of open space. This policy goes further to advise that the design specification should be in accordance with the standards as set out in Appendix B, unless it can be demonstrated that the particular site circumstances allow for a lower provision.*

*The development includes plots that do not meet the design standards in respect to back-to-back and back-to-side distances between properties, the provision of private amenity space for dwellings, and the provision of communal space for flats. The development also includes a lower parking provision for the flats and dwellings.*

*The development does meet the design and place-making standards set out in the Chelmsford Local Plan and it is not considered there are justified circumstances to allow non-compliance.*

*The development is therefore contrary to Policy DM24 and Policy DM26 of the adopted Chelmsford Local Plan.*

**(5) Absence of a signed S106 Agreement**

- 2.13. Whilst not raised by Members at the 21 January 2025 Committee, there are site specific payments towards works and obligations in order to make the development acceptable and accord with national and local planning policies.
- 2.14. The Draft Heads of Terms are set out in section 7 of the report of the 21 January 2025 Committee. These are:
- Affordable housing provision and delivery
  - 55 units with a tenure split of 44% affordable rent and 56% shared ownership
  - Provision of three wheelchair housing units - Open space delivery
  - Open space (residential parcel) maintenance and management commuted sum if the land is to be transferred to the Council ; or
  - Conditional performance bond (residential parcel) if the open space is privately maintained and managed (should an agreement not be reached between the Council and the applicant)
  - Health care contribution - £27,100
  - Open space contribution - £15,000
  - RAMS - £9,012.30
  - Provisions for the transferred land (parcels B and C)
  - 2 year management and maintenance of transferred land contribution - £11,586.82
  - Delivery of biodiversity offset land
  - Future maintenance and management of biodiversity offset land contribution - £49,603.24 - Monitoring fees
- 2.15. The above financial contributions and requirements have not been secured through a completed S106 Agreement. Therefore, in absence of this and should the applicant seek to appeal the decision to refuse the application, the following refusal reason is suggested:

*Paragraph 56 of the National Planning Policy Framework states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

*Strategic Policy S9 of the Chelmsford Local Plan states that new development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs.*

*There are site specific payments towards works and obligations in order to make the development acceptable and accord with national and local planning policies.*

*The proposed development is likely to have an impact on the services of surgeries which operate within the vicinity of the site. The capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population. In order to mitigate the impact of the development a planning contribution is required to increase the capacity of the primary care network operating in the area.*

*The Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the Habitat Regulations) require all new residential developments that have the potential to cause disturbance to European designated sites to provide appropriate mitigation. To deal with this, an Essex County wide strategic approach to considering and mitigating potential harm has been produced - the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). An Appropriate Assessment has been carried out which concludes that planning contributions towards off-site mitigation (RAMS contribution) are necessary to mitigate the potential disturbance to European designated sites arising from this development growth.*

*DM26 requires all new dwellings to comply with design specifications for dwellings including the provision of open space. The proposal includes various areas of on-site green space but no designated children's play space to be provided. To comply with policy requirements, planning contributions are necessary to upgrade the Ruskin Road playground to mitigate the on-site open space deficiency. In addition, land to the south and east of the development site (parcels B and C) form part of the Strategic Open Space provision and the land is also a material consideration to the principle of development. In order to meet Local Plan policy standards, and/or should the development be determined to be acceptable through any appeal submitted by the applicant, this land needs to be secured, including planning contributions for its future maintenance and management by the City Council.*

*Strategic Policy S4 and Policy DM16 seek to ensure the conservation and enhancement of the natural environment through biodiversity net gain. The development proposes to deliver biodiversity net gain off-site which would be maintained and managed by the Council for at least 30 years. Planning contributions are necessary to secure the responsibility of this land by the Council.*

*The application is not accompanied by a s.106 agreement to secure the necessary contributions that would address the unacceptable impacts of the proposal. The development is therefore contrary to the National Planning Policy Framework and Policy S9 of the Chelmsford Local Plan.*

### **3. ADDITIONAL INFORMATION**

#### **LEGAL AND CONSTITUTIONAL IMPLICATIONS ARISING FROM DEFERRAL OF DECISION**

- 3.1. Only committee members who previously attended the Planning Committee and heard all the arguments for and against the planning application will be able to participate and vote in the final decision whether to approve or refuse permission.
  
- 3.2. Members of the Committee should carefully consider the individual merit of each potential reason for refusal that was put forward by members at the previous meeting and the advice in relation to each as set out in the further officer's report above.



**Planning Committee  
21<sup>st</sup> January 2025**

<b>Application No</b>	:	23/01105/FUL Full Application
<b>Location</b>	:	Land West Of The Fox And Raven Chelmer Village Way Chelmer Village Chelmsford Essex
<b>Proposal</b>	:	<b>Residential development comprising the construction of 55 affordable homes, provision of open space, landscaping, sustainable drainage, ground re-profiling, formation of bund, cycle and footpath links, vehicular access from Chelmer Village Way and highway changes to Chelmer Village Way.</b>
<b>Applicant</b>	:	Mr Sean Marten Countryside Properties (UK) Limited and Stonebond Propert...
<b>Agent</b>	:	Mr Sean Marten
<b>Date Valid</b>	:	17th July 2023

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Appendices:

Appendix 1	Drawings
Appendix 2	Consultations

## 1. Executive summary

- 1.1. The application has been called to Committee by a local ward Member and because the proposal represents a departure from the development plan.
- 1.2. The application is for 55 affordable housing units comprising a mix of flats and houses. The tenure split would be 24 affordable rent units (44%) and 31 shared ownership units (56%). The scheme would also include associated access and highway works, parking, landscaping, public open space and cycle and pedestrian links.
- 1.3. The proposed development is located within the Rural Area and Green Wedge. When read together policies S1, S7, S11, DM7 and DM8 indicate that the proposal does not comply with the Council's strategic approach to development within its administrative area, and the development is unacceptable in principle.
- 1.4. The proposal is a 100% affordable housing scheme, which crucially, in addition to shared ownership units, will deliver 24 affordable rent units, including no. 9 x 4 bedroom units. As set out in the Chelmsford Housing Strategy 2022-2027, there is a critical need for more affordable housing for rent as these units aid in meeting the priority housing need on the Council's Housing Register. Included in that need is larger family homes of 3 and 4 bedroom.
- 1.5. The delivery of affordable housing aligns with the Council's objective of boosting affordable housing supply and the National Planning Policy Framework's (NPPF) aim of boosting the supply of housing nationally. This attracts significant weight in favour of the proposal.
- 1.6. The proposal also includes two parcels of land to the south and east of the residential parcel, known as 'B' and 'C' totalling an area of 29.48ha. The applicant is offering to transfer this land to the Council. There are public benefits in transferring this land into public ownership as it would provide recreational, leisure and environmental opportunities, aligning with the Council's corporate and Local Plan objectives. This is a material consideration and attracts great weight in favour of the proposal.
- 1.7. The site is also in a well-connected and sustainable location and the scheme meets several of the objectives that contribute to sustainable development, which weighs in favour of the proposal.
- 1.8. There would be harm caused to the intrinsic character and beauty of the countryside and Green Wedge, through built form on an undeveloped site and the removal of trees and landscaping that form part of the landscape character.
- 1.9. The development would necessitate a sizeable amount of tree and landscape removal. These are protected due to the site's location in a Conservation Area. In accordance with Policy DM17, this would normally be resisted. However, a comprehensive landscaping scheme is proposed to compensate for the tree and hedgerow loss, in addition to the provision of 3 trees per dwelling. It is considered the public benefits of the scheme, in this exceptional circumstance, outweigh the removal of the trees and landscaping.
- 1.10. The site falls within the Chelmer and Blackwater Navigation Conservation Area and is within the setting of five grade II listed buildings. When taken cumulatively, it is considered the identified public benefits would outweigh the less than substantial harm to the significance of the designated heritage assets to which great weight must be attached, in accordance with Chapter 16 of the National Planning Policy Framework and Policy DM13.

- 1.11. The northern part of the site (approximately two thirds) falls within Flood Zone 1, and the southern part of the site falls within Flood Zones 2 and 3. It is considered that the sequential and exception test is passed such that the principle of the site being considered for development in respect to these flood zones is accepted.
- 1.12. To specifically address flooding, a landscaped bund is proposed around the east, south and west of the residential area of the development. At a maximum height of 1.22m, the bund would extend almost the full length of the southern boundary and would replace the existing vegetation currently along the edge of the site. The submitted flood risk assessment and accompanying hydraulic modelling report demonstrates that the bund would have only a marginal impact on flood levels across the site within an area where there would be no built form. The reports also demonstrate that there would be no flooding impact to any other properties or flooding downstream. No objections are raised by the Environment Agency, the Lead Local Flood Authority or Anglian Water.
- 1.13. The design and layout of the site has been informed by the site's constraints and its surroundings, including adjacent heritage assets. It comprises three perimeter blocks separated by landscaping. The scheme employs some roof variation, building articulation and good fenestration detailing. A material palette of buff brick, natural slate and black boarding is proposed, which would be sympathetic to the Conservation Area.
- 1.14. Parking provision and access would be acceptable, and no objections have been raised by the Highway Authority.
- 1.15. The proposal also includes a signalised crossing along Chelmer Village Way. This would include a part lane closure westbound on Chelmer Village Way to widen the central reservation. The Highway Authority also raise no objections to this. The provision of a crossing in this location would be a benefit to the development and the wider community.
- 1.16. The development includes local open space, in addition to contributions to upgrade the Ruskin Road playground. Footpath and cycle links are proposed through the site.
- 1.17. The benefits and harm of the proposal have been considered against the relevant national and local plan policies. It is considered that the public benefits of the scheme greatly outweigh the harm caused, including the harm caused to landscape and heritage, and that in this site-specific circumstance the material considerations of the proposal justify a departure from the development plan.
- 1.18. It is recommended that the application should be approved by the Director of Sustainable Communities subject to the completion of the S.106 agreement.

## **2. Description of site**

- 2.1. The site consists of a piece of undeveloped land located to the south of Chelmer Village Way. It is an irregular shaped plot with an approximate site area of 1.67ha. This is the application red line boundary where the development is proposed and thereafter known as 'the residential parcel'.
- 2.2. The site falls within the Rural Area, the Green Wedge, the Chelmer and Blackwater Navigation Conservation Area and is within the setting of five grade II listed buildings, including the Fox and Raven public house which lies directly to the east.



- 2.3. The character of the surrounding area is a mix of rural and urban. Low scale, limited development sits on the southern side of Chelmer Village Way, consistent with the more rural character of the river valley to the south. On the north side of the road is Chelmer Retail Park which ranges in 3-4 storeys. Partial views of this development can be seen across the river valley. To the east and west of the Retail Park is residential development which forms part of the Chelmsford Urban Area boundary.
- 2.4. The National Cycle Route (NCN1) lies directly adjacent to the site to the north. Eastwards it leads to Little Baddow and beyond, and westwards it provides an off-road route directly to the City Centre.
- 2.5. The northern part of the site (approximately two thirds) falls within Flood Zone 1, the lowest flood risk zone. The southern part of the site falls within Flood Zones 2 and 3, with the floodplain and River Chelmer lying directly to the south of the site.
- 2.6. The Chelmsford Watermeadows Local Wildlife Site (LoWS) lies to the south of the residential parcel. This area has a typical watermeadows character – an area of grassland alongside a river – and has a network of public routes running through it, connecting the City Centre to the east of Chelmsford.
- 2.7. The site is reasonably well contained from the remainder of the Green Wedge through both well-established trees and landscaping and fencing around the site’s perimeter. The latter is due to the site serving as a temporary compound during the construction of the A138 Chelmer Viaduct (history refers).
- 2.8. The topography of the site slopes gently from northeast to southwest. The highest point of the site is around 23.8m AOD in the northeast, with the lowest being around 21.700 m AOD in the southwest.

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

- 3.1. The application seeks full planning permission for 55 residential units comprising a mix of flats and houses. The scheme would be 100% affordable with a tenure split of 44% affordable rent units (AR) and 56% shared ownership units (So/s). This equates to 24 AR units and 31 So/s units.
- 3.2. The accommodation mix will be as follows:

#### Affordable Rent

9 x 2 bedroom flat  
2 x 2 bedroom FOG (flat over garage)  
3x 3 bedroom flat/duplex  
1 x 1 bedroom flat  
9 x 4 bedroom house

#### Shared ownership

4 x 1 bedroom flat

4 x 2 bedroom FOG  
11 x 2 bedroom flat  
1 x 2 bedroom house  
2 x 3 bedroom house  
9 x 4 bedroom house

- 3.3. The scheme comprises of three perimeter blocks or 'courtyards' separated by landscaping and/or an internal road. The concept is drawn from the rural farmsteads of the Conservation Area through the use of steep narrow gables and black boarding but is essentially more urban in character.
- 3.4. Courtyard 1, the eastern block, is set back from the southern boundary to align with the rear building line of the Fox and Raven pub. An orchard is proposed to the south, a homage to orchards shown on historic maps in the 1800s. The block contains predominantly flats but includes three dwellings along the southern edge that would overlook the orchard. The scale is restricted to 2 storeys.
- 3.5. The central block, Courtyard 2, is separated by the main access and a landscape area to the west which would also provide pedestrian and cycle connections to the national cycle route (NCN1). The northern section is predominately flats and the southern section is houses, all which are restricted to 2 storeys except for plots 28 and 29 which are 2.5 storeys.
- 3.6. The western block, Courtyard 3, ranges between 2.5-3 storeys, with the western edge providing scale and a frontage to the A138 and mirroring, in part, the development on the other side of the road. The western block would front onto a landscaped area which would include a SuDS basin enclosed by trees and landscaping along the western and southern edges and a footpath running north-south which would connect to the NCN1 to the north and land to the south.
- 3.7. The material palette for the scheme is predominantly buff brick with elements of black boarding. Grey roofs are proposed, interspersed with small sections of red tile to provide interest.
- 3.8. The scheme as now proposed is a result of amendments through the life of the application.
- 3.9. To mitigate flooding, a landscape bund is proposed along the southern boundary. This would be in place of the existing vegetation along this boundary.
- 3.10. The proposal also includes two parcels of land to the south and east of the residential parcel known as parcels 'B' and 'C'. They are also in the applicant's ownership (blue land). The parcels have a total area of 29.48ha and the applicant is offering to transfer this land to the Council for future recreational purposes.

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

- 4.1. 04/02336/FUL - Refused 22nd February 2005 - Establishment of country park with public house/restaurant, 72 bed hotel and 100 place day nursery with ancillary parking, landscaping and new access from Chelmer Village Way.
- 4.2. 10/00310/EIA- Approved 25th May 2010 - Demolition of existing viaduct and bridge and erection of new replacement viaduct linking the Army & Navy roundabout to the Chelmer Village Way roundabout, formation of new drainage ponds, new hard and soft landscaping, lighting scheme and access arrangements.

## 5. Summary of consultations

- Recycling & Waste Collection Services – No objections
- Essex County Council (SUDS) – No objections, conditions recommended.
- Environment Agency – No objections, conditions recommended.
- Essex County Council Highways – No objections, conditions recommended.
- Ramblers Association – No comment.
- Essex Waterways Ltd – No reply.
- Public Health & Protection Services – No objections, conditions recommended.
- Essex Wildlife Trust Ltd – No response.
- ECC Historic Environment Branch – No objections, conditions recommended
- Sport England Eastern Region – No objections.
- Natural England – No objections subject to securing appropriate mitigation.
- Essex County Fire & Rescue Service – Observations on some access to plots. More detailed observations on access and facilities will be considered at Building Regulation consultation stage.
- Essex and Suffolk Water – No response.
- Parks & Open Spaces – No objections, consultation has informed contributions.
- Historic England – Concerns raised. The proposals would result on less than substantial harm to the setting of identified heritage assets and should be assessed in line with paragraph 208 of the NPPF.
- Police - Designing Out Crime – No objections.
- ECC Community Infrastructure Planning (Education) – There are sufficient places available for childcare and early years, primary school and secondary school education. No financial contributions are sought.
- Mid And South Essex Integrated Care Board - Financial contributions sought to mitigate health.
- Chelmer Village Parish Council – Object to the application. Comments summarised at Appendix 2.
- Local residents – 144 respondents. Comments mainly relate to flooding, traffic, heritage, character and appearance and the principle of development.

- 5.1. The comments received have been considered as part of the planning assessment of the development proposals. Planning considerations and consultations are summarised at Appendix 2 of this report.

## 6. Planning considerations

### ***Main Issues***

Principle (*Strategic Policy S1 – Spatial Principles, Strategic Policy S7 – The Spatial Strategy, Strategic Policy S6 – Housing and Employment Requirements, Strategic Policy S11 – The Role of the Countryside, Policy DM7 – New Building and Structures in the Green Wedge and DM8 – New Buildings and Structures in the Rural Area*)

- 6.1. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 establishes the principle that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2. The National Planning Policy Framework (NPPF) (2024) is a material consideration in planning decisions. Paragraph 11 of the NPPF advises that to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 6.3. The main issues on the principle of development are:
  - Compliance with the Council’s Spatial Strategy and the National Planning Policy Framework, including the delivery of sustainable development.
  - Whether there are other material considerations which weigh in favour of the development.

### **Policy context**

#### *Chelmsford Local Plan 2013 to 2036*

- 6.4. Strategic Policy S1 sets out the spatial principles for development which include locating development to well-connected and sustainable locations; respecting the character and appearance of landscapes and the built environment, and preserving or enhancing the historic environment and biodiversity.
- 6.5. The Spatial Strategy as set out in Strategic Policy S7 applies the Spatial Principles and provides a framework for sustainable housing and job growth and the necessary infrastructure, whilst minimising the damage to the environment. This is achieved by delivering growth in accordance with the Settlement Hierarchy. Chelmsford and South Woodham Ferrers sit at the top of the Settlement Hierarchy.
- 6.6. The Local Plan Policies Map defines the locations of the Settlement Hierarchy. It identifies the Urban Areas and the Settlement Boundaries that create the defensible boundary which reflects the nature, size, setting and character of the settlements. One of the key objectives of settlement boundaries is to demarcate the limit of the built-up areas, taking into account the need to protect the countryside from urban sprawl and avoid the undesirable consolidation of a more dispersed development patterns.

- 6.7. Strategic Policy S6 sets out the housing and employment requirements over the Local Plan period and makes provision to deliver 21,843 new homes, including affordable housing, from 2013-2026. This is achieved through allocating development in accordance with the Settlement Hierarchy.
- 6.8. Strategic Policy S11 sets out the role of the countryside in the Green Belt, Green Wedge and Rural Area.
- 6.9. In the Green Wedge, Strategic Policy S11 states that the Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. These networks prevent urban sprawl and settlement coalescence and provide for wildlife, flood storage capacity and recreation, and sustainable travel. This is supported by Policy DM7 which restricts development to a prescribed number of uses in the Green Wedge.
- 6.10. Both Strategic Policy S11 and Policy DM7 advise that development which materially harms the role, function and intrinsic character and beauty of the Green Wedge will not be approved.
- 6.11. In the Rural Area, Strategic Policy 11 and Policy DM8 advise that development should not adversely impact on the intrinsic character and beauty of the countryside. To achieve this development should fall within the prescribed uses set out in Policy DM8.

Government Policy – The National Planning Policy Framework (NPPF) 2024

- 6.12. The NPPF is a material consideration in the determination of planning applications. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.13. Paragraph 11 of the NPPF advises that to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 6.14. However, paragraph 12 goes on to advise that 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.
- 6.15. Paragraph 77 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

Conclusion to policy context

- 6.16. The Council has an up-to-date adopted plan and is delivering growth within the administrative area in accordance with the Council's Spatial Strategy. It has 8.02 years' worth of housing supply even when taking account of a 5% buffer. The Council, therefore, is delivering the required growth for the current plan period.
- 6.17. As shown in the Local Plan Policies Map, the site lies outside of the Chelmsford Urban Area boundary. Instead, the site lies within the Green Wedge and the Rural Area where there is a

general presumption to direct development away from these locations to protect the role and function of these land designations.

- 6.18. At a strategic level, the objective of protecting the intrinsic character and beauty of the countryside and the role and function of the Green Wedge forms part of the Council's Spatial Strategy. This is achieved through defining the physical limits of Urban Areas and Settlements within the Settlement Hierarchy (Strategic Policies S1 and S7) and identifying those forms of development appropriate outside those limits (Strategic Policy S11 and Policies DM7 and DM8). On the strict application of the policies, the proposal for 55 affordable housing units does not accord.
- 6.19. It is noted that there are policy provisions both within Policies DM7 (Green Wedge) and DM8 (Rural Area) for limited affordable housing for local needs. This is defined, as set out at Policy DM2, as small sites, known as rural exception sites, within a Designated Rural Area<sup>1</sup>, where affordable housing is allowed to meet an identified local rural housing need. The application site is not within a Designated Rural Area, nor is it for local rural housing need – it is not a rural exception site.
- 6.20. Accordingly, the development is contrary to the development plan and this weighs against it. Applying section 38(6) of the 2004 Act, the development should be refused unless material considerations indicate otherwise. These other considerations include the NPPF, whether the development would be sustainable and where there are any public benefits arising from the scheme that would outweigh the harm caused by the conflict with the development plan and any other harm caused by the development.

#### **Other material considerations on the principle of development**

##### *Delivery of Affordable Housing*

- 6.21. In February 2022, the Council declared a housing crisis, and this was acknowledged through the publication of the Chelmsford Housing Strategy 2022-2027. This sets out how the Council intends to boost the supply of affordable housing through a number of Strategic Priorities.
- 6.22. Whilst the Council is maintaining a good supply of new housing (over five years' worth consistently), there remains an unprecedented need for affordable housing to which supply cannot meet demand. There is a critical need for more affordable housing for rent, in particular three and four bedroom affordable rent homes. Low levels of larger affordable housing for rent have significantly impacted on the churn of large family homes within the existing affordable housing stock, leading to a decline in the number of existing affordable homes being relet overall. Consequently, there is more reliance on temporary accommodation to address this gap, but this is also in very short supply. The Council is now at risk of not being able to meet its statutory housing duties to some households in most urgent housing need, particularly large families with children.
- 6.23. The development is a 100% affordable housing scheme comprising of 24 affordable rent units and 31 shared ownership units.

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<sup>1</sup> Designated Rural Areas are the Parishes of Bicknacre; East Hanningfield; Good Easter; Great Leighs; Great Waltham; Highwood; Little Baddow; Little Waltham; Margaretting; Mashbury; Rettendon; Roxwell; Sandon; South Hanningfield; Stock; West Hanningfield; and Woodham Ferrers.

- 6.24. The affordable rented units are the key component of the scheme as they aid in meeting the priority housing need on the Council's Housing Register. Therefore, in principle, the Council is supportive of developments that seek to boost affordable housing supply. Out of the 24 affordable rent units proposed, 9 would be four-bedroom houses. These are the much-needed larger houses, of which there is currently a serious shortfall in supply, that would help accommodate larger families in housing need.
- 6.25. The delivery of 24 affordable rent units, including 9 larger units, would make a meaningful contribution to the supply of affordable homes, in accordance with priorities set out in the Chelmsford Housing Strategy. This attracts significant weight in favour of the proposal.
- 6.26. The shared ownership units are also a consideration. The Government supports shared ownership and other affordable home ownership products to encourage homeownership. Furthermore, the Council's Strategic Housing Market Assessment shows there is a continued demand for shared ownership accommodation. The proposal would make a contribution to meeting demand, with a range of accommodation proposed within the scheme. This weighs in favour of the development.

#### *Sustainability*

- 6.27. Sustainable development means linking sustainable housing and job growth and integrating the necessary infrastructure to deliver development, whilst minimising the damage to the environment.
- 6.28. It is evident that the development is located within a sustainable location. The site connects into the urban road network where there is a good level of existing transport infrastructure, including sustainable transport. The NCN1 sits adjacent to the site and the scheme proposes connecting pedestrian and cycle links. Westbound, the NCN1 provides an off-road route directly to the City Centre. Eastbound, the NCN1 and other cycle/pedestrian links provide connections to local facilities including the Asda supermarket and the neighbourhood centre, Chelmer Village Green and Brook End playground and gardens. The Ruskin Road playground also lies to the northwest, accessible through the subway under the A138.
- 6.29. Included in the scheme is the provision of a new signalised crossing over Chelmer Village Way. This will provide a safe route for the residents of the development to Chelmer Retail Park, a key shopping destination within Chelmsford. Whilst this crossing has been identified as a necessary infrastructure requirement to support this development, it would benefit the wider locality as it is evident that many pedestrians currently attempt to cross this dual carriageway without the safety of any crossing facilities.
- 6.30. Overall, the site is in a well-connected and sustainable location and the scheme meets several of the objectives that contribute to sustainable development which weighs in favour of the proposal.

#### *Transfer of land*

- 6.31. As part of the scheme, the applicant is proposing to transfer land to the south and east of the residential parcel, denoted as 'B' and 'C' on the site plan drawings, to the City Council. The total area of this land is 29.48ha. There is currently a network of footpaths through this area but the land itself is in private ownership.
- 6.32. Strategic Policy S4 seeks to conserve and enhance the natural environment through a number of measures. Part of this is the delivery of greenspaces to which provision will include, as identified

at paragraph 5.29 of Strategic Policy S4, areas for open space and recreation use/SuDS. The transferred land in question is identified as one of these areas within the Chelmsford Local Plan Policies Map.

- 6.33. The transfer of parcels 'B' and 'C' into public ownership provides an opportunity to enhance the recreational use of the land and the quality of the green space in accordance with the Local Plan policies.
- 6.34. Furthermore, as set out in the Chelmsford Policy Board report dated 14 July 2022, the Council recognises the importance of the rivers and waterways in and around Chelmsford and has identified options and opportunities to improve their appearance, attractiveness and recreational use.
- 6.35. The transfer of land would align with the Council's corporate objectives and acquiring this land into the Council's green portfolio for informal recreation, leisure and potential tree planting to meet climate change targets would be an opportunity. There would also be wider strategic benefits through the linking of this land with the Country Park proposed at Strategic Growth Site 3a. It is anticipated this Country Park will also be transferred to the Council in the future. Together these would create an extensive and important green network between the City Centre and east Chelmsford.
- 6.36. Therefore, there is a public benefit in the Council acquiring this land which weighs in favour of the scheme.

Landscape effects of the proposal – (Strategic Policy S11 – The role of the countryside, Policy DM7 – New buildings and structures in the Green Wedge and Policy DM8 – New buildings and structures in the Rural Area)

- 6.37. At a strategic level, the Council seeks to protect the intrinsic character and beauty of the countryside, and the role and function of Green Wedges, consistent with its Spatial Strategy. However, in considering the impact of development, it is necessary to assess the actual harm caused.
- 6.38. The site forms part of the Green Wedge which has a typical water meadows character in that it is an area of grassland alongside a river with a network of public routes running through. However, the site itself is quite self-contained as it is predominately bordered by well-established trees and landscaping. It is different from the open and undeveloped fields and river valley to the south, owing partly to being used as a compound during the construction of the Chelmer Valley bridge (history refers).
- 6.39. There would be some landscape harm from the development through the removal of vegetation and trees, and the construction of housing on what is an undeveloped site. The proposal would impact on the character and appearance of the Rural Area and Green Wedge through the additional urbanisation of the south side of Chelmer Village Way. More notably, long and short distance views would be afforded across the river valley. Currently, foreground views from the south are predominantly of established trees and landscaping, and the low rise form of The Fox and Raven pub, and properties in Mill Vue Road. The character is inherently rural. The development would alter this and would represent a greater scale and density of built form from what currently exists along the south side of Chelmer Village Way.



- 6.40. However, the built-up form of Chelmsford Urban Area sits in the background of the site when viewed from the south, with the three and four storey scale of Chelmer Retail Park and neighbouring residential developments visible along the skyline. It would, therefore, not be wholly out of keeping with the existing urban fabric. Along Chelmer Village Way, the scheme would sit adjacent to a busy road junction and would be similar in form, scale and density to the Chelmer Road development that sits opposite the A138 roundabout.
- 6.41. Furthermore, the built form of the scheme does not extend beyond the established rear building line of development to the east, e.g. The Fox and Raven and properties in Mill Vue Road. This, together with the location of the Urban Area to the north and east, means it is considered that the development would not unacceptably contribute to urban sprawl and settlement coalescence.
- 6.42. Specifically in relation to the Green Wedge, the development would not impact on the open green networks – these lie outside of the site and to the south. Instead, in part, the scheme would be enhancing leisure, recreation, and sustainable travel within the Green Wedge through the transfer of the land to the south into public ownership and providing additional connections through to this land – this aligns with the Green Wedge’s role and function.
- 6.43. However, the development would necessitate the removal of trees and landscaping which conflicts with Green Wedge principles. A comprehensive replacement planting scheme as well as additional tree planting (see relevant sections below) is proposed to help mitigate the impact of the proposal in the wider locality.
- 6.44. Overall, it is accepted there would be harm to the intrinsic character and beauty of the countryside and Green Wedge. This harm needs to be weighed against the benefits of the scheme.

Heritage impact – (Strategic Policy S3 – Conserving and enhancing the historic environment, Policy DM13 – Designated heritage assets and National Planning Policy Framework)

- 6.45. Paragraph 212 of the NPPF makes it clear that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
- 6.46. Paragraph 215 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Strategic Policy S3 and Policy DM13 of the Local Plan reflect this national policy position.
- 6.47. The site lies within the Chelmer and Blackwater Navigation Conservation Area and within the setting of five grade II listed buildings, the closest being the Fox and Raven pub and the Miller and Carter Barn. Beyond the A138, the water meadows and rural character are a key feature of the Conservation Area.
- 6.48. The water meadows associated with the Navigation and the character of the area form part of the setting to the listed buildings. Whilst there is extensive modern development within the context, Chelmer Village Way provides a strong divide.
- 6.49. The development comprises of three perimeter blocks separated by landscaping. The concept is drawn from the rural farmsteads of the Conservation Area but is inevitably more urban in

character. The east block (Courtyard 1) is setback to minimise its impact on the Fox and Raven. An orchard is proposed to the south to provide some separation and visual relief. The central block is separated by the main access road and a landscaped area to the west. The western block rises up to three storeys in height. The southern edged uses a varied roofscape, with landscape screening and a bund. There would be a mixture of materials, primarily buff brick, black boarding and slate roofs.

- 6.50. The gaps between blocks would allow views to permeate through the development into the water meadows. The varied form and landscape edge would help to reduce the impact on the wider area. The setback and reduced scale to the east would respond to the setting, whilst the large scale buildings to the west frame the gateway towards Chelmer Village. The steep narrow gables respond to local character. There is interest through elevational and window detailing, the material palette, enclosure and landscaping.
- 6.51. There would be a fundamental change to the character of the site, from an undeveloped, rural field to an urban development of 55 units. The development would result in encroachment into the river valley. Even taking account of good placemaking and design, there would be a harmful impact on the heritage assets.
- 6.52. Taking account of the large size of the Conservation Area and the mitigation measures proposed, the impact would amount to a low level of less than substantial harm to the Conservation Area. Likewise, the rural setting of the Fox and Raven would be diminished, resulting in a low-moderate level of less than substantial harm to the public house, and low level harm to the adjacent Miller and Carter barn.
- 6.53. Barnes Mill, Mill House and Barnes Lock, the other listed buildings, are more remote and screened from the site – the impact on their settings would be negligible.
- 6.54. Historic England also considers there would be less than substantial harm to the setting of the identified heritage assets. They consider that the impact on setting would be primarily by the encroachment upon open land that contributes positively to their significance, in particular the public house and the Miller and Carter barn and views afforded from them from the river valley.
- 6.55. As set out in Chapter 16 of the NPPF and Policies S3 and DM13, whilst the harm to the heritage assets is considered to be less than substantial, this harm is a matter of great weight and needs to be balanced against the public benefits of the scheme.

Flooding (*Strategic Policy S2 - Addressing Climate Change and Flood Risk and Policy DM18 - Flooding/SuDS*)

#### **Sequential and Exception Tests**

- 6.56. Both the National Planning Policy Framework and the National Planning Practice Guidance (PPG) apply a sequential based approach to development to steer it to the lowest areas of flood risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas.
- 6.57. The northern part of the site (approximately two thirds) falls within Flood Zone 1, the lowest flood risk zone. The southern part of the site, however, falls within Flood Zones 2 and 3 which have a higher probability of flooding. Therefore, a sequential test is required.

- 6.58. The purpose of the sequential test is to determine whether there are no reasonably available alternative sites appropriate for the proposed development in areas with a lower probability of flooding.
- 6.59. The proposed development is for affordable housing in a highly sustainable location that is at the top of the Settlement Hierarchy (Chelmsford). As part of the proposal, the applicant is proposing to transfer approximately 29ha of land south and east of the development parcel to the Council to be utilised for recreational and leisure purposes, consistent with Local Plan aspirations and land designations.
- 6.60. The submitted Sequential Test argues that the transferred land is interlinked with the residential parcel such that there are very specific local circumstances that support a defined search area to land to the east of Chelmsford, parallel to the River Chelmer. The Council accepts this search area.
- 6.61. Within this search area, a list of reasonably available sites is identified and assessed with the Sequential Test concluding there are no sequentially preferable sites within a lower flood zone that would deliver the proposal. It is considered the Sequential Test has been passed.
- 6.62. In accordance with paragraphs 177 of the NPPF, even though the Sequential Test has been passed, an Exception Test is required.
- 6.63. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.64. To meet part a), the Exception Test sets out a range of wider sustainability benefits that the proposal would deliver that would outweigh the risks posed by flooding:
- The highly sustainable location of the development in close proximity to local facilities, transport corridors and the City Centre.
  - The delivery of affordable housing, including housing meeting those in the greatest need.
  - The delivery of larger affordable rent units to boost supply of larger family dwellings which are in critical demand.
  - The transfer of land to public ownership for leisure and recreational purposes.
- 6.65. To meet part b), the Exception Test sets out how the development would be safe for its lifetime:
- Crucially, the majority of the residential site lies within flood zone 1, with a smaller proportion of the site falling in flood zones 2 and 3.
  - The proposal includes the provision of a landscaped bund along the southern boundary to mitigate flooding where the higher flood zones sit. The Hydraulic Modelling report submitted with the planning application confirms that the bund would not cause flooding downstream.
  - A site-specific flood risk assessment has been submitted setting out how the development will be safe through design of site levels to convey surface water; through the design of properties and flood resistant measures including raising finished floor levels (ground levels on the southern section of the site would rise by approximately 1m).

- 6.66. It is considered the Exception Test is satisfied such that the principle of the site being considered for development in respect to these flood zones is accepted.

#### **On-site flood mitigation**

- 6.67. As stated above, a site-specific flood risk assessment has been submitted with the planning application. This identifies the sources of flooding to the site, with the main being fluvial from the River Chelmer.
- 6.68. To mitigate fluvial flooding, a landscaped bund is proposed around the east, south and west of the residential area of the development. At a maximum height of approximately 1.22m the bund would extend almost the full length of the southern boundary and would replace the existing vegetation currently along the edge of the site. It is proposed the bund would be replanted with robust vegetation and high value and high carbon credit scoring trees.
- 6.69. A hydraulic modelling report submitted with the application demonstrates that a bund can be used to remove flooding from the residential portion of the development in design storm events, including accounting for climate change. The report shows that the bund will have only a marginal impact on flood levels within the site. Specifically, the bund would result in an increase water levels, compared to the baseline, in 1 in 30yr and 1 in 100yr events (plus climate change) of an average of 30mm, primarily within the western area of the site, within the public open space where there is no built form. It would also result in some creep to the south beyond the red line boundary within the floodplain but still within the wider ownership boundary (blue land) up to extent of approximately 80m.
- 6.70. The modelling demonstrates that there would be no impact to any other properties or flooding downstream.
- 6.71. The use of the bund to protect the site and any marginal on site impacts caused are accepted by the Environment Agency (EA) who raise no objection to the proposal.
- 6.72. On surface water management, sustainable urban drainage measures are proposed, including the use of permeable paving throughout the site and a detention basin within the public open space to the west of the site. It is, however, acknowledged that in extreme events that the bund could cause an impediment to surface water outfall. The bund is proposed to have flap valves on the Chelmer side to allow any water that gathers within the site from any source to exit the site before any flooding of dwellings can occur.
- 6.73. No objections are raised by the Lead Local Flood Authority subject to conditions.
- 6.74. No objections are raised by Anglian Water.

#### Design, layout and appearance – (*Policy DM23 – High quality and inclusive design and Policy DM24 – Design and place shaping principles in major developments*)

- 6.75. As set out in the heritage section, the scheme comprises of three perimeter blocks (known as Courtyards 1, 2 and 3) separated by landscaping. The concept is drawn from the rural farmsteads of the Conservation Area. Access is taken from Chelmer Village Way with the internal road sitting between Courtyards 1 and 2 and then extending west to run through the centre of Courtyards 2 and 3.

- 6.76. Courtyards 1 and 2 are restricted to two-storeys only, with the exception of plots 28 and 29 which are two and half storey as the scheme begins to transition to this scale as it continues west, rising to three storeys along the western edge of the site. The restricted scale on the eastern edge, helps minimise the impact on the adjacent listed buildings. As the scheme moves away from these heritage assets, the increase in scale appropriately aligns with the urban character of the western and northern edge and the busy road junction.
- 6.77. The proposal uses gable ends, chimneys, brick detailing and black boarding to give the development interest and articulation. The use of fenestration provides activation, particularly where a fully enclosed perimeter block cannot be achieved due to the site's irregular shape and narrowing to the west. This in particular makes it difficult for the development to fully front Chelmer Village Way. However, the use of brick walls and landscaping would aid in mitigating this. Internally, the scheme achieves good street enclosure with the use of walls and single storey elements to enclose spaces where properties are not adjoined. The built form is complemented by the landscaping and the green spaces between blocks.
- 6.78. Pedestrian routes and a central footway/cycle way is proposed through the site providing direct access to the national cycle route and the land to the south to be transferred.
- 6.79. With regard to internal relationships, Appendix B of the Local Plan sets out privacy and proximity standards, which are lower for sites within a City Centre location.
- 6.80. The required 20m back-to-back distances between plots are being met for the most part. Exceptions to this are plots 15 and 20 where the distance is only 9m, however plot 20's rear windows are obscure glazed to prevent overlooking. Nos. 27 and 32 also have a reduced front-to-back distance of approximately 13.9m owing to no. 32 being a FOG within the parking court. This FOG would provide enclosure along the southern boundary where public views to the development could be afforded. On this basis, this reduced distance is justified.
- 6.81. Plots 1, 4, 20, 27, 29, 30, 34, 35, 36 do not meet the minimum 12.5m back to flank wall distance (12.5m). However, the reduced distances allow for block enclosure and therefore are justified on design grounds. Conditions for windows to be obscure glazed would prevent overlooking. A privacy screen is proposed along the southern boundary of plot 28 to mitigate the reduced back to side garden distance to plot 30. This is also justified on designed grounds.
- 6.82. Finally, the bedroom windows of plots 11 and 14 have a close but oblique relationship due to the 'cranked' northern elevation of courtyard 1 to accommodate the diverted footway/cycleway (see below). This is accepted and a condition requiring privacy screening is proposed.
- 6.83. Overall, the layout, scale, design and appearance of the scheme is acceptable.

#### Highway Infrastructure (*Strategic Policy S10 – Securing infrastructure and impact mitigation*)

- 6.84. The proposal includes a package of highway mitigation to improve bus and pedestrian connectivity. A signalised crossing is proposed along Chelmer Village Way to connect the site to the existing eastbound bus stops and local facilities and services, including the Retail Park. A new bus stop is also proposed on the southern side of Chelmer Village Way, west of the development site.

- 6.85. The existing footway/cycleway adjacent to the site access would be diverted slightly south to ensure there is no unacceptable conflict between pedestrians and cyclists and vehicles entering and exiting.
- 6.86. To accommodate the signalised crossing, the westbound carriageway along Chelmer Village Way (west of the Beeleigh Link roundabout) would be reduced to one lane. It would return to two lanes west of the crossing and continue as existing to the A138 roundabout.
- 6.87. Whilst representations have been raised on traffic and congestion, the Highway Authority has visited the site, assessed the application and submitted information, and considers from a highway and transportation perspective the impact of the proposal is acceptable.

Parking and cycling provision – (Policy DM24 – Design and place shaping principles in major developments, Policy DM27 – Parking standards)

- 6.88. A lower parking provision is proposed, equating to 1 space per one and two bedroom properties and 2 spaces for three and four bedroom properties. Eight visitor spaces are also provided.
- 6.89. The site is sustainably located and its proximity to pedestrian and cycle routes, bus stops, and the provision of the signalised crossing justifies a lower parking provision. The site's constraints and the need to achieve good design principles, including perimeter blocks, street enclosure and active frontages also justifies a lower provision. The latter, in particular, applies to plots 43 and 44 which are three bedroom properties but only have 1 parking space. Through the life of the application, the bedroom accommodation of these plots has increased to improve Courtyard 3's appearance. However, the site's constraints does not allow for additional parking spaces. These are affordable rented units, therefore larger properties in demand. The Council would not wish for their size to be reduced for the sake of a parking space. Therefore, in this circumstance, 1 space for these units is considered acceptable.
- 6.90. Appropriate cycle parking is provided for the flats.
- 6.91. No objections are raised by the Highway Authority.

Development standards and sustainable construction - (Policies DM1, DM23, DM24, DM25 and DM26 and Appendix B)

- 6.92. The proposal includes various areas of on-site green space, including the orchard, the central green space and the area around the SuDS basin. However, whilst they are accessible, not all of them allow opportunities for informal activities, i.e. kicking a ball, and there is no designated children's play space, although the central space includes an incidental natural play area (stepping logs etc.). The site, however, lies approximately 400m away from the Ruskin Road playground, accessed via the existing underpass. This playground could supplement the play facilities which cannot be achieved on-site. A financial contribution of £15,000 is considered necessary to upgrade this space to mitigate the on-site open space deficiency.
- 6.93. The development meets natural and semi-natural green space requirements. The transferred land is an acceptable provision of Strategic Open Space. A financial contribution is considered necessary to assist in the maintenance and management of the transferred land for a two-year period (see Draft Heads of Terms).

- 6.94. The location of the Ruskin Road playground also justifies no communal open space being provided for the flat accommodation. Appendix B of the Local Plan allows for no provision where a park or recreation ground is located within 600m for sites within the City Centre. Every flat would have a private balcony or private zone (ground floor flats) in accordance with Appendix B.
- 6.95. The garden sizes of the houses meet standards except for plots 23, 27, 26, 34 which are slightly under in order to facilitate the perimeter blocks and to ensure street enclosure – a reduction in standards is considered justified.
- 6.96. The development is compliant with Nationally described space standards for housing.
- 6.97. 50% of the development (28 units) would look to meet Approved Document M4(2) (accessible or adaptable dwellings). These would be a mix of affordable rent and shared ownership. The end user (Homegroup) has confirmed that they are satisfied with the distribution of these units across the site.
- 6.98. Three of the affordable rent units (plots 10, 47, 50) are wheelchair user dwellings.
- 6.99. Appropriate recycling and waste provision is provided for the flats and houses.
- 6.100. A condition will be attached for the dwellings to have access to electric vehicle charging points and be designed to use less than 110 litres of water per day as required by Policy DM25.

Trees, ecology and tree planting, biodiversity net gain and RAMS (Policy DM16, and Policy DM17 RAMS Supplementary Planning Document, Planning Obligations Supplementary Planning Document and Tree Planting Advice Note)

- 6.101. The site is bordered by trees and hedgerows, which are protected due to the site's location within the Conservation Area. Policy DM17 states that in exceptional circumstances there may be overriding public benefits arising from the development that could justify the removal of preserved trees. In such circumstances, replacement trees shall be provided of a size and type suitable for its location.
- 6.102. The proposed layout would require the removal of 30 individual trees, 2 groups of trees and 2 small woodland groups. It would also require the part removal of 1 woodland and 1 hedge. The reason for the extent of tree and woodland removal is a combination of the irregular shape of the site, particularly as it narrows to the west, the majority of the landscaping sitting along borders, and the layout of the scheme to achieve the perimeter block arrangement.
- 6.103. The loss of the trees and landscaping within the site is unfortunate and would normally be resisted. However, a robust compensatory planting scheme is proposed, following discussions with the Council to increase the number of higher carbon credit scoring trees such as Maples and Limes, and to include a greater diversity of species. Furthermore, the landscaping scheme includes the planting of heavy standard and extra heavy standard trees, i.e. heights ranging between 350-500cm to help mitigate the loss and re-establish landscaping on site from the start.
- 6.104. Trees would be planted along the bund and the western boundary, to reinstate planting along the borders similar to what currently exists. An orchard is also proposed to the south of Courtyard 1 which would enhance landscaping within the site, together with the central green space and the SuDs basin and amenity green to the west.

- 6.105. A total of 198 new trees would be planted on site which would compensate for the loss of trees and landscaping, in addition to meeting the Council's requirement of three new trees per dwelling in accordance with the Planning Obligations Supplementary Planning Document (SPD) (January 2021).
- 6.106. In addition, as previously set out, approximately 29ha of land is proposed to be transferred to the Council. This could provide opportunities for further tree planting in accordance with the 'Our Chelmsford Our Plan' and the 'Climate and Ecological Emergency Declaration Action Plan.'
- 6.107. However, there is harm in the removal of protected trees and this needs to be weighed against the public benefits of the scheme.
- 6.108. It is also acknowledged there are ecological impacts in removing existing landscaping. However, an ecological impact assessment has been submitted, and subject to appropriate mitigation measures, including precautionary working methods and the application of a mitigation licence for badgers, all which can be conditioned, it is considered that the development would not unacceptably harm any protected and priority species, including bats, badgers, Starling, Dunnock and Song Thrush. There would be no unacceptable impact to the Local Wildlife Site to the south.
- 6.109. The date of the application's submission (July 2023) pre-dates the mandatory requirement to deliver 10% biodiversity net gain. However, the scheme proposes to meet this requirement.
- 6.110. An assessment of the on-site habitats and their condition has been undertaken and it has been concluded that the scheme would result in a loss of habitat units and only a 3.7% net gain in hedgerow units. Therefore, the scheme needs to address the habitat loss as well as meet the 10% net gain in both habitats and hedgerows. This is not deliverable on site without a significant loss in affordable housing units. Therefore, in this circumstance, the delivery of the residual losses and the net gain target off-site is accepted.
- 6.111. A 3.31ha off-set site is proposed in parcel 'C' of the transferred land. Following its creation, it would be transferred to the Council for future maintenance. A financial contribution for this maintenance is proposed. This offset habitat, which would include the creation of new hedgerows, would be a benefit to species within the area including bats and birds.
- 6.112. The Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the Habitat Regulations) require all new residential developments that have the potential to cause disturbance to European designated sites to provide appropriate mitigation. To deal with this, an Essex County wide strategic approach to considering and mitigating potential harm has been produced - the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). An Appropriate Assessment has been carried out which concludes that a contribution of £9,012.30 towards off-site mitigation (RAMS contribution) is necessary to mitigate the potential disturbance to European designated sites arising from this development growth.

Health (*Strategic Policy S9 - Infrastructure requirements*)

- 6.113. The proposed development is likely to have an impact on the services of surgeries which operate within the vicinity of the site. It is estimated that the development would generate approximately 132 new residents which would increase demand on existing services.



6.114. The Integrated Care Board has requested £27,100 to be secured through a S106 Agreement to mitigate the impacts of the development, to be used for appropriate measures to increase capacity.

*Other matters*

6.115. The Education Authority has confirmed that there is sufficient early years and childcare, and primary and secondary school capacity such that no financial contributions are required.

*Weighted balance*

6.116. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.117. The NPPF is a material consideration to planning decisions. It sets out the presumption in favour of sustainable development which can be achieved through the positive engagement of three overarching objectives; economic, social and environmental. The NPPF advises these should be pursued in a mutually supportive way and should be used in the application of the policies in the NPPF. However, they are not criteria against which every decision can or should be judged.

6.118. The proposed scheme is for a 100% affordable housing development of 55 units, within the Rural Area and Green Wedge. When read together policies S1, S7, S11, DM7 and DM8 indicate that the proposal does not comply with the Council's strategic approach to development within its administrative area. There is some harm caused through non-compliance with the Council's development plan.

6.119. There would be harm caused to the intrinsic character and beauty of the countryside and Green Wedge, through built form on an undeveloped site and the removal of trees and landscaping that form part of the landscape character. Some of the harm is mitigated by the location of the Urban Area within the backdrop of the site.

6.120. The development would necessitate a sizeable amount of tree and landscape removal. These are protected due to the site's location in a Conservation Area. Whilst this would normally be resisted, Policy DM17 allows tree removal in exceptional circumstances where there are overriding public benefits and appropriate replacement planting. A comprehensive landscaping scheme is proposed to compensate for the tree and hedgerow loss in addition to the provision of 3 new trees per dwelling.

6.121. As set out in the heritage section, there would be less than substantial harm to heritage assets. Chapter 16 of the NPPF and Policy DM13 requires that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether the harm is considered to be less than substantial to the significance of identified heritage assets.

6.122. The scheme, in addition to shared ownership units, would deliver 24 affordable rent units. As set out in the Chelmsford Housing Strategy 2022-2027, there is a critical need for more affordable housing for rent as these units aid in meeting the priority housing need on the Council's Housing Register.

6.123. In addition, low levels of larger affordable housing for rent have significantly impacted on the churn of large family homes within the existing affordable housing stock, leading to a decline in

the number of existing affordable homes being relet overall. Therefore, there is a significant need to deliver larger affordable rent units. 9 of the 24 affordable rent units would be 4 bedroom properties which would significantly boost supply.

- 6.124. The scheme aligns with the Council's objectives of boosting affordable housing supply and the NPPF's aim of boosting the supply of housing nationally. This attracts significant weight in favour of the proposal.
- 6.125. There are economic and environmental benefits with the scheme due to the site's highly sustainable location, including being adjacent to sustainable means of transport. Furthermore, whilst a site-specific requirement to make the development acceptable, the provision of the signalised crossing is a key infrastructure provision which would benefit the wider community. All these attract some weight in favour of the proposal.
- 6.126. There are also public benefits in the transfer of a substantial amount of land into public ownership which would provide recreational, leisure and environmental opportunities, aligning with the Council's corporate and Local Plan objectives. This attracts great weight in favour of the proposal.
- 6.127. It is noted there is local concern on highway and flooding matters, however as set out in the report, it is considered that these would be reasonably mitigated by a variety of measures and no objections are raised by statutory consultees.
- 6.128. When taken cumulatively, it is considered the identified benefits would outweigh the less than substantial harm to the significance of the designated heritage assets to which great weight must be attached. They also would outweigh the harm caused to the Rural Area and Green Wedge, the loss of trees and landscaping on site, and the proposal's conflict with the Local Plan.
- 6.129. Overall, and in the context of paragraph 12 of the NPPF, the benefits of the proposal, most notably the delivery of affordable housing to meet an identified need, are cumulatively considered to outweigh the totality of harm identified. It is therefore considered in this site-specific circumstance the material considerations of the proposal justify a departure from the development plan.

## **7. Community Infrastructure Levy (CIL) and Section 106 Agreement**

- 7.1. The development is a 100% affordable housing scheme and qualifies for mandatory Social Housing Relief in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
- 7.2. There are site specific payments towards works and obligations in order for the development to accord with national and local planning policies. These would be secured via a S106 Agreement and the expected drafts heads of terms are as follows:
  - Affordable housing provision and delivery - 55 units with a tenure split of 44% affordable rent and 56% shared ownership
  - Provision of three wheelchair housing units
  - Open space delivery
  - Open space (residential parcel) maintenance and management commuted sum if the land is to be transferred to the Council – the applicant has indicated this is their intention with the details to be agreed via the S106; or
  - Conditional performance bond (residential parcel) if the open space is privately maintained and managed (should an agreement not be reached between the Council and the applicant)

- Health care contribution - £27,100
- Open space contribution - £15,000
- RAMS - £9,012.30
- Provisions for the transferred land (parcels B and C)
- 2 year management and maintenance of transferred land contribution - £11,586.82
- Delivery of biodiversity offset land
- Future maintenance and management of biodiversity offset land contribution - £49,603.24
- Monitoring fees

## 8. Conclusion

8.1. The proposal would significantly boost affordable housing supply. The benefits and harm of the proposal have been considered against the relevant national and local plan policies. As set out in the weighted balance, it is considered that the public benefits of the scheme greatly outweigh the harm caused, including harm to landscape and heritage, and that in this site-specific circumstance the material considerations of the proposal justify a departure from the development plan.

8.2. Local objections have been received and considered. The matters raised through the consultation have been considered in the context of national and local planning policy. The objections would not amount to grounds for refusal as the development is assessed to be acceptable in relation to those concerns raised.

## **RECOMMENDATION**

**(a) Subject to an agreement, as indicated in the report presented to the Committee, being entered into by 21<sup>st</sup> July 2025 pursuant to the Town and Country Planning Act 1990, the Director of Sustainable Communities be authorised to grant the application subject to the following conditions:-**

### **Condition 1**

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**

(i) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological and geoarchaeological investigation identified in the approved Written Scheme of Investigation.

(ii) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason:

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

**Condition 5**

No development or preliminary groundworks of any kind shall take place until:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorising the closing of the badger sett; or
- b) a statement in writing from the Natural England confirming that closing the sett will not require a licence.

Reason:

To conserve protect species and their habitats in accordance with Policy DM16 of the Chelmsford Local Plan.

**Condition 6**

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

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

Reason:

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

**Condition 7**

The bund shall be constructed prior to the commencement of above ground works with the final details and long-term management and maintenance plan previously submitted and approved in writing by the local planning authority.

The bund shall be constructed and maintained in accordance with the approved details.

Reasons:

To ensure the development is visually satisfactory and made safe for future residents in accordance with Policies DM18 and DM23 of the Chelmsford Local Plan.

**Condition 8**

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

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

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

Reason:

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

**Condition 9**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Sustainable Urban Drainage Assessment, Rev C1, dated October 2024 by Richard Jackson Consultants and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 3.1l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

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

**Condition 10**

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

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be submitted to and agreed in writing by the Local Planning Authority.

Reason

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

**Condition 11**

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

## Reason

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

**Condition 12**

The development shall be carried out in accordance with the construction environmental management plan and method statement, project no. 213, REV. 5 (dated 09.10.2024), subject to such minor variations as may be agreed in writing by the local planning authority.

## Reason:

To ensure the construction of the site is appropriately managed, in the interests of highway safety.

**Condition 13**

Prior to first occupation, the provision of an access formed at right angles to Chelmer Village Way, as shown in principle on DWG no. 61845-PP-018 Rev. B (Proposed Crossing Arrangement Option 9, dated 24.10.2024), shall be provided to include but not limited to;

- i. A left in, left out access arrangement, to include appropriate junction radii to accommodate the swept path of all vehicles regularly accessing the site.
- ii. Two 3-metre-wide shared foot/cycleways connecting into the site, with merge onto carriageway for cyclists.
- iii. The provision of a suitable pedestrian cycle crossing of the site access.
- iv. Visibility splays with dimensions of 2.4 metres by 31 metres shall be provided from the development site access road onto the shared foot cycle route, with no obstruction above 600mm. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

## Reason:

To provide a safe and suitable access arrangement, in the interests of highway safety.

**Condition 14**

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 15**

Prior to first occupation of the development, the highway works shown in principle on DWG 61845-PP-018 REV. B ('Proposed Crossing Arrangement, option 9', dated 24.10.2024), shall be implemented. The highway works to include, but not limited to;

- i. Provision of a toucan crossing across Chelmer Village Way.
- ii. Alterations to the westbound carriageway and central island on Chelmer Village Way, and any other associated highway works, to facilitate the provision of the toucan crossing.
- iii. Provision of a new bus stop on the southern side of Chelmer Village Way (to the west of the proposed site access). The bus stop shall comprise of, but not limited to, the following facilities:

raised kerbs, hardstanding, a shelter with seating, lighting and power connection, bus cage with bus clearway markings and signage, a bus stop flag, timetable frame and real time passenger information (RTPI) screen.

- iv. Relocation of the raised kerbs and bus cage road markings for the existing eastbound bus stop on Chelmer Village Way.
- v. Bus stop improvements to the existing eastbound bus stop to include, but not limited to, new bus shelter and real time passenger information (RTPI) screen.
- vi. The extension of the 'no stopping' (clearway) Traffic Regulation Order on A138 to include the dual carriageway section on Chelmer Village Way between A138 and Beeleigh Link roundabouts. The TRO to include the provision of the associated signing and lining.

All necessary works shall be carried out entirely at the developer's expense and be fully implemented prior to occupation.

Reason:

To facilitate the safe crossing of pedestrians and cyclists across Chelmer Village Way, to promote sustainable transport and to prevent parking on the highway in the vicinity of the site, in the interests of highway safety and accessibility.

#### **Condition 16**

Prior to their use, samples of the brick for the houses and flats and all hard surface 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 and does not detract from the historical value or character and appearance of the surrounding heritage assets in accordance with Policies DM13 and DM23 of the Chelmsford Local Plan.

#### **Condition 17**

All new brickwork shall be constructed to give the appearance of Flemish bond, with either a flush or recessed mortar joint.

Reason:

To ensure that the development is visually acceptable and does not detract from the historical value or character and appearance of the surrounding heritage assets in accordance with Policies DM13 and DM23 of the Chelmsford Local Plan.

#### **Condition 18**

With the exception of the proposed brick and surface materials, the development shall be carried out in accordance with the approved materials plan.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area and adjacent heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 19**

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

b) Notwithstanding drawing no. SP-106 Rev J, details shall be submitted of a boundary treatment to the central open space to prevent parking within this space.

c) No part of the development shall be occupied until the boundary treatments have been provided in accordance with the approved details.

Reason:

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

**Condition 20**

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

(a) Fenestration, including elevations, the setback from face brickwork, sections through the head, jamb and cill, and details of stiles, mullions, meeting rails and glazing bars;

(b) Eaves, verges, hips and ridges;

(c) Doors, door casings and surrounds;

(d) Brick detailing;

(e) Rainwater goods and soil or vent pipes;

(f) Balconies;

(g) Chimneys and flues;

(h) Vents and extractor fans;

(i) Meter boxes

(j) Soffit, gutter brackets and verges

(l) Security lighting and video cameras

(m) Tile or ridge vents

(n) plinths

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

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area and adjacent heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 21**

Details of hard landscaping 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. The details shall include:

a) Pathways and driveways

b) Visitor spaces, including kerbs and how they are marked out

c) Marking out of parking spaces for all flats

d) Turning head, including markings to restrict on road parking

e) Barriers to restrict on street parking



- f) Seating
- g) Bins
- h) other hard landscape features

Reason:

In order to add character to the development, to integrate the development into the area and to prevent indiscriminate on street parking in accordance with Policies DM23, DM24 and DM27.

**Condition 22**

The development shall be carried out in accordance with the landscaping drawing nos. 2637-LLA-ZZ-00-DR-L-0201 Rev P07 and 0202 Rev P07 and 2637-LLA-ZZ-00-DR-L-0001 Rev P08 prior to the first occupation of any part of the development or in the first available planting season following such occupation.

If any such tree, shrub or landscaping forming part of the approved landscaping is removed, uprooted, destroyed or dies within the duration of 10 years during and after the completion of the development shall be replaced by the same species during the next available planting season.

Reason:

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

**Condition 23**

A landscape management plan, including long term design objectives, management responsibilities and schedule of landscape maintenance for a minimum period of ten years for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that the landscaping and planting is appropriately maintained in the interests of the character and appearance of the area in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 24**

No trees or hedges within the site other than those shown to be removed as contained within the arboricultural Impact Assessment prepared by Southern Ecological Solutions dated 28.06.2023 shall be felled, uprooted, damaged, or disturbed or removed prior to the commencement of the development or within a period of 5 years following commencement of the development.

If any such tree is removed, uprooted, destroyed or dies prior to commencement of development or within a period of 5 years following commencement another tree shall be planted within the next available planting season. The location, size and species of replacement planting shall be as agreed in writing by the local planning authority.

Reason:

To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 and Policy DM23 of the Chelmsford Local Plan.

**Condition 25**

In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural Impact Assessment prepared by Southern Ecological

Solutions dated 28.06.2023 subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

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

**Condition 26**

Prior to their installation details of any means of external lighting shall be submitted to and approved in writing by the local planning authority. The light details shall include a lighting design strategy for biodiversity to ensure that no lighting impacts on protected species or their habitats.

The lighting shall then be installed in accordance with the approved details.

Reason:

To ensure the proposed development is visually satisfactory and does not impact on any protected species or their habitats in accordance with Policy DM16 of the Chelmsford Local Plan.

**Condition 27**

Prior to first occupation details of privacy screening and obscure glazing for bedrooms 1 and 2 of plot 11 and bedroom 2 of plot 14 shall be submitted and approved in writing by the local planning authority.

Thereafter the development shall be constructed in accordance with the approved details.

Reason:

To safeguard the privacy of the occupiers of the development in accordance with Policy DM26 of the Chelmsford Local Plan.

**Condition 28**

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

Reason:

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

**Condition 29**

The development shall not be occupied until such time as the vehicle parking spaces and the internal road as shown on the proposed site layout drawing nos. SL-02 Rev and SP-103 Rev J, has been provided. The parking spaces and road, including the turning head, shall be retained in this form at all times.

Reason:

To ensure that appropriate parking and turning is provided in the interests of highway safety.

**Condition 30**

The access and internal road of the development hereby approved shall be constructed to a standard capable of carrying a 26 tonne refuse vehicle.

Reason:

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

**Condition 31**

Prior to first occupation, the Developer shall provide to each household a copy of a Flood Risk Emergency Plan with the details previously submitted and approved in writing by the local planning authority.

Reason:

In the interest of the safety of all future residents, in accordance with Policy DM18 and Policy DM24 of the Chelmsford Local Plan.

**Condition 32**

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

Reason:

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

**Condition 33**

The biodiversity net gain enhancements including the offset land shall be implemented in accordance with the Biodiversity Net Gain Appraisal dated September 2023 and the Habitat Management and Monitoring Plan (Offset Land) dated October 2023, both prepared by CSA Environmental prior to first occupation of the development or in accordance with a timetable of implementation to be submitted to and agreed in writing by the local planning authority.

Reason:

To secure biodiversity enhancements on and off site in accordance with Policy DM16 of the Chelmsford Local Plan.

**Condition 34**

The development hereby permitted shall only be carried out in accordance with the details contained in the approved Ecological Impact Assessment prepared by CSA Environmental dated June 2023 subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

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

**Condition 35**

The development shall be carried out in accordance with the discovery strategy as set out report 6664, GI, SITEINV, HS, SG,24-08-22,V1, dated 24th August 2022 prepared by Geosphere Environmental Ltd subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

To ensure the development does not give rise to problems of pollution or contamination in accordance with Policy DM30 of the Chelmsford Local Plan.

**Condition 36**

The development shall be carried out in accordance with the Residential Noise Impact Assessment prepared by Sweco dated 12.06.2023 subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

To safeguard the amenities of the occupiers of the development in accordance with DM26 of the Chelmsford Local Plan.

**Condition 37**

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 38**

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

Reason:

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

**Condition 39**

Three of the affordable units for rent as hereby approved shall be constructed to comply with Building Regulations Approved Document Part M4(3)(2)(b) (2010 - as amended).

Reason:

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

**Condition 40**

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

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area and adjacent heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 41**

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 outbuildings or structures shall be constructed at plots 23, 27, 26, 33, 34, 35 and 36 without the grant of an additional planning permission by the local planning authority.

Reason:

To ensure the development is visually satisfactory along Chelmer Village Way and to protect the enjoyment of the amenity space for the occupiers of plots where provision is lower.

**Condition 42**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no wall, gate or other means of enclosure other than hereby approved shall be constructed within or along the boundaries of the site without the grant of an additional planning permission by the local planning authority.

Reason:

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

**Condition 43**

The windows on the following plots 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.

- Plot 4 – first floor window of the southern elevation as shown on drawing no. CY1-02 Rev J
- Plot 6 – first floor windows of southern elevation as shown drawing no. CY1-02 Rev J
- Plot 20 – first floor windows of northern elevation as shown on drawing no. CY2-02 Rev G
- Plot 27 – first floor landing and bathroom windows on the southern elevation as shown on drawing no. CY2-07 Rev H
- Plot 28 – first floor bedroom and landing windows on the southern elevation as shown on drawing no. CY2-07 Rev H
- Plot 28 – second floor window on the southern elevation as shown on drawing no. CY2-07 Rev H
- Plot 29 – second floor window on the southern elevation as shown on drawing no. CY2-07 Rev H
- Plot 30 – first floor window on northern elevation as shown on drawing no. CY2-07 Rev H
- Plot 33 – first floor landing window on the western elevation as shown on drawing no. CY3-03 Rev H
- Plot 34 – first floor windows on the western elevation as shown on drawing no. CY3-03 Rev H
- Plot 35 – first floor window on the eastern elevation as shown on drawing no. CY3-03 Rev H
- Plot 36 – first floor landing window on the eastern elevation as shown on drawing no. CY3-03 Rev H

Reason:

To safeguard the privacy of the occupiers within the development in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 44**

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 eastern wall or roof of plots 27, 35 and 36, the western wall or roof of plots 33, 34, 35, the southern wall or roof of plot 26, 27, 28 and 29 and the northern wall or roof of plot 25 and 30.

Reason:

To safeguard the privacy of the occupiers within the development in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 45**

Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2015 (or any order revoking or re-enacting

that Order with or without modification) the hard surfacing of front gardens or front verges shall not be carried out.

**Reason:**

To ensure that the proposed development is visually satisfactory and to safeguard indiscriminate on street parking in accordance with Policies DM23 and 27 of the Chelmsford Local Plan.

**Notes to Applicant**

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 The Local Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are: Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 3 The new street and its junction and/ or connection with the existing highway should be formed to the requirements and satisfaction of the Highway Authority (Essex County Council). Attention in this respect is drawn to Section 184 of the Highways Act 1980. Contact details are: Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU. Telephone via Contact Essex: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 4 You are reminded that this permission is also subject to a legal agreement, and that the terms of this agreement must be complied with.
- 5 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

- 6 Your attention is drawn to the consultation response of Anglian Water regarding the location of assets and the adoption of sewers. A copy of the response is available via Public Access, or a copy can be provided to the applicant on request.
- 7 It should be noted that within the landscape management plan to be submitted for approval, details shall include the regular of maintenance of trees and landscaping along the northern boundary to ensure there is no overhang onto the public highway.

### **Positive and Proactive Statement**

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

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

Written Scheme of Investigation for an Archaeological Evaluation/Revised August 2023  
Biodiversity Metirc 4.0  
Heritage Assessment  
Landscape and Visual Impact Assessment  
Landscape and Visual Impact Assessment Appendix A.1 Figs 1-6  
Landscape and Visual Impact Assessment Appendix A.2 Fig 7 Photosheets  
Landscape and Visual Impact Assessment Appendix B LCA extracts  
Landscape and Visual Impact Assessment Appendix C GW\_GC extracts  
Landscape and Visual Impact Assessment - Figures  
Flood Risk Assessment & Sustainable Urban Drainage Assessment October 2024 RevC1  
Ecological Survey CSA/6456/01 A  
1-22/Rev D  
23-45/Rev D  
65207356-SWE-ZZ-XX-T-AQ-0001 Air Quality Assessment  
Arboricultural Impact Assessment  
Energy Sustainability Statement  
6664,GI,SITEINV,HS,SG,24-08-22,V1 GeoSphere Environmental  
Health Impact Assessment  
Transport Assessment  
Archaeological Desk Based Assessment  
61845-PP-050/Rev P3  
Flood Risk Sequential Test and Exception Test  
Pre-Planning Assessment Report - Used Water  
RSC/KS/VR/23224 Stage 1 Road Safety Audit Chelmer Meadow Highway Works-Option 9  
61845-PP-002/Rev E  
61845-PP-005/Rev D  
61845-PP-003/Rev E  
61845-PP-018/Rev B  
Construction Environmental Management Plan & Method Statement/Rev 5  
1000/P5  
PC6601-RHD-XX-ZZ-RP-Z-0001 (October 24)/Hydraulic Modelling  
Schedule of Accommodation/Rev Y  
LP-03/Rev B  
LP-04/Site Location Plan BNG  
SP-102/Rev J  
SP-104/Rev F  
SP-107/Rev F  
SP-108/Rev K  
SP-110/Rev F  
CY2-02/G  
CY2-03/E  
CY2-04/F



CY2-05/E  
CY2-06/G  
CY2-07/H  
CY2-08/E  
CY2-09/D  
CY2-10/E  
CY3-01/H  
CY3-02/G  
CY3-03/H  
CY3-04/F  
CY3-04/H  
CY3-05/F  
CY3-06/G  
CY3-07/H  
CY3-08/G  
CY3-09/G  
SE-02/C  
SE-02/C (with trees)  
SS-01/H  
CY1-01/Rev L  
Biodiversity Net Gain Appraisal/With Habitats Plan Rev B  
Habitat Management and Monitoring Plan (Offset Land)/October 2023  
2637-LLA-ZZ-00-DR-L-0202/P07  
2637-LLA-ZZ-XX-RP-L-0801-PO1 Landscape Management Plan  
SL-02/Rev L  
CY1-02/Rev J  
CY1-03/Rev H  
CY1-04/Rev G  
CY1-05/Rev G  
CY1-06/Rev G  
SP-101/Rev R  
SP-103/Rev J  
2637-LLA-ZZ-00-DR-L-0001 REV/P08  
2637-LLA-ZZ-00-DR-L-0201/P07  
2637-LLA-ZZ-00-DR-L-0202/P07  
CY2-07/Rev E  
Materials Palette  
SP-105/M  
SP-106/J  
400  
LP-02/C

## Appendix 2 – Consultation responses summary

Full copies of consultation responses can be found on the Council’s website. Selected consultees were reconsulted in November 2024 when amended drawings and documents were received. The below summary identifies where an updated response was received from the relevant consultees.

### Police - Strategic Planning Team and Designing Out Crime Team

Comments
No objections. <ul style="list-style-type: none"><li>- Consideration should be given to the relevant documents on design out crime and securing safe design</li><li>- Ground floor amenity spaces should have suitable boundary treatments to ensure security</li><li>- Consideration should be given to lighting, access/visitor entry systems, provision for mail delivery and physical security measures.</li></ul>

### Recycling & Waste Collection Services

Comments
No objections.

### Essex County Council (Lead Local Flood Authority) – December 2024

Comments
No objections subject to conditions. Following further discussions with the Lead Local Flood Authority, it has been agreed that condition 5, as recommended in their consultation response, is not required.

### Environment Agency – August 2023 and November 2024

Comments
<u>November 2024 response</u> <ul style="list-style-type: none"><li>- We have reviewed the documents as submitted and have no objection to this application.</li><li>- From the submitted amended Flood Risk Assessment, we have no further comment.</li></ul> <u>August 2023 response</u>

No objections

Our maps show the site lies within fluvial Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for residential development which is classified as a 'more vulnerable' development. To comply with national policy the application is required to pass the Sequential and Exception Test (s) and be supported by a site specific Flood Risk Assessment (FRA).

To assist you in making an informed decision about the flood risk affecting this site the key points to note from the submitted FRA are:

- The site lies within the flood extent for a 1% (1 in 100) annual probability event, including an allowance for climate change.
- The majority of the site falls into flood zone 1.
- The site does not benefit from the presence of defences.
- Proposed bund will be set at a maximum level of 22.9 m AOD the submitted modelling report has assessed the flood risk and confirms that changes in depths are negligible.
- Finished ground floor levels of residential development in flood zone 3 have been proposed at 22.94m AOD. This is above the 1% (1 in 100) annual probability flood level including climate change (35%) of 22.29 m AOD and therefore dry of flooding in this event.
- Flood resilience/resistance measures have been proposed.
- Finished first floor levels have not been confirmed however based on the ground floor level there will be safe refuge above the 0.1% (1 in 1000) annual probability flood level including climate change (25%) of 22.36 m AOD.
- The proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 1% (1 in 100) annual probability including climate change flood event. A Flood Evacuation Plan has been proposed.
- Compensatory storage has been provided.

**Essex County Council Highways**

Comments

No objections subject to conditions.

The Highway Authority has assessed the application and submitted information, visited the site, and has concluded that in highway terms, the application is not contrary to national and local highways and transportation policy and current safety criteria.

The proposal provides a comprehensive highway mitigation package including the provision of new toucan crossing across the dual carriageway section of Chelmer Village Way, to provide a safe crossing facility to connect the development site to the existing eastbound bus stops and local facilities and services, including the retail park. A new bus stop is also proposed on the southern side of Chelmer Village Way.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity and efficiency.

### Ramblers Association

Comments

No Comment.

### Essex Waterways Ltd

Comments

No response received

### ECC Infrastructure Delivery Team – November 2024

Comments

#### Early Years and Childcare

As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application.

#### Primary Education

As there are sufficient places available in the area, a developers' contribution towards new primary places will not be required for this application.

#### Secondary Education

As there are sufficient places available in the area, a developers' contribution towards new secondary places will not be required for this application.

#### Post 16 education

A contribution toward Post16 education is not required at this time.

School Transport

If there is access from the development to Chelmer Village Way, Essex County Council will not be seeking a School Transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local Primary and Secondary Schools are available.

Libraries

The suggested population increase brought about by the proposed development is expected to create additional usage of Chelmsford library. A developer contribution of £4,279 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services.

**Officer response**

Libraries contributions is a matter for CIL.

**Public Health & Protection Services**

Comments

No objections.

- As long as the discovery strategy is implemented, a contaminated land condition is not required.
- Providing the recommendations in the acoustic report are implemented it appears that the noise levels within the proposed dwellings will be meet the required standards.
- 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 Wildlife Trust Ltd**

Comments

No response received

**ECC Historic Environment Branch**

Comments

No objections subject to conditions.

## Sport England Eastern Region

### Comments

No Objections. The proposed development does not fall within either our statutory or non-statutory remit.

## Natural England

### Comments

No objection subject to securing appropriate mitigation

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], Essex Coast Recreation disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment

conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

### Essex County Fire & Rescue Service – November 2024

#### Comments

Access to most dwellings around courtyard 1 has been measured from a single point 20 metres inside the courtyard. This point may have been selected in order to comply with ADB B5 v1 13.4 dead end access. In most cases access is within 45 metres.

Although this may work theoretically, for practical purposes in order to reduce delays in effecting rescues/extinguishing the fire, an appliance will be sited as near as possible to the entrance of the affected dwelling. This may take the appliance more than 20 metres into the dead end access route and therefore compliance with 13.4. should be a consideration.

In any event access to some dwellings within Courtyard 1 appears to exceed 45 metres measured from the same point. i.e. Plots 12 and 13 in the far corner.

Access to all parts of all dwellings within Courtyard 3 may not comply with ADB B5 v1 13.2 as this appears to exceed 45m in some cases. Plots 43 to 49.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

### Essex and Suffolk Water

#### Comments

No response received.

### Economic Development & Implementation

#### Comments

No response received.

### Parks & Open Spaces

#### Comments

Proposal has been amended in light of discussions with Parks and Green Spaces and no objections are raised. Support for both on and off site open space provision.

### Leisure & Heritage Services

#### Comments

No response received

### Anglian Water Services Ltd – December 2024

#### Comments

No objections

#### Assets

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers.

#### Wastewater services

The foul drainage from this development is in the catchment of Chelmsford Water Recycling Centre that will have available capacity for these flows

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

#### Surface Water Disposal

No comments

### Historic England – August 2023 and November 2024

#### Comments

#### August 2023

The principle of developing this land for residential uses would go against the open character of the conservation area, resulting on urban encroachment on the river valley flood plain.

The development of the site in the manner and intensity proposed would erode the prominence of the nearby listed buildings. The advanced building line in relation to the listed farmhouse and increased height mean that the new development would be higher and more prominent than the farmhouse on views from the bypass and importantly, from the navigation. Similarly, the presence of new development would detract



from the prominence of the listed mill, which so far had remained in relative isolation, resulting on a more cluttered landscape.

We do not concur with the assessment of impacts on the submitted Built Heritage Assessment. The principle of developing this site for residential would cause some harm to the character of the conservation area. Further, by virtue of the intensity and massing proposed, which would be disruptive on important views of the heritage assets, the development would detract from their prominence, harming their significance.

We note that the area has been allocated in the local plan for future recreation uses and falls within the green wedge. It is understood that the development of this land would facilitate the transference of two parcels of circa 30 Ha. to the local authority's ownership, helping enable the delivery of the Country Park. We acknowledge this could be considered by your authority as an important public benefit and that you may identify other benefits. When making that balanced judgement, we ask you to take into account our advice on heritage impact and to consider to what extent the same benefits could be provided in alternative ways and whether sufficient has been done to minimise and mitigate impact.

In heritage terms, there are no benefits resulting from this application that would outweigh the harm to heritage assets, and consequently the proposals cannot be supported.

Historic England has concerns on heritage grounds. We consider the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199, 200, 202 and 206.

#### November 2024

Amendments have been introduced to the scheme; these comprise small refinements to layout and design changes, primarily to the group of buildings proposed on the eastern part of the site; we also note the changes introduced to the roofscape in the western block.

The changes introduced to the scheme have not reduced their harmful impact on the character of this part of the conservation area and setting of nearby designated listed buildings. This would be primarily by virtue of encroaching upon open land that contributes positively to their rural character. The intensity of development proposed would further detract from the significance of the nearby listed assets, eroding their significance. The impact would be higher on the grade II listed farmhouse and barn, given their proximity to the development. We refer you to our previous advice dated 1 August 2013 for a more detailed assessment of impacts.

Consideration should be given to views of the development from the river. In that regard, we would suggest that reducing the height of the south west quadrant would represent a less harmful alternative.

Overall, the proposals would result on less than substantial harm to the setting of these assets and should be assessed in line with paragraph 208 of the NPPF. This asks for this harm to be weighed against the public benefits of the proposals. When carrying your weighing exercise, we ask you to be satisfied that a robust case has been made for the proposed amount of development on this particular location and that enough has been done to mitigate harm.

The revised scheme does not address our concerns, and therefore our position remains unchanged.

Historic England has concerns regarding the application on heritage grounds. We consider the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205, 206 and 208.

### Mid And South Essex Integrated Care Board – November 2024

#### Comments

The proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.

The health impact assessment (HIA) submitted in support of the planning application assesses access to healthcare infrastructure. It proposes making a financial contribution towards healthcare to increase capacity within the area should that be required, secured through a S106 agreement.

The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.

The ICS therefore requests that the sum of £27,100 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

### Chelmer Village Parish Council – December 2024

#### Comments

Objects.

Chelmer Village Council objects to the development because it is not mentioned for development in Chelmsford's Local Plan. Therefore, it can be assumed that this area is not intended for any type of building construction for the following reasons, which are in breach of the Development Management Policies to which all planning applications must adhere.

The most important reason for objecting is that the land is located within a significant flood risk area, which includes listed buildings and a major conservation area. This area is experiencing rising water tables, increased groundwater, and surface water after heavy downpours.

Being in a conservation area, there are plans to remove a row of mature trees on the boundary of the proposed development along Chelmer Village Way. These trees currently help alleviate excess water and are home to various birds, mammals, and insects. They may be subject to a tree preservation order, which only allows removal if the trees are deceased, which these are not. Their replacements will take years to

mature, during which time water levels are shown to be rising significantly according to the latest information from the Environment Agency. The proposed solution to the rising water levels will only cause major problems further up the river towards Stanford Mill and beyond, affecting protected species by law. The biodiversity will be changed in a way that will never be the same again.

Currently, during the morning and evening rush hours, congestion at the roundabout opposite the Fox and Raven is a major problem. The traffic management study was conducted during mid-afternoon when traffic was light, not during peak congestion times. With the proposed development, the increase in heavy construction traffic along the A138, from the retail roundabout through to the Fox and Raven roundabout, Chelmer Village Way, and Beleigh Link, will exacerbate the issue. This road has a weight restriction and is very narrow with difficult bends and a speed limit.

Additionally, the proposed Toucan crossing will only add to the congestion. Currently, access to the retail park is via a slip road on a dual carriageway. The Toucan crossing, although a good idea, will cause major problems as motorists from the Asda roundabout will have to negotiate one roundabout, a Toucan crossing, a slip road into the new development, and then yet another roundabout within 800 meters. This can and does back up all the way to the Toby Carvery roundabout. The entrance in and out of the proposed development will completely shut off one lane, which means accidents can and would occur as motorists are unaware of the near side lane being used for the new development.

Next to the proposed site is a Grade 2 listed building with meadows surrounding it. It is a place where walkers walk their dogs, and ramblers have access to buildings not in keeping with this historic landscape, built of modern materials.

## Local Residents

### Comments

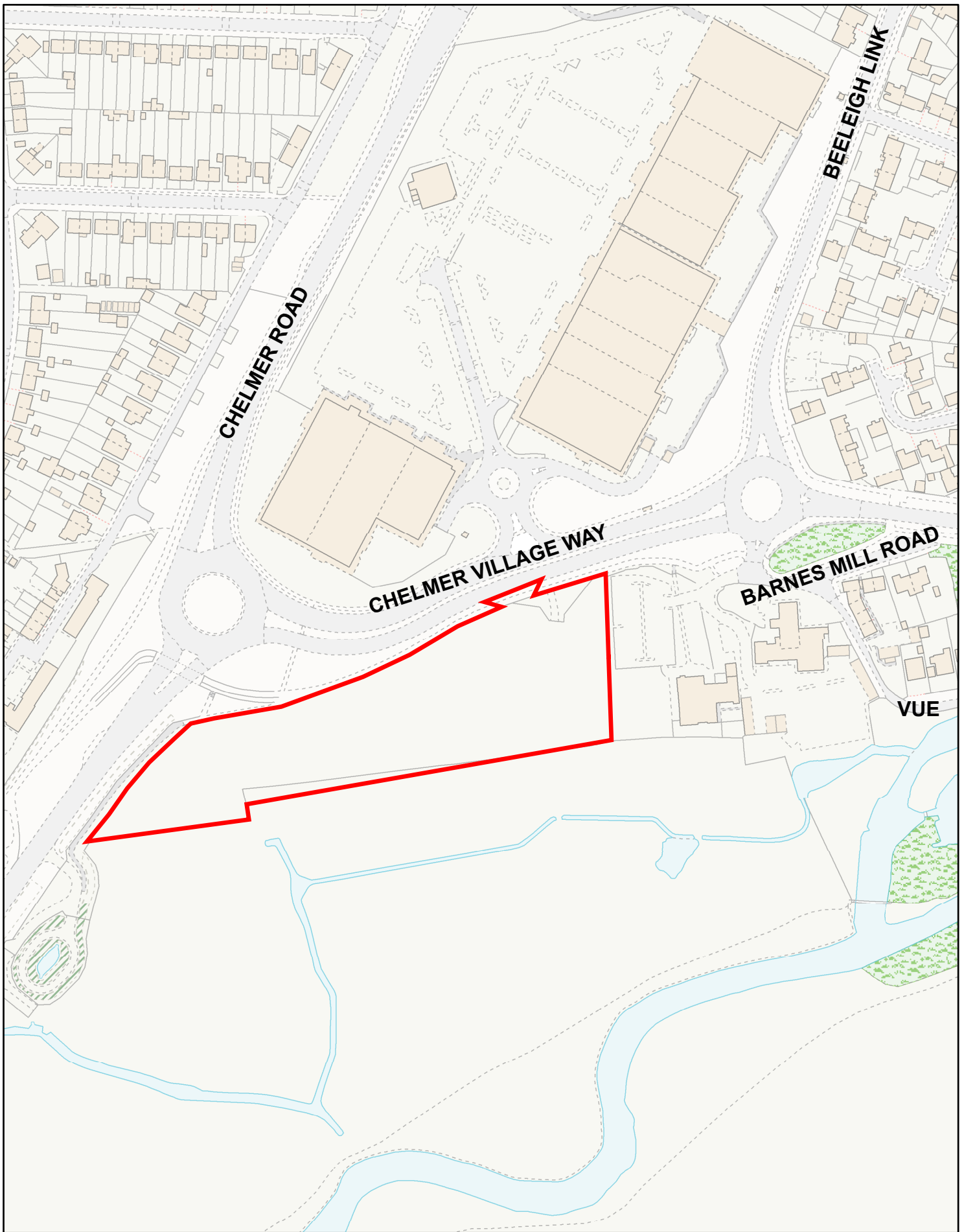
1 representation in support and 143 representations objecting to the proposal. This includes the reconsultation of the application in November 2024 where some representors resubmitted their objections.

1. Disagree with the applicant's assessment of the site's landscape character
2. Impact on surrounding heritage assets
3. Objections raised by Historic England
4. Proposal is contrary to Chelmsford Local Plan policies and unacceptable in principle
5. Questions on the robustness of the Sequential Test
6. The proposal is not enabling development
7. Development and housing need should be delivered through the Local Plan process
8. The development will increase/exacerbate both onsite and offsite flooding, including causing a greater risk in flooding to residential properties to the east.
9. The site is within a floodplain and is susceptible to flooding – development should not be permitted
10. The site is located in a Conservation Area and Green Wedge
11. The proposal has no public benefits, material considerations or mitigation circumstances
12. Questions on the robustness of the submitted flooding information
13. Site is not identified in the Council's emerging Local Plan

14. Unacceptable urbanisation – the development will impact on the existing character and appearance of the locality
15. Design of development not in keeping with the locality
16. Ecology impacts and unacceptable loss of trees
17. Impact to local wildlife including protected species
18. Loss of open/green space
19. Lack of pedestrian access improvements
20. Impact on health care facilities
21. Insufficient infrastructure to support the development
22. The Council is exceeding its housing targets – the development is not needed
23. Existing traffic and congestion along Chelmer Village Way – both the development and new road infrastructure will further exacerbate the conditions
24. The transferred land does not meet the statutory tests for planning obligations
25. Impact to the existing the Public Rights of Way including the route through the site
26. Disagree with the applicant's and the Environment Agency's information and data set
27. Development will set an unwanted precedent
28. Properties will not be covered by insurance
29. Development will lead to on street parking
30. The site has a history of refused planning applications
31. Concerns on the location and appearance of attenuation pond
32. Safety concerns on site entrance and changes to the pedestrian/cycle route
33. Questions on the robustness of the landscaping proposals
34. Concerns on foul water drainage
35. Questions on the availability of the highways information to support the application
36. The application should have been refused earlier.

**Officer response**

- 1.-23. – See Committee report
24. The Council considers that the land meets the relevant tests
25. See Committee report. There is no existing designated Public Right of Way through the residential parcel
26. The Environment Agency is a statutory consultee and they raise no objections to the proposal or the information submitted by the applicant. See consultation response.
27. Each planning application is considered on its own planning merits
28. Not a planning consideration, however no objections have been raised by the Environment Agency
29. Conditions are proposed to prevent indiscriminate parking
30. Each planning application is considered on its own planning merits
31. No objections are raised by the Lead Local Flood Authority. See consultation response.
32. No objections are raised by the Highway Authority. The site entrance has been designed in consultation with Highways. See consultation response.
34. No objections are raised by Anglian Water. See consultation response.
35. All information supporting the application was publicly available
36. National and local procedures allow for the Council to engage in planning application discussions.



0 25 50 100 Metres

1:2,500



**Planning Committee**  
**23/01105/FUL**

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

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

Telephone: 01245 606826

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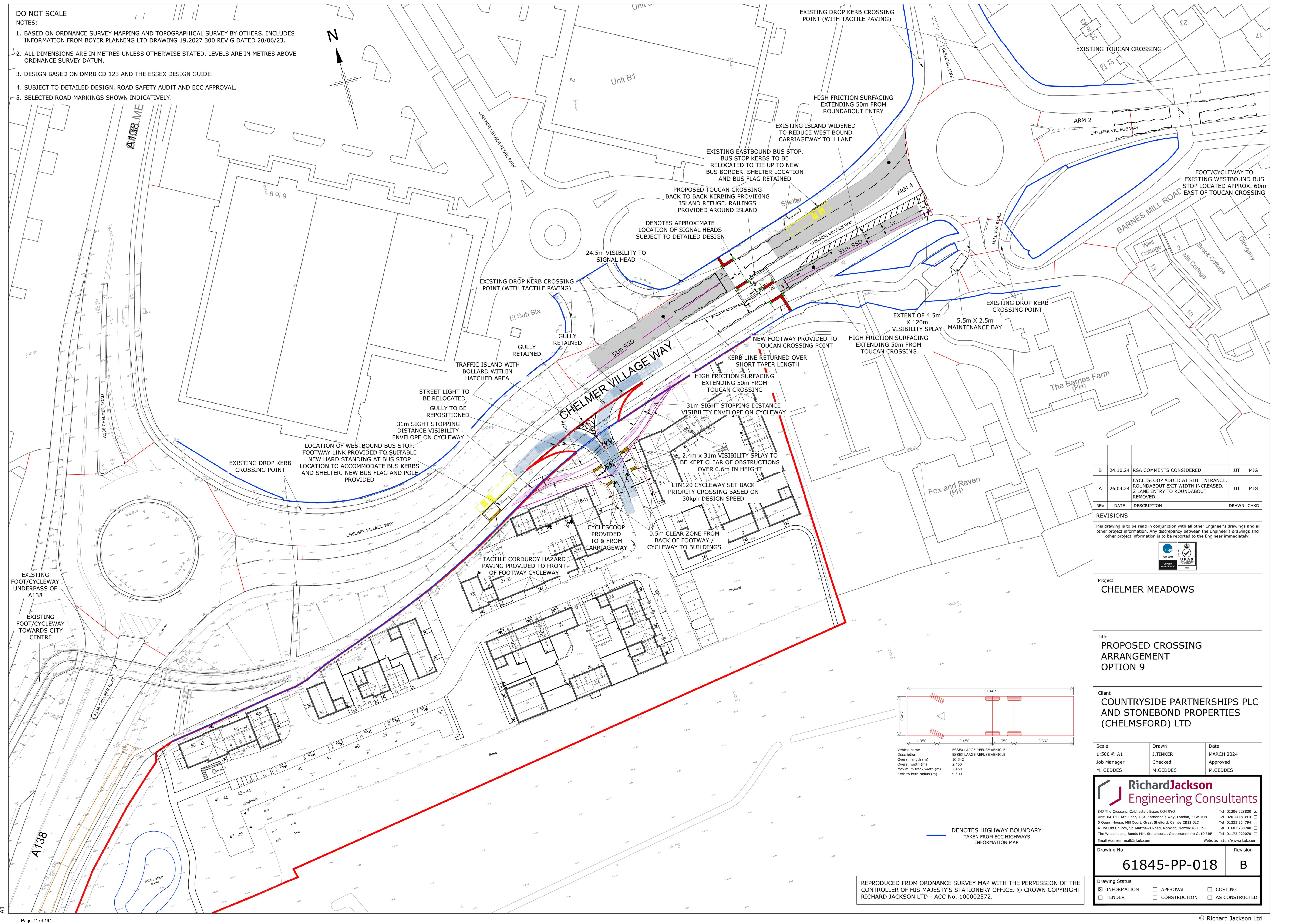
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NOTES:**

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2. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED. LEVELS ARE IN METRES ABOVE ORDNANCE SURVEY DATUM.
3. DESIGN BASED ON DMRB CD 123 AND THE ESSEX DESIGN GUIDE.
4. SUBJECT TO DETAILED DESIGN, ROAD SAFETY AUDIT AND ECC APPROVAL.
5. SELECTED ROAD MARKINGS SHOWN INDICATIVELY.



REV	DATE	DESCRIPTION	DRAWN	CHKD
B	24.10.24	RSA COMMENTS CONSIDERED	JJT	MJG
A	26.04.24	CYCLES COOP ADDED AT SITE ENTRANCE, ROUNDABOUT EXIT WIDTH INCREASED, 2 LANE ENTRY TO ROUNDABOUT REMOVED	JJT	MJG

**REVISIONS**  
This drawing is to be read in conjunction with all other Engineer's drawings and all other project information. Any discrepancy between the Engineer's drawings and other project information is to be reported to the Engineer immediately.

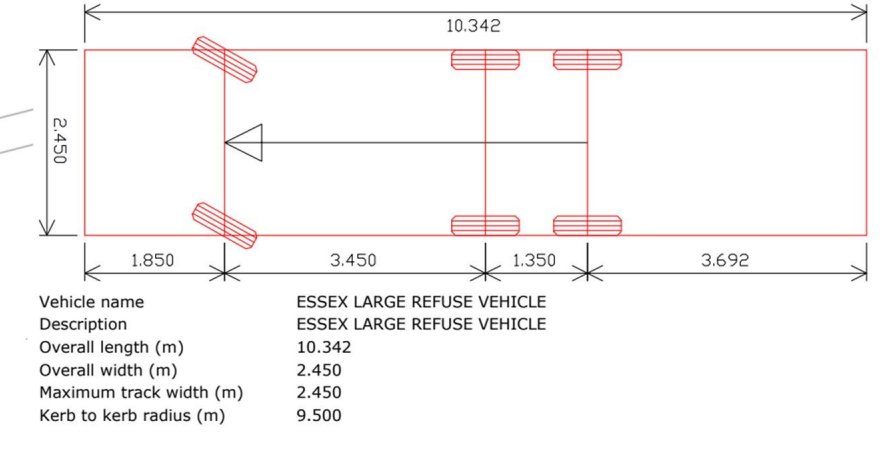


Project  
**CHELMER MEADOWS**

Title  
**PROPOSED CROSSING  
ARRANGEMENT  
OPTION 9**

Client  
**COUNTRYSIDE PARTNERSHIPS PLC  
AND STONEBOND PROPERTIES  
(CHELMSFORD) LTD**

Scale	Drawn	Date
1:500 @ A1	J.TINKER	MARCH 2024
Job Manager	Checked	Approved
M. GEDDES	M. GEDDES	M. GEDDES



— DENOTES HIGHWAY BOUNDARY  
TAKEN FROM ECC HIGHWAYS  
INFORMATION MAP

REPRODUCED FROM ORDNANCE SURVEY MAP WITH THE PERMISSION OF THE CONTROLLER OF HIS MAJESTY'S STATIONERY OFFICE. © CROWN COPYRIGHT RICHARD JACKSON LTD - ACC No. 100002572.

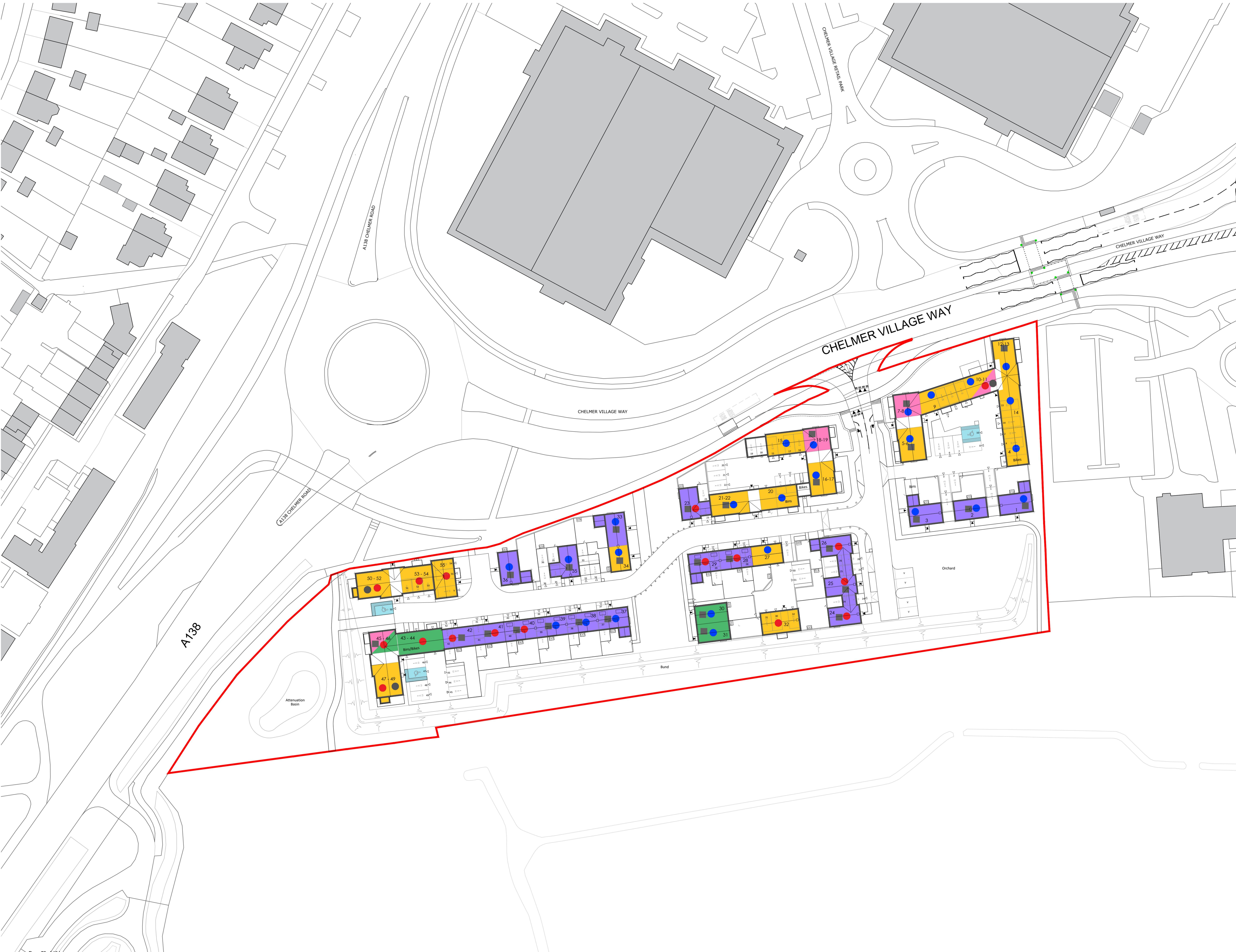
**Richard Jackson**  
Engineering Consultants

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Unit 06C130, 6th Floor, 1 St. Katherine's Way, London, E1W 1UN Tel: 020 7448 9910  
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4 The Old Church, St. Matthews Road, Norwich, Norfolk NR1 1SP Tel: 01603 230240  
The Wheelhouse, Bonds Mill, Stonehouse, Gloucestershire GL10 3RF Tel: 01172 020070  
Email Address: mail@rj.co.uk Website: http://www.rj.co.uk

Drawing No.	Revision	
<b>61845-PP-018</b>	<b>B</b>	
Information	Approval	Costing
<input checked="" type="checkbox"/> TENDER	<input type="checkbox"/> APPROVAL	<input type="checkbox"/> COSTING
<input type="checkbox"/>	<input type="checkbox"/> CONSTRUCTION	<input type="checkbox"/> AS CONSTRUCTED

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 Do not scale from this drawing. All contractors must visit the site and be responsible for taking and checking Dimensions.

- Key:**
- 1 Bed
  - 2 Bed
  - 3 Bed
  - 4 Bed
  - Affordable Rent
  - Shared Ownership
  - Part M4(2) compliant
  - Part M4(3) compliant (ground floor only)
  - Plot specific wheelchair parking space



R	12.12.24	Updated to latest planning layout & add a key	AW	NB
PI	14.11.24	Updated to latest planning layout	AW	NB
M	20.10.24	Updated to latest planning layout	AW	NB
M	04.08.24	Amended to suit Plot by Plot schedule	MR	NB
L	16.08.24	Updated to latest planning layout	MR	NB
K	28.02.24	Updated to latest planning layout	AW	NB
J	09.11.23	Updated to latest planning layout	AW	NB
H	03.11.23	Updated tenures for plot 14	AW	NB
C	05.10.23	Updated to latest planning layout	AW	NB
F	22.06.23	Minor amendments	AW	AB
E	20.06.23	Updated to latest planning layout	AW	AB
D	14.06.23	Updated to latest planning layout	AW	AB
C	06.06.23	General Amendments	MR	AB
B	17.05.23	General Amendments	MR	AB
A	11.05.23	General Amendments	MR	AB
J	31.01.23	Final Issues	NB	AB

Client  
 Countryside Partnerships PLC &  
 Stonebond Properties (Chelmsford) LTD

**Boyer**

Project  
 Chelmer Meadows

Drawing Title  
 Housing Mix and Tenure Plan

Drawing No. SP-101 Job Ref. 19.2027  
 Scale @ A1 1:500 Revision R  
 Scale Bar 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150





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- Key**
- Application boundary (1.67Ha/ 4.13Ac)
  - All modes access from Chelmer Village Way
  - Existing line of trees to be retained
  - Existing hawthorne to be retained
  - Other existing trees along northern edge retained
  - Proposed buffer planting to the west of the site
  - Proposed Size 3 turning head
  - 3 storey buildings creating gateway frontage
  - 2 storey frontage responding to listed building
  - Proposed pedestrian and cycle access
  - Proposed pedestrian pathways
  - Proposed bus stop
  - Proposed pedestrian crossing
  - Amenity open space
  - Proposed attenuation basin
  - Proposed community orchard
  - Naturalistic incidental play space
  - Wayfinding/ signage along Chelmer Village Way

For further details on landscaping, refer to Landscape Strategy Masterplan

L	14.11.24	Updated layout	AW	AW
K	30.10.24	Updated layout	AW	AW
J	23.08.24	Updated layout	IC	AB
I	27.02.24	Updated layout	IC	AB
H	13.11.23	Updated layout	MR	AB
G	13.11.23	General amendments	MR	AB
F	03.10.23	Updated layout	MR	AB
E	03.10.23	Updated layout	MR	AB
D	11.08.23	Updated layout	MR	AB
C	20.06.23	Updated layout	MR	AB
B	17.05.23	Updated layout	MR	AB
A	11.05.23	Updated layout	MR	AB

Rev	Date	Description	Drawn	Chkd
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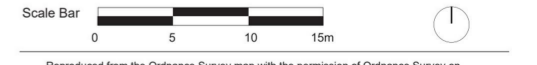
Client  
 Countryside Partnerships PLC &  
 Stonebond Properties (Chelmsford) LTD

**Boyer**

Project  
 Chelmer Meadows

Drawing Title  
 Proposed Site Layout

Drawing No. **SL-02** Job Ref. **19.2027**  
 Scale @A1 **1:500** Revision **L**



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Courtyard 1  
Elevations  
Plots 1 - 14



Plot 1 Plot 4 & Car Port Plot 14 & Car Port Plots 12 & 13  
East Elevation



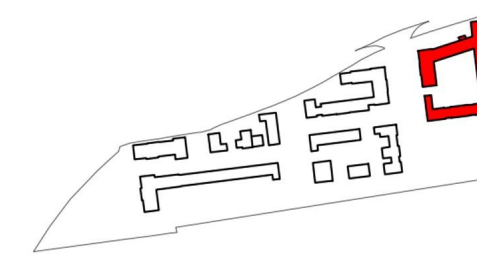
Plots 12 & 13 Plots 10 & 11 Plots 9 & Car Port Plots 7 & 8  
North Elevation



Plots 7 & 8 Plots 5 & 6 Plot 3  
West Elevation

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Plot No:  
Plots 1 - 14

Location Plan:



\* All UPVC elements to be coloured Anthracite grey

G	15.11.24	General Amendments	AW	NB
F	22.02.24	General Amendments	AW	NB
E	14.08.24	General Amendments	AW	NB
D	13.11.23	General Amendments	MR	NB
C	08.11.23	General Amendments	MR	NB
B	10.08.23	General Amendments	MR	NB
A	09.08.23	Updated to latest planning layout	AW	NB
—	28.02.23	Final Issue	NB	NB

Rev / Date / Description / Drawn / Check

Client: Stonebond Properties Ltd

Countryside Partnerships Plc

**Boyer**

Project: Chelmer Meadows

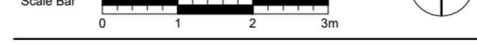
Drawing Title: Courtyard 1

Elevations

Drawing No: CY1 - 04 Job Ref: 19.2027

Scale @ A1: 1:100 Revision: G

Scale Bar



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**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**21 January 2025**

**Item 8**

**23/01105/FUL – Land West of the Fox and Raven, Chelmer Village Way,  
Chelmer Village, Chelmsford, Essex**

- **Amendment to condition 20 to include brick detailing (p):**

**Condition 20**

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

- (a) Fenestration, including elevations, the setback from face brickwork, sections through the head, jamb and cill, and details of stiles, mullions, meeting rails and glazing bars;
- (b) Eaves, verges, hips and ridges;
- (c) Doors, door casings and surrounds;
- (d) Brick detailing;
- (e) Rainwater goods and soil or vent pipes;
- (f) Balconies;
- (g) Chimneys and flues;
- (h) Vents and extractor fans;
- (i) Meter boxes
- (j) Soffit, gutter brackets and verges
- (l) Security lighting and video cameras
- (m) Tile or ridge vents
- (n) plinths
- (p) Brick detailing

- **Amend condition 44 to the following:**

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 walls or roof of plots 1, 2, 3, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42

Reason:

To ensure the proposed development is visually satisfactory, does not detract from the character or appearance of the Conservation Area and adjacent heritage assets and to safeguard the privacy of the occupiers within the development in accordance with Policy DM13 and Policy DM29 of the Chelmsford Local Plan.

### **Amendment to condition 7 to secure the bund in perpetuity**

#### **Condition 7**

The bund shall be constructed prior to the commencement of above ground works with the final details and long-term management and maintenance plan previously submitted and approved in writing by the local planning authority.

The bund shall be constructed and maintained in accordance with the approved details and the bund shall be retained in perpetuity.

Reasons:

To ensure the development is visually satisfactory and made safe for future residents in accordance with Policies DM18 and DM23 of the Chelmsford Local Plan.

#### **Para. 3.2.**

Amend accommodation mix to;

##### Affordable Rent

8 x 2 bedroom flat  
2 x 2 bedroom FOG (flat over garage)  
3 x 3 bedroom flat/duplex  
2 x 1 bedroom flat  
9 x 4 bedroom house

##### Shared Ownership

4 x 1 bedroom flat  
4 x 2 bedroom FOG  
10 x 2 bedroom flat  
2 x 2 bedroom house  
2 x 3 bedroom house  
9 x 4 bedroom house



**Planning Committee  
4<sup>th</sup> February 2025**

<b>Application No</b>	:	24/01373/FUL Full Application
<b>Location</b>	:	Land South West Of Brooklands Sheepcotes Lane Little Waltham Chelmsford Essex
<b>Proposal</b>	:	<b>Demolition of domestic storage building and replacement with single residential dwelling including bin store.</b>
<b>Applicant</b>	:	J Fitzwater Stratstone Development London Ltd.
<b>Agent</b>	:	Laura Dudley-Smith
<b>Date Valid</b>	:	9th October 2024

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### Appendices:

Appendix 1	Drawing No(s)
Appendix 2	Consultations

## 1. Executive summary

- 1.1. This application is for the demolition of a Nissen hut and construction of a new detached four bedroom dwelling. The planning application is presented to Planning Committee at the request of Councillor Steel, to consider whether it is appropriate development in the Green Wedge.
- 1.2. The proposal is located within the Rural Area and also more specifically the Green Wedge, which has an identified intrinsic character and beauty.
- 1.3. The proposal would not satisfy the criteria for redevelopment of previously developed land, as set out in Part B of Policy DM7 and Policy DM8 of the Chelmsford Local Plan (2020). The replacement building would not be in the same use as the existing building being replaced and would therefore not meet the criteria of replacement buildings set out in Part C of Policy DM7 and Policy DM8. The proposal would not infill a small gap and would harm the character and beauty of the Green Wedge and Rural Area. The proposal would therefore not meet the criteria of infill development set out in Policy DM9 of the Chelmsford Local Plan. Consequently, the proposal would not fall within the prescribed forms of development set out in Policies DM7, DM8 or DM9.
- 1.4. The proposal would be of a greater scale, size, mass and spread than existing. The proposal would have a greater visual impact than the existing building and additionally the consequential impact of activities and use of the site would be greater. In combination these factors would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would therefore conflict with Chelmsford Strategic Policy S11.
- 1.5. The proposal would result in harm to the environmental strand of sustainable development, and this harm would outweigh the economic and social benefits. The proposal would not be sustainable development under paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).
- 1.6. In purely design terms the proposal would achieve a high quality of form and detailing. The physical relationship with neighbouring properties would be acceptable. The proposed development can meet the required provisions for living accommodation and amenity (internal space standards and garden provision). The applicant has provided appropriate safeguards to mitigate any impact on the natural environment and conditions could be attached to secure biodiversity net gain. Conditions could be attached to ensure the provision of adequate parking, tree planting, management of construction impacts, surface water impacts, ecology and to safeguard archaeology. These considerations do not however overcome the overall policy conflict in the planning balance.
- 1.7. Objections have been received from local residents and Little Waltham Parish Council. These cover a range of topics including impact upon the character of the area, drainage, ground water impact, ecology, disruption during construction, use of the Public Right of Way (PROW) and highway. All representations and consultee comments have been considered as part of the wider planning considerations of this development.
- 1.8. The application is recommended for refusal.

## **2. Description of site**

- 2.1. The site is roughly rectangular and approximately 0.06 hectares in size. A gradual slope runs from the west to the east of the site at the front, with a greater slope from south to north. The site is occupied by a Nissen hut which is set back from the highway. Low fencing runs from the hut to the western and eastern side boundaries. There is hedging and vegetation to side and rear boundaries, and as part of the front boundary. There is a gated entrance to the front of the eastern side boundary to the adjacent property, Brooklands, to provide access to their garage. Both Brooklands and the application site achieve vehicular access from Sheepcotes Lane, which is a narrow highway and also a Public Right of Way (Footpath 16 Little Waltham).
- 2.2. The site is situated in the Rural Area outside the Defined Settlement of Little Waltham and is also within the Green Wedge as designated in the Chelmsford Local Plan. The site is close to the boundary of the Defined Settlement, which follows the southern side of Sheepcotes Lane and encompasses part of western neighbour's site, No.19 Church Hill. The site is located approximately 30m from public open space to the northwest. At its closest point the site is located 146m from the Little Waltham Conservation Area.
- 2.3. The western neighbour, No.19 Church Hill, is a detached two storey property on lower ground to the applicant site and sits at the entrance to Sheepcotes Lane with No.21 Church Hill. No. 21 Church Hill is an attached bungalow which forms the end of a row for four similar designed low rise bungalows, whose side boundary runs along Sheepcotes Lane and is on higher ground to the applicant site. No's. 37 and 39 Church Hill, a pair of semi-detached houses, rear boundaries run along Sheepcotes Lane, opposite the front of the applicant site. These properties sit on higher ground to the applicant site. The eastern neighbour, Brooklands, is a detached property with their detached garage located close to their gated access within the site.

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

- 3.1. The new dwelling would be partly subterranean, cut into the slope of the ground. The upper ground would form the accommodation above the current ground level, in the position of the current Nissen hut. The form of the structure above ground will be semi-cylindrical to mimic the form of the Nissen hut.
- 3.2. The exterior materials proposed are sheet metal roof with timber cladding to the front elevation and glazing with cladding to the rear elevations. There would be windows and a door punctuating the barrel of the roof to provide access and light to the upper ground floor, which would contain three bedrooms, a bathroom and the primary entrance for the dwelling. The lower ground floor would contain an open plan living, dining and kitchen, WC, principal bedroom with en-suite and study/playroom. Lightwells would be provided to the kitchen and study/playroom towards the front of the building.
- 3.3. The development includes the formation of a patio area to the rear of the dwelling, accessed by the principal bedroom and the open plan accommodation. A parking and turning area with two car spaces would be laid out at the front of the building adjacent Sheepcotes Lane. A new building containing the bin and bicycle store would be provided to the front, adjacent to the western side boundary.



#### 4. Other relevant applications

- 4.1. Planning permission was refused on 4<sup>th</sup> May 2010 for a new single storey two bedroom dwelling on site (10/00375/OUT) on the grounds that a new dwelling did not fall within the purposes of the Policy DC2, would result in encroachment into the countryside harmful to the character and appearance of the Rural Area, and that no unilateral agreement had been signed/completed contrary to Policies CP4 and DC40. An appeal was lodged, it was dismissed on 2<sup>nd</sup> December 2010. The inspector agreed that the development would cause harm to the character and appearance of the surrounding area and did not justify a departure from Policy DC2 which exercised strict control on development in the countryside. The Green Wedge was not a consideration at this time as it was introduced as a designation in the Chelmsford Local Plan (2020).
- 4.2. Planning permission was granted to change the use of land adjacent to 19 Church Hill to use as garden land (12/00346/FUL). This consent includes the application site.
- 4.3. Planning permission was refused on 17<sup>th</sup> June 2024 for alteration to existing access (24/00557/FUL) on the grounds that the works would give the site a more developed and urbanised appearance resulting in visual harm and would not contribute or enhance the natural environment or landscaping setting contrary to several Development Plan policies.

#### 5. Summary of consultations

ECC Historic Environment Branch: Recommends conditions to record the history of the building, as the Nissen hut may contain evidence of historical wartime use, and an archaeological trial-trench evaluation due to potential for significant archaeological remains at the site associated with the proximity of a Roman Road and the possibility that prehistoric, Roman or later activity that may have survived associated with the spring on the adjacent the site known as “Springs Head”.

Little Waltham Parish Council: Objects to this planning application for the following reasons:

- Disruption to many local residents.
- Environmental and ecological impacts due to the proximity of the proposal to water courses.
- Request for a groundwater risk assessment to be carried out to ensure the local water courses are protected.
- Water courses which run from this area feed the streams in Little Waltham, so any interference at this location will affect the streams in other parts of the parish.

Public Health & Protection Services: Should provide EV charging point at a rate of 1 per dwelling, and any asbestos encountered during demolition or phases must be removed by an appropriately licenced specialist contractor and disposed of at an approved facility.

Recycling & Waste Collection Services: No comment

Essex County Council Highways: The proposed residential development would be accessed from an existing vehicular access to Sheepcotes Lane, which is a private single-track lane. Sheepcotes Lane accommodates Public Right of Way Footpath no. 22, Little Waltham Parish 225. Sheepcotes Lane accommodates vehicular access to Brooklands located to the north of the proposed development.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions requiring the public right of way over Footpath 22 remains free and unobstructed at all times; the provision of a construction management plan; the construction of the proposed

access with vehicular crossover; the provision of 2 car parking space and associate turning and the provision of bicycle parking and storage.

Ramblers Association: No comment

Local residents Six representations received from local residents, objecting to the proposal. Concerns raised:

- Affect existing water features
- Sewage issues
- Wildlife/habitat harm
- Public footpath affected
- Construction disturbance
- No longer incidental use
- Affect access
- Inadequate parking
- Harm to Rural setting
- Previous refusals
- Amenity harm
- Inadequate infrastructure
- No housing need

Two supportive responses received, with the following comments:

- Historic structure
- Worse alternative uses
- Improvement
- Good design
- No change to Rural character
- Housing benefit

An expanded summary of the neighbour comments is provided within Appendix 2.

## **6. Planning considerations**

### ***Main Issues***

- 6.1. The site is located in the Rural Area beyond the Defined Settlement of Little Waltham and also within the Green Wedge. The main issues for consideration are the impact upon the Rural Area and Green Wedge, impact on residential amenity and on the natural and historic environment.

### ***Principle of Development – Green Wedge and Rural Area***

*Local Plan Strategic Policies: S1 and S11, Local Policy: DM7, DM8, DM9*

- 6.2. Chelmsford Local Plan Strategic Policy S1 sets out the spatial principles within the Local Plan and identifies that the Council will require all new development to accord with those stated spatial principles. This includes a requirement to “respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity”.
- 6.3. Strategic Policy S11 sets out the role of the countryside. This states that when determining planning applications, the Council will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with the Spatial Strategy, and to support thriving rural communities whilst ensuring that development does not have an adverse impact on the different roles and character of the countryside.

- 6.4. Part B of this policy specifically relates to the Green Wedge, stating that “The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks, which have been instrumental in shaping the City's growth, character, and appearance. These networks prevent urban sprawl and settlement coalescence and provide for wildlife, flood storage capacity, leisure and recreation, and travel by cycling and walking, which allows for good public access which will be further improved through the requirements of development allocated in the Local Plan. Development which materially harms the role, function and intrinsic character and beauty of the Green Wedge will not be approved.”
- 6.5. The reasoned justification of Strategic Policy S11 states that a detailed landscape assessment of the areas around the main river valleys has been undertaken which identifies these areas as having distinctive landscape qualities and an important multifunctional role. These areas are designated as the Green Wedge. Where the main river valleys permeate into the existing or proposed built-up areas of Chelmsford, the role and value of these areas is amplified, and development pressure is at its greatest. The unchecked erosion of open land in these sections of the river valleys would be harmful to the character and function of these areas and therefore it should be afforded greater protection. The Green Wedge designation within the river valleys reflects this multi-faceted green network.
- 6.6. The site forms part of Character Area A6 of the Landscape Character Assessment (LCA). This indicates that this landscape has a relatively high susceptibility to change. The skyline of the valley slopes is visually sensitive, with open and formed cross valley views and long views along the river corridor affected by new tall or non-screened new development.
- 6.7. The site forms part of site CN3 within the Green Wedges and Green Corridors: Defining Chelmsford’s River Valley Review Report (2017), part of the evidence base for the Local Plan. This report incorporated a full review of the Green Wedge designations including their suitability as a protective planning tool, their boundaries and whether the areas covered by the designation could be justified. The study demonstrated the spatial and functional continuity of the River Valleys, to which the site forms part, as the basis for their recognition as Green Wedges. The valley of the River Chelmer, designated as a Green Wedge, is an important part of Chelmsford’s landscape and natural environment and confirms that they should be recognised and protected for their special qualities and value to the City as a coherent network. This is an indication that the river valley is a locally distinctive and a relatively rare natural environment asset/natural landscape feature. The boundary of the Green Wedge is formed by the southern side of the public right of way.
- 6.8. Chelmsford Local Plan Policy DM7 considers new buildings and structures in the Green Wedge, and states that planning permission will be granted for new buildings and structures where the development does not conflict with the purposes of the Green Wedge and is for one of a number of prescribed developments. The proposal would not extend an existing building, provide a rural worker’s dwelling or affordable housing, so of direct relevance to the proposal would be criterion *ix. redevelopment of previously developed land in accordance with Part B of the Policy; and/or xi. replacement of buildings in accordance with Part C of the Policy.*
- 6.9. Policy DM8 concerns new buildings in the Rural Area which is also applicable. This policy is not as restrictive as the Green Wedge Policy DM7. This policy seeks to grant consent for new buildings where development will not adversely impact on the identified intrinsic character and beauty of the countryside and is for a number of prescribed developments. The proposal would not provide affordable homes, so of relevance to the proposal would be *viii. a dwelling which is of design of*

*exceptional quality or innovative nature; ix. Infilling in accordance with Policy DM9; or xii. redevelopment of previously developed land in accordance with Part B of the Policy; or xiii. replacement buildings in accordance with Part C of the Policy.*

- 6.10. Policy DM9 states that planning permission will be granted for infilling in the Green Wedge or Rural Area provided that the site is a small gap in an otherwise built up frontage and the development does not detract from the existing character or appearance of the area, and would not unacceptability impact on the function and objectives of the designation.
- 6.11. The NPPF is a material consideration. Paragraphs 7 and 8 of the NPPF set out that the purpose of the planning system is to contribute to the achievement of sustainable development, and that achieving sustainable development means that the planning system has three overarching objectives; economic, social and environmental. Paragraph 187 a) and b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The NPPF defines previously developed land as *Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).*

#### *Previously Developed Land*

- 6.12. Part B of Policy DM7 concerns previously developed land, and states that planning permission will only be granted where the role and function of the Green Wedge, in maintaining open land between built-up areas, protecting biodiversity and promoting recreation would not be materially harmed, and where the development would have no greater impact on the character and appearance of the area than the existing use and/or development. The Council will assess the development based on the following:
- i. the size, scale, massing and spread of the new development compared to the existing; and
  - ii. the visual impact of the development compared to the existing; and
  - iii. the impact of the activities/use of the new development compared to the existing requires buildings
- 6.13. Part B of Policy DM8 concerns previously developed land in the Rural Area, and states that planning permission will be granted where the proposed development would not result in harm to the identified intrinsic character, appearance and beauty of the area. This policy covers the same three criteria under Part B of Policy DM7 and a fourth criterion specifying that the location of the site is appropriate to the type of development proposed.
- 6.14. The site gained planning permission to be used as a residential garden in 2012 (12/000346/FUL) associated with No.19 Church Hill. A statutory declaration has been provided by the previous occupants of No.19 to confirm that they used the Nissen hut as domestic storage and the associated land as garden between October 2008 and August 2022. The land is now in separate ownership from that property.
- 6.15. Under the above circumstances the site could be considered to meet the definition for *previously developed land* set out in the NPPF.
- 6.16. The existing building is a semi-cylindrical Nissen hut with corrugated sheet metal roof and walls, horizontal timber clad ends with double doors to the front elevation and a three light window in

the rear elevation. The footprint measures 5.2m in width and 11.4m in length, with a floor area of 60sqm. The land falls from south east to north west. The hut roof is 2.6m above ground level to the front and 3.6m above ground level to the rear (owing to the slope). There is some compacted ground in front of the hut. Low fencing is provided to the front to either side of the hut extending to the side boundaries.

- 6.17. The footprint of the proposed building above natural ground measures 5.5m in width and 12.7m in length with a floor area of 70sqm. The site would be excavated to create the lower ground floor which including the areas of the light wells would measure 120sqm. A 30sqm patio area would extend beyond the rear of the principal bedroom and the living area. A 42sqm flat roof would be provided above the floor space excavated into the slope beyond the footprint of the upper ground floor. An access path to the property would be provided on this flat roof, with a low fence proposed adjacent to this access. The dwelling roof would be 3.1m above ground level at the front and 5.8m above ground level at the rear. A 3.8m wide, 0.9m deep and 1.5m high bin and cycle store would be provided to the front of the site.
- 6.18. The proposal would provide a dwelling above natural ground level with a floor area 10sqm greater than existing, a 0.3m increase in width and a 1.3m increase in length. Overall, the building floorspace would double the size of the existing (60sqm greater). The proposal would have an increased height of 0.5m at the front and 2.2m at the rear. The new building would have a greater depth, width and height. Hard surfacing would be created with the entrance path to the dwelling and the creation of the 30sqm patio area. An additional building for the storage of waste and bicycles would be provided, covering a footprint of 3.4sqm. Excluding the area allocated for parking the proposal would spread from 60sqm overall to 153sqm. In comparison with the existing development the proposal would increase the size, scale, massing and spread of development.
- 6.19. Church Hill consists of residential development formed of detached, semi and terraced housing fronting the roadways. Church Hill has a standard width with pavements either side. The housing is setback allowing parking to be provided to the front or small grassed areas. These all combine to create a suburban character. The development fronts Sheepcotes Lane, which runs off Church Hill. In contrast this is a narrow carriageway with no pavements, with hedging and greenery to the edges of the carriageway. This quickly changes the character from suburban to rural, so that the application site has a different character to the sites fronting Church Hill, and a key site defining the start of the Green Wedge and Rural Area.
- 6.20. The existing building is a simple utilitarian hut having corrugated metal walls/roof and horizontal weather board ends. From public viewpoints along Sheepcotes Lane, it is an ancillary structure within the wider rural landscape framed by existing vegetation. Its use for domestic storage is limited and low impact. There is a set of double doors at the front and a three light windows at the rear. There is a 1m tall panel fence on the western side of the hut in line with its front elevation, there may have been occasional parking on the grass sward in front of the building when used as garden area in association with No.19 Church Hill. No.19 has since been sold and is now in separate ownership to the site.
- 6.21. The design and form of the proposed dwelling seeks to mimic the appearance of the hut with a semi-cylindrical form having a sheet metal roof standing seems, vertical timber clad end elevations with metal verges. The western wall will introduce a recessed door and a window, the eastern elevation has three windows. A hardened parking and turning area will be provided between the building and Sheepcotes Lane. Waste and cycle storage will be provided to the front on the western side of the dwelling. To the rear, the dwelling would have two storeys and a newly created hard surfaced patio. The patio and the ground floor would be sunken with three steps

leading up to the natural ground level. The redevelopment of the land will have a more domestic character and appearance than the current site. There will be intensified use of the land, with associated vehicle and pedestrian movements. Light will be evident from new domestic windows. The incidental use of the site with No.19 Church Hill would have allowed domestic paraphernalia to be present on site, however, due to the size of the garden, it is unlikely that the level of domestic paraphernalia on site would equate to the level to be provided by a separate dwelling. These visual changes to the site would alter its character and appearance.

- 6.22. The site is viewable from Sheepcotes Lane at the front of the site. From the rear, views of the site are afforded from the public open space and allotments. The site is partially obscured from Church Hill due to the amount of vegetation, the narrowness of the lane and the changes in ground levels. The visual changes arising from the development would be clear from both Sheepcotes Lane and the allotments to the rear. The proposal would therefore have a greater visual impact compared to existing.
- 6.23. The site has previously been used for garden land, with the hut used for domestic storage. The proposed use is as a separate dwelling. With four bedrooms the proposal would effectively provide a large family home. The proposed use would attract regular pedestrian and vehicular movements to and from the property, beyond those experienced by an incidental use. The proposed use will be more intensive than the existing. This increase in activity would have an urbanising impact, suburbanising this rural site which would be harmful to the intrinsic character and beauty of the within the boundary of the Green Wedge and the Rural Area.
- 6.24. The proposal would be of a greater scale, size, mass and spread than existing. The proposal would have a greater visual impact than existing and the impact of activities and use on site would be greater. In combination these would erode the rural appearance of the site, and adversely affect the intrinsic character and beauty of the start of the Green Wedge and the Rural Area. The proposal is contrary to Part B of Policy DM7 and Part B of Policy DM8.

#### *Replacement building*

- 6.25. Part C of Policy DM7 and Policy DM8 states that planning permission will be granted for the replacement of a building in the Green Wedge and Rural Area respectively provided that:
- i. the existing building being replaced is of permanent and substantial construction; and
  - ii. the new building is in the same use as the existing; and
  - iii. the new building would not be out of keeping with its context and surroundings, and does not result in any other harm

Part C of DM7 for the Green Wedge has an additional criterion; iv. the new building is not materially larger than the one it replaces.

- 6.26. No structural survey has been provided to confirm that the building being replaced is of permanent and substantial construction. The existing building has most recently been used incidentally with the use of the dwellinghouse, No.19 Church Hill. The land is now in separate ownership to this property. The proposal would create an independent dwellinghouse, which is a material change of use from a building for incidental purposes. Consequently, the replacement building would not be in the same use as the existing building being replaced. The proposal would be contrary to Part C of Policies DM7 and DM8.

- 6.27. The design of the dwelling is not of exceptional quality or innovative in nature sufficient to meet criteria viii. of Policy DM8.
- 6.28. The proposal would not meet the criteria of the prescribed forms of development set out in Policies DM7 and DM8. It would erode the rural appearance of the site, and adversely affect the intrinsic character and beauty of the Green Wedge and the Rural Area, also conflicting with Strategic Policy S11.

### *Infilling*

- 6.29. Policy DM9 specifies that planning permission will be granted for infilling in the Green Wedge or Rural Area provided that:
- i. the site is a small gap in an otherwise built-up frontage; and
  - ii. the development does not detract from the existing character or appearance of the area, and would not unacceptably impact on the function and objectives of the designation.
- 6.30. The proposal sits between the side gardens of No.19 Church Hill and Brooklands, Sheepcotes Lane. These side gardens are of a considerable size, and hence the frontage of Sheepcotes does not appear built-up. The site is not a small gap in an otherwise built-up frontage.
- 6.31. As outlined above the development would urbanise the site and detract from the existing rural character and appearance of Sheepcotes Lane. Due to the delicate position of the site, this would unacceptably impact on the function and objectives of its designation as Green Wedge and Rural Area. The proposal would not satisfy the tests for infilling within Policy DM9.

### ***Layout and Design***

*Local Policies: DM23, DM25, DM26*

- 6.32. Policy DM23 requires new development to respect “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.” Part B of this policy requires all new buildings to be of a high-quality design and compatible with the character and appearance of the area.
- 6.33. The form of the proposed dwelling replicates the semi-cylindrical form of the Nissen hut. The new building is in the same position. The proposed building has a single storey appearance from the front and two storey to the rear. This scale is reflective of nearby dwellings. The architecture is a contemporary interpretation of the historic structure, using modern materials. The design of the proposal respects the character and appearance of the area in which it is located and would be compatible with the neighbouring properties. The design complies with Policy DM23 of the Chelmsford Local Plan.
- 6.34. Policy DM25 requires all new dwellings to incorporate sustainable design features, including that dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day and that Electric Vehicle charging point infrastructure of 1 charging point per unit shall be provided. These requirements can be secured by condition.
- 6.35. Policy DM26 requires all new dwellings to comply with criteria in respect of achieving suitable privacy and living environment for residential occupiers, achieving sufficient private amenity space, meeting appropriate internal space and providing appropriate and well-designed recycling

and waste storage. Standards are set out Appendix B to the Local Plan and the above criteria must be in accordance with those standards.

- 6.36. Most of the outlook from the proposed dwelling would be to the rear. The upper ground floor provides bedroom accommodation having windows with an outlook to the side. The subterranean part of the dwelling includes light wells to the kitchen and a study/playroom, with the living room and master bedroom benefiting from outlooks to the rear. The kitchen forms part of an open plan area with the living and dining area, and therefore some form of outlook would be possible from the large rear openings. The playroom/study would not be provided with an outlook (only a lightwell). However, this is the smallest room in the property, and the lack of an outlook to this space would not negate the overall standard of accommodation when considering the proposed dwelling as a whole.
- 6.37. The property would achieve suitable privacy and would be provided with adequate garden area. The internal space meets the Nationally Described Space Standards for a 4 bedroom 7-person property. Adequate space is provided for recycling and waste storage to the front of the site.
- 6.38. The proposal complies with Policy DM26 of the Chelmsford Local Plan.

### ***Sustainable development***

*NPPF 2024: Paragraphs 7 and 8*

- 6.39. Paragraphs 7 and 8 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
- 6.40. The proposal would provide a small contribution to the economy with the construction of the proposal; however, this would be short term contribution. The proposal is close to the edge of the Defined Settlement of Little Waltham and has pedestrian and cycle access to amenities within this settlement. Bus stops are found within Little Waltham which would provide connections with the city centre. Active and sustainable transport are viable options, ensuring the development isn't solely reliant on the motor car. The proposal, however, would harm the function of the Green Wedge, and result in visual harm to the intrinsic beauty and character of the Green Wedge and the Rural Area, resulting in environmental harm. The proposal would result in harm to the environmental strand of sustainable development, and this harm would outweigh the slight economic and social benefits. The proposal would not represent sustainable development under paragraphs 7 and 8 of the NPPF.

### ***Flooding and Drainage***

*Local Policies: DM18*

- 6.41. The site is in Flood Zone 1, the lowest area of flood risk. There is a stream on site, at the lowest point of the site, to the rear. This stream runs in a southwest direction and exits the site at the southwest corner. There is a spring in the adjacent garden (No.19 Church Hill) garden known as "Springs Head". The submission confirms that there is a high risk of surface water flooding in the area near the stream. The proposed works are outside of the area of flooding, and the land falls downwards to the north. The dwelling, and its occupants, would not be affected by this surface water risk.
- 6.42. There is potential for surface water from the development to flow into the stream on site. Land also falls to the west towards "Springs Head". Residents have raised concerns regarding the



impact of the development upon these watercourses, and the potential for harm to underground water sources by the excavation works required as part of the proposal.

- 6.43. The submitted drainage assessment considers that the scheme is a like for like replacement, as the new footprint and roof area remains consistent with the existing structure maintaining the current level of surface water run-off. Soakaways are proposed to improve overall surface water management.
- 6.44. The proposal would increase the footprint of development on site, and the amount of sealed surface/built form on site. The existing levels on site are provided on the existing site plan. The position of the surface water soakaway has not been provided, and it is unclear whether there would be sufficient capacity to cover the increase in sealed surface and built form on site. Following construction of the proposal ground levels are likely to change, which could have implications for surface water drainage. Further details to provide greater clarity could be provided via conditions, if the application was approved.
- 6.45. The submitted drainage assessment considers that there is potential to connect to the existing main foul drainage system and anticipate if required a single pump drainage system would likely be sufficient. The assessment states that this solution would be subject to technical design and approval, ensuring proper wastewater management while accommodating any potential elevation differences between the property and the main sewer line. Neighbours consider that a pump would not be sufficient in this location due to its proximity to watercourses. Foul drainage would be resolved at Building Regulations stage.

#### ***Access and Parking***

*Local Plan Policy: DM27*

- 6.46. Policy DM27 states that the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009).
- 6.47. The proposal would provide two vehicle parking spaces and cycle storage in accordance with the adopted Parking Standards. Subject to their provision in an appropriate manner the proposal complies with Policy DM27.
- 6.48. The Highway Authority recommends conditions for submission of a construction management plan and for the public right of way to remain open during construction. The public right of way provides the vehicular access to the site, and consists of a narrow roadway, and due to the constraints of this access it is considered reasonable to require the approval of a construction management plan. The public right of way is covered by legislation beyond planning and hence an informative could bring this matter to the attention of the applicant.

#### ***Residential Amenity***

*Local Plan Policy: DM29*

- 6.49. Policy DM29 seeks to safeguard 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.
- 6.50. The dwelling is orientated with most of its outlook to the rear (north), which does not overlook neighbouring properties. Windows in the side elevations are positioned at head height, above the

existing natural ground level. Views from these windows would be obscured by boundary treatments, and the distances between the proposed windows and the neighbouring properties would be adequate not to be harmful.

- 6.51. Residents have raised concerns regarding potential overlooking from a rear balcony. The dwelling would be accessed at ground level above the principal bedroom and the study/playroom, to the west of the access. The roof of this area would be partially raised above natural ground level to a maximum height of 1m and is close to the western boundary. The western neighbour's garden slopes downwards to the west leading to the spring, and hence a raised area serving the new dwelling could obtain direct views above the boundary treatment and into the neighbour's garden, resulting in a loss of privacy. A condition could be used to prevent this area being used as a sitting area, and on this basis the proposal would not materially impact the living environment of neighbouring residential occupiers.
- 6.52. Disruption during construction is transient and is not a sufficient reason to refuse planning permission. An informative could be attached to any planning permission with advisory hours of construction to minimise disruption.
- 6.53. The proposal complies with Policy DM29 of the Chelmsford Local Plan.

### **Ecology**

#### *Local Plan Policies: DM16*

- 6.54. Policy DM16 states that 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.
- 6.55. The application is accompanied by a preliminary ecological survey (PEA). The PEA identifies that the site is not within close proximity to statutory designated sites. The site has the potential to support nesting birds within the trees and hedgerows and therefore any works should be undertaken outside of nesting season. There is some suitable habitat for reptiles, however there is poor connectivity and basking opportunities, making it unlikely to support the species. The Precautionary Working Method outlined in the PEA should be implemented to limit the potential for harm. Though it is unlikely that the site would support further species, a Precautionary Working Method as per the report should also be implemented for badgers, Great Crested Newts and hedgehogs. A low impact lighting strategy is also recommended. The provision of a low impact lighting strategy and compliance with the PEA can be secured via conditions.
- 6.56. The Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the Habitat Regulations) require all new residential developments that have the potential to cause disturbance to European designated sites to provide appropriate mitigation. To deal with this, an Essex County wide strategic approach to considering and mitigating potential harm has been produced - the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). An Appropriate Assessment has been carried out which concludes that a contribution towards off-site mitigation (RAMS contribution) is necessary to mitigate the potential disturbance to European designated sites arising from this development growth. A RAMS contribution has been made by the applicant to address the need for mitigation for the dwelling which would be created by the proposal.

- 6.57. The baseline habitat includes modified grassland, other grassland, bramble scrub and urban trees. Only some individual trees are to be retained. On site creation includes green roof, vegetated garden and urban trees. Baseline hedgerow includes native hedgerow, non-native and ornamental hedgerow. The native hedge is to be retained. The watercourse units are not visible on the metric and would need to be included in the final BNG plan. The BNG assessment states the watercourse habitat includes a ditch (stream) which is to be retained and enhanced from poor to moderate. The other neutral grassland, new trees, native hedgerow and ditches are to be fenced off from the vegetated garden, confirmation is required on who would be responsible for maintaining this habitat as part of the final BNG plan. It is suggested that off-site units would be required to address the unit deficit. This is 0.30 but this is without the spatial risk multiplier. A Habitat Management and Monitoring Plan and Final BNG Plan can be secured via conditions. If this includes off site credits a legal agreement would be required.

### ***Other Matters***

- 6.58. The County Historic Environment Services advises that the Nissen hut could retain historic artefacts from WWII and that given the sites proximity to a Roman Road and "Springs Head" there may be Roman and Prehistoric archaeology at the site. To comply with Policy DM15 (Archaeology), if the application was recommended for approval a condition would have been attached requiring the agreement to and undertaking of a Written Scheme of Investigation for investigating and making record of archaeology at the site.
- 6.59. The development can accommodate on site the provision of three new trees per dwellings as required by the Council to address its declared climate crisis. A landscape scheme condition could be attached to secure this provision.

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

- 7.1. This development is CIL liable. CIL payments are required to help pay for general infrastructure arising from development.

## **8. Conclusion**

- 8.1. The proposal is located within the Rural Area and more specifically the Green Wedge, which has an identified intrinsic character and beauty. The proposal would not meet the criteria for redevelopment of previously developed land set out in Part B of Policy DM7 or Policy DM8. The replacement building would not be in the same use as the existing building being replaced and would therefore not meet the criteria of replacement buildings set out in Part C of Policy DM7 and Policy DM8. The proposal would not infill a small gap and would harm the character and beauty of the Green Wedge and Rural Area. The proposal would therefore not meet the criteria of infill development set out in Policy DM9. Consequently, the proposal would not fall within the prescribed forms of development set out in Policies DM7, DM8 and DM9 of the Chelmsford Local Plan.
- 8.2. The proposal would be of a greater scale, size, mass and spread than existing. The proposal would have a greater visual impact than existing and the impact of activities and use on site would be greater. In combination these would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would therefore conflict with Strategic Policy S11 of the Chelmsford Local Plan.

- 8.3. The proposal would result in harm to the environmental strand of sustainable development, and this harm would outweigh the slight economic and social benefits. The proposal would not represent sustainable development under paragraphs 7 and 8 of the NPPF.
- 8.4. The individual design of the new property would respect the character and appearance of the area in which it is located and would be compatible with the neighbouring properties. The proposed development can meet the required provisions for living accommodation and garden space. The applicant has provided appropriate safeguards to mitigate any impact on the natural environment and conditions could be attached to secure biodiversity net gain. Conditions could be attached to ensure the provision of adequate parking, tree planting, manage construction impacts, surface water impacts, ecology and safeguard archaeology.
- 8.5. The benefits of the scheme would not outweigh the harm to the Green Wedge and the Rural Area. The application is recommended for refusal.

## **RECOMMENDATION**

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

#### **Reason 1**

Strategic Policy S11 and DM Policies DM7, DM8 and DM9 of the Chelmsford Local Plan (2020) are applicable to the proposal and its location within the Green Wedge and Rural Area. The National Planning Policy Framework (2024) is a material consideration.

Strategic Policy S11 addresses the role of the countryside. Part B, relating to the Green Wedge, states that development which materially harms the role, function and intrinsic character and beauty of the Green Wedge will not be approved.

Policy DM7 considers new buildings and structures in the Green Wedge, and states that planning permission will be granted for new buildings and structures where the development does not conflict with the purposes of the Green Wedge and is for one of a number of prescribed developments. The proposal would not extend an existing building, provide a rural worker's dwelling or affordable housing, so of relevance to the proposal would be ix. redevelopment of previously developed land in accordance with Part B of this Policy; or xi. replacement of buildings in accordance with Part C of this Policy.

Policy DM8 considers new buildings in the Rural Area, and states that planning permission will be granted where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land and replacement buildings subject to meeting prescribed criteria.

Policy DM9 states that planning Permission will be granted for infilling in the Green Wedge or Rural Area where the site is a small gap in an otherwise built up frontage and where the development would not detract from the existing character or appearance of the area and would not unacceptably impact on the function and objectives of the designation.

The proposal would be of a greater scale, size, mass and spread than existing, having a greater visual impact than existing and the impact of activities and use on site would also be greater. In combination these factors would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and the Rural Area. The proposal would not satisfy the criteria for redevelopment of previously

developed land in Part B of Policy DM7 and Policy DM8. The replacement building would not be in the same use as the existing building being replaced and would not fall within the remit of replacement buildings set out in Part C of Policy DM7 and DM8. Consequently, the proposal would not fall within the prescribed forms of development set out in Policy DM7 and DM8 of the Chelmsford Local Plan.

The proposal would not infill a small gap and would harm the character and beauty of the Green Wedge and Rural Area. The proposal would therefore not meet the criteria of infill development set out in Policy DM9 of the Chelmsford Local Plan.

The proposal would erode the rural appearance of the site and adversely affect the intrinsic character and beauty of the Green Wedge and Rural Area. The proposal would therefore conflict with Strategic Policy S11 of the Chelmsford Local Plan.

The proposal would not represent sustainable development under paragraphs 7 and 8 of the National Planning Policy Framework (2024) as the harm found under the environmental strand would outweigh any social and economic benefits.

### **Notes to Applicant**

- 1 This application would be liable for a payment under the Community Infrastructure Levy Regulations (as Amended) 2010 if planning permission had been granted. If an appeal is lodged and subsequently allowed, the CIL liability will be applied.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

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

- 250 Floor Plans and Elevations/P6
- 251/P6
- 253 Surface Water Risk Plan/P1
- Drainage Assessment
- Image 1 Front Elevation
- Image 2 Front Elevation
- 24077/TK01/A
- 252/P1
- 151/P3
- FRNT\_22.503\_601\_P01 Issue 6
- Landscape Character Assessment
- Sustainable Development Checklist
- Metric Calculation Tool
- Planning Statement
- Arboricultural Survey/August 2024
- Arbtech AIA 01 Arboricultural Impact Assessment
- Biodiversity Net Gain Assessment
- Preliminary Ecological Appraisal and Roost Assessment
- Statutory Declaration
- Photos of property

**Appendix 2 – Consultations**

**ECC Historic Environment Branch**

Comments
<p>24.10.2024 - The building proposed for demolition is a Nissen Hut. Nissen Huts were primarily constructed for military use in the Second World War. While it has clearly been relocated since its construction, it still may contain fixtures, fittings, graffiti or other evidence that relates to its historical wartime use and should be the subject of a building record prior to its demolition.</p> <p>Essex Historic Environment Record (EHER) shows that the proposed development site is in an area with the potential for significant archaeological remains to be present. The main road through Little Waltham (some 290m to the west) is on the line of the main Roman road between Chelmsford and Long Melford in Suffolk (EHER 6057). Recent work in the proximity of this historic routeway has uncovered a large amount of Roman settlement evidence, including industrial activity, burials and agricultural features. To the north of the proposed development is an area of cropmarks interpreted as showing three ring-ditches, suggesting prehistoric activity in the vicinity (EHER 6131).</p> <p>The proposed development is located directly adjacent to a spring, named as "Springs Head" on early Ordnance Survey mapping. Springs are traditionally areas of historic settlement activity, and there is the</p>

possibility that prehistoric, Roman or later activity may survive associated with this water source, and be negatively impacted by the groundworks associated with the proposed development.

Recommends the following conditions:

RECOMMENDATION: Historic building recording

- (i) No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant for approval by the Local Planning Authority.
- (ii) No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
- (iii) The applicant will submit a report detailing the results of the recording programme to the Local Planning Authority for approval and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority.

RECOMMENDATION: Archaeological trial-trench evaluation

- (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
- (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.
- (iii) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

A professional and accredited team of historic building specialists and archaeologists should undertake the work. This work will consist of a historic building recording survey undertaken prior to the demolition of the Nissen Hut. Subsequently, an archaeological trial-trench should be excavated within the footprint of the proposed new building, to assess the potential for archaeological remains to survive on site. Depending on the results of this trial-trench further stages of archaeological excavation and/or monitoring may then be required.

The City Council should inform the applicant of the recommendations and its financial implications. A brief outlining the level of investigation will be issued from this office on request and should be acquired before the production of any Written Schemes of Investigation. If the same contractor was appointed to both roles this office would have no objection to the production and submission of a single Written Scheme of Investigation detailing both programmes of work.

## Little Waltham Parish Council

Comments
<p>11.11.2024 – Objects to this planning application. The Parish Council understand that the location of this site will disrupt many local residents. The Parish Council also have genuine concerns about the environmental and ecological impacts which could result on building on land which is so close to water courses. The Parish Council request for a groundwater risk assessment to be carried out to ensure the local water courses are protected.</p> <p>The water courses which run from this area feed the streams in Little Waltham, so any interference at this location will affect the streams in other parts of the parish.</p> <p>The Parish Council consider the bio-diversity and environmental impacts when considering planning applications, and feel that we need to object on these grounds.</p>

## Public Health & Protection Services

Comments
<p>15.10.2024 - 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 not allocated).</p> <p>Any asbestos encountered during demolition or construction phases must be removed by an appropriately licenced specialist contractor and disposed of at an approved facility</p>

## Recycling & Waste Collection Services

Comments
<p>No response received</p>

## Essex County Council Highways

Comments
<p>14.11.2024 - The proposed residential development would be accessed from an existing vehicular access to Sheepcotes Lane, which is a private single track lane. Sheepcotes Lane accommodates Public Right of Way Footpath no. 22, Little Waltham Parish 225. Sheepcotes Lane accommodates vehicular access to Brooklands located to the north of the proposed development.</p>



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

1. The public's rights and ease of passage over public footpath no.22 (Little Waltham Parish 225) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

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

- 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.

3. Prior to first occupation of the development, the vehicular access shall be constructed as shown in the Proposed Site Plan, drawing no. 251 Revision P4 at right angles to Sheepcotes Lane and shall be provided with an appropriate vehicular crossover construction to Sheepcotes Lane.

Reason: To ensure that vehicles can enter and leave Sheepcotes Lane in a controlled manner in the interest of highway safety in accordance with policy DM1 and to maintain the integrity of Footpath no.22 in accordance with Policy DM11.

4. Prior to first occupation of the proposed development the 2no. vehicle parking spaces and associated turning shall be hard surfaced, as shown in the Proposed Site Plan, drawing no. 251 Revision P4. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking and turning area shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

5. The cycle parking shown in the Proposed Bin & Cycle Store drawing no. 252 Revision P1 shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and NPPF 2023.

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.

## Ramblers Association

### Comments

21.10.2024 - NO COMMENT.

## Local Residents

### Comments

Local residents Six representations received from local residents, objecting to the proposal. Concerns raised:

- Water features – on site and adjacent site feed River Chelmer, harmful impact, pollution, excavation would dry up stream and destroy underground watercourses, stream on site frequently overwhelmed
- Sewage – not achieved safely, sewage pump not viable option, septic tank cannot be placed within 10m of water source
- Wildlife/habitat – harm, disturbance
- Public footpath – disruption, disrupt access to Sheepcotes Farm
- Construction – disruption, noise, blocking access, parking
- Use – no longer used incidentally with No.19 Church Hill, land maintained by neighbour
- Access – block neighbouring driveway access, no ‘right of way’ via Sheepcotes Lane
- Parking – insufficient parking, parking on nearby streets dangerous, parking area lead to subsidence
- Rural setting – not in keeping, not contribute/enhance natural environment, unsympathetic alteration
- Previous refusals – doesn’t address previous reasons
- Amenity – loss of privacy
- Infrastructure – doctors and schools full
- Need – no local need for housing and serves no purpose to community

Two supportive responses received, with the following comments:

- Historic structure – rotten and been reroofed with modern materials
- Alternative uses – worse than the proposal
- Condition – vacant, previously used as dumping ground
- Design – high quality, contemporary
- Rural Character – no impact, positive change
- Benefit – housing for Little Waltham



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**Planning Committee  
24/01373/FUL**

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

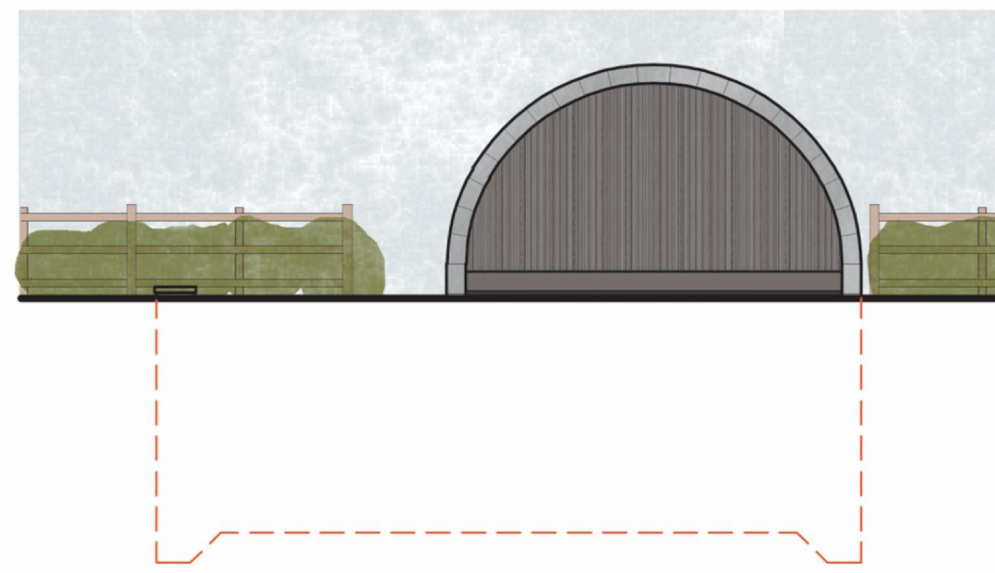
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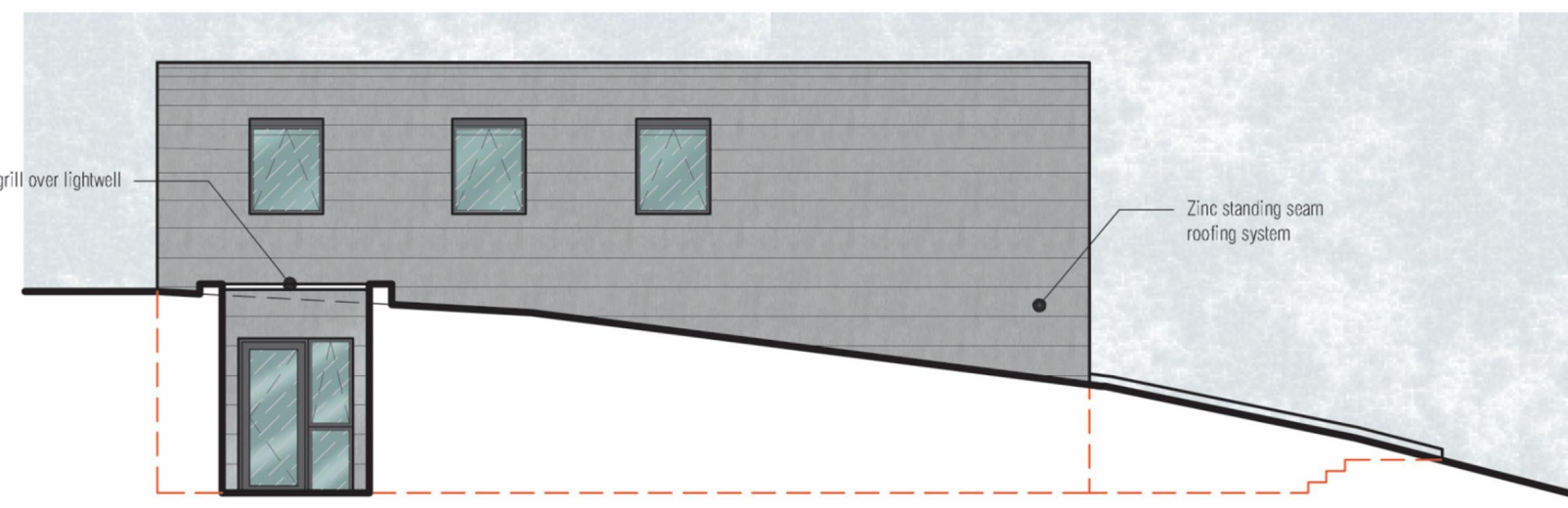
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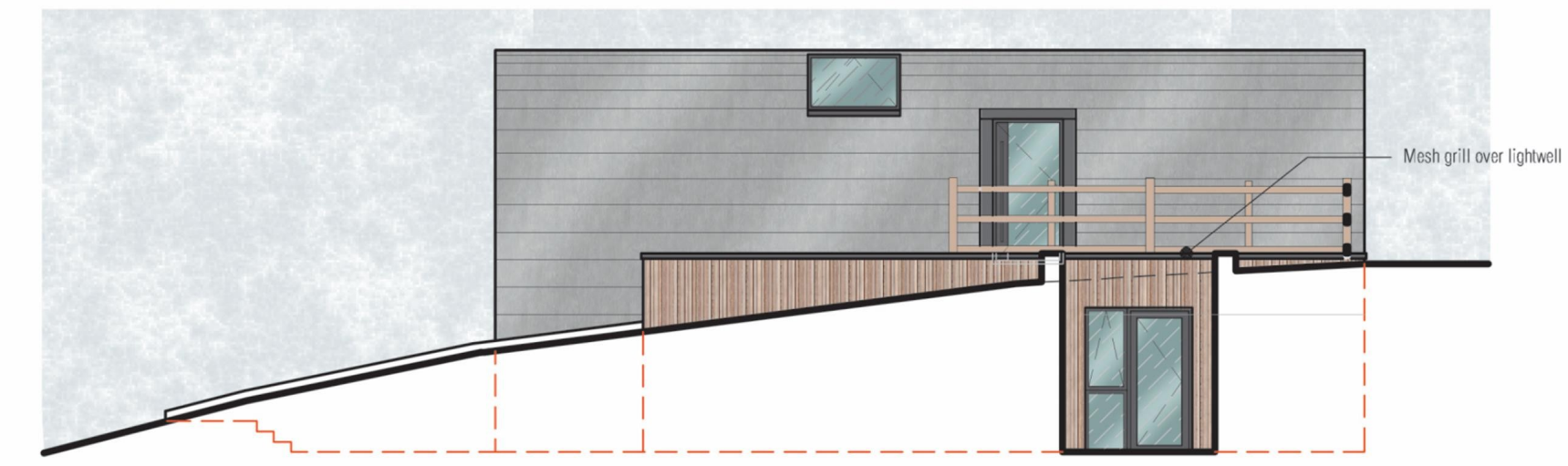
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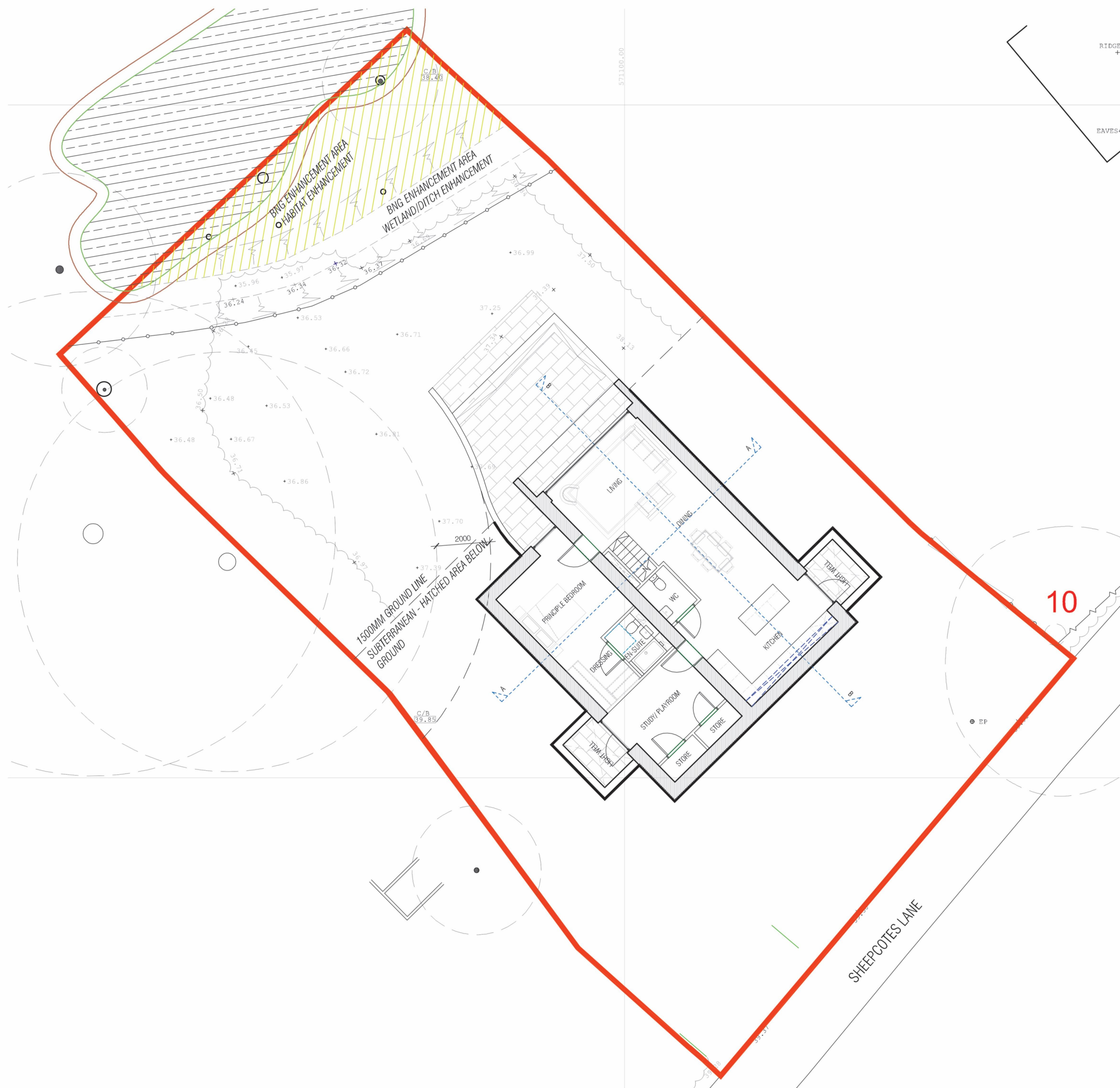
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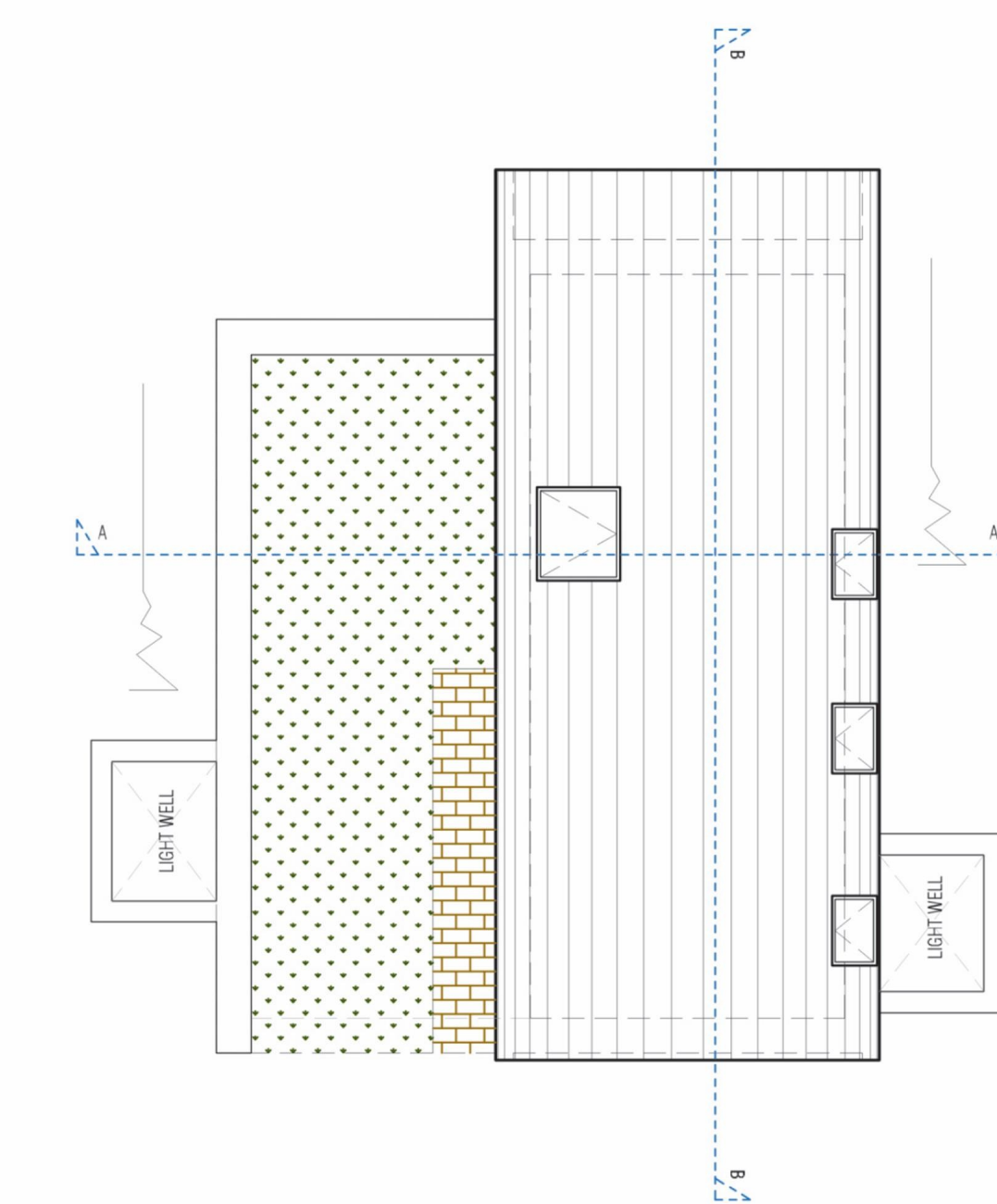
PROPOSED REAR ELEVATION  
SCALE 1:100 @ A1



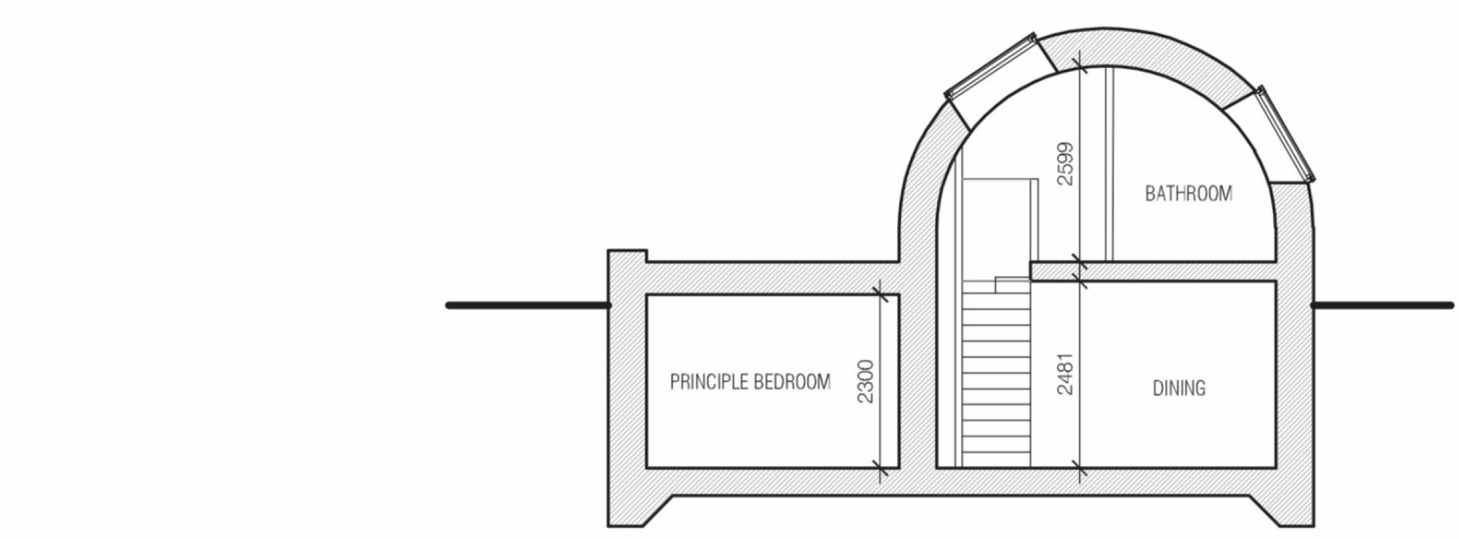
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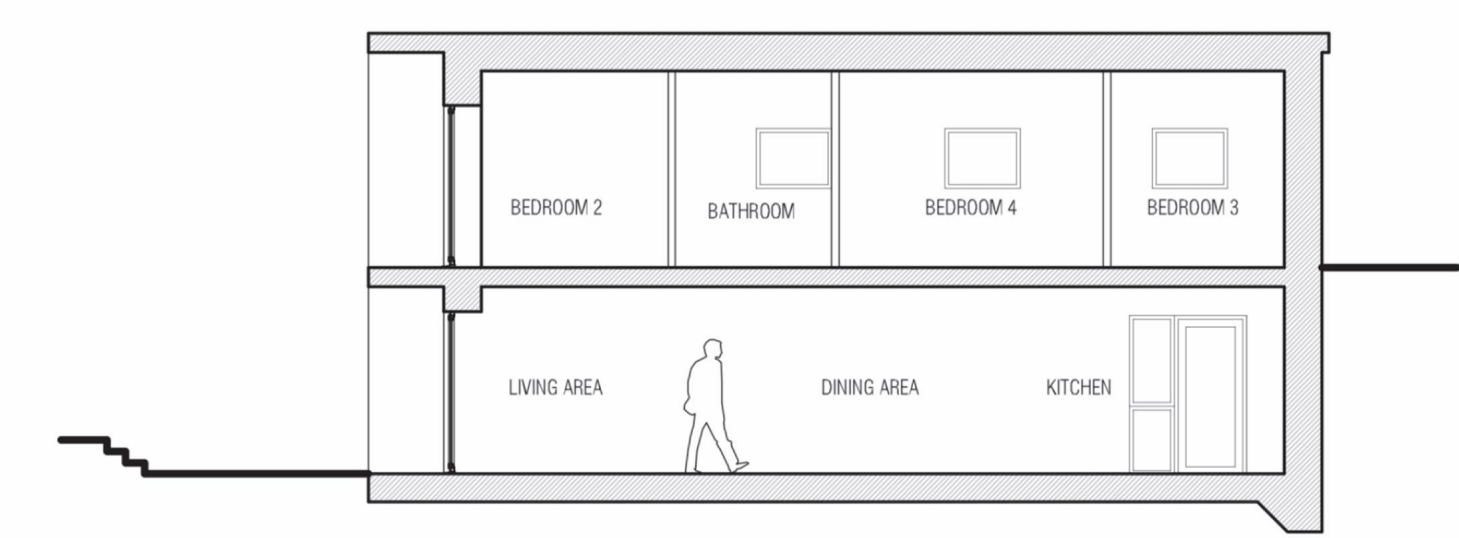
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Page 100 of 194



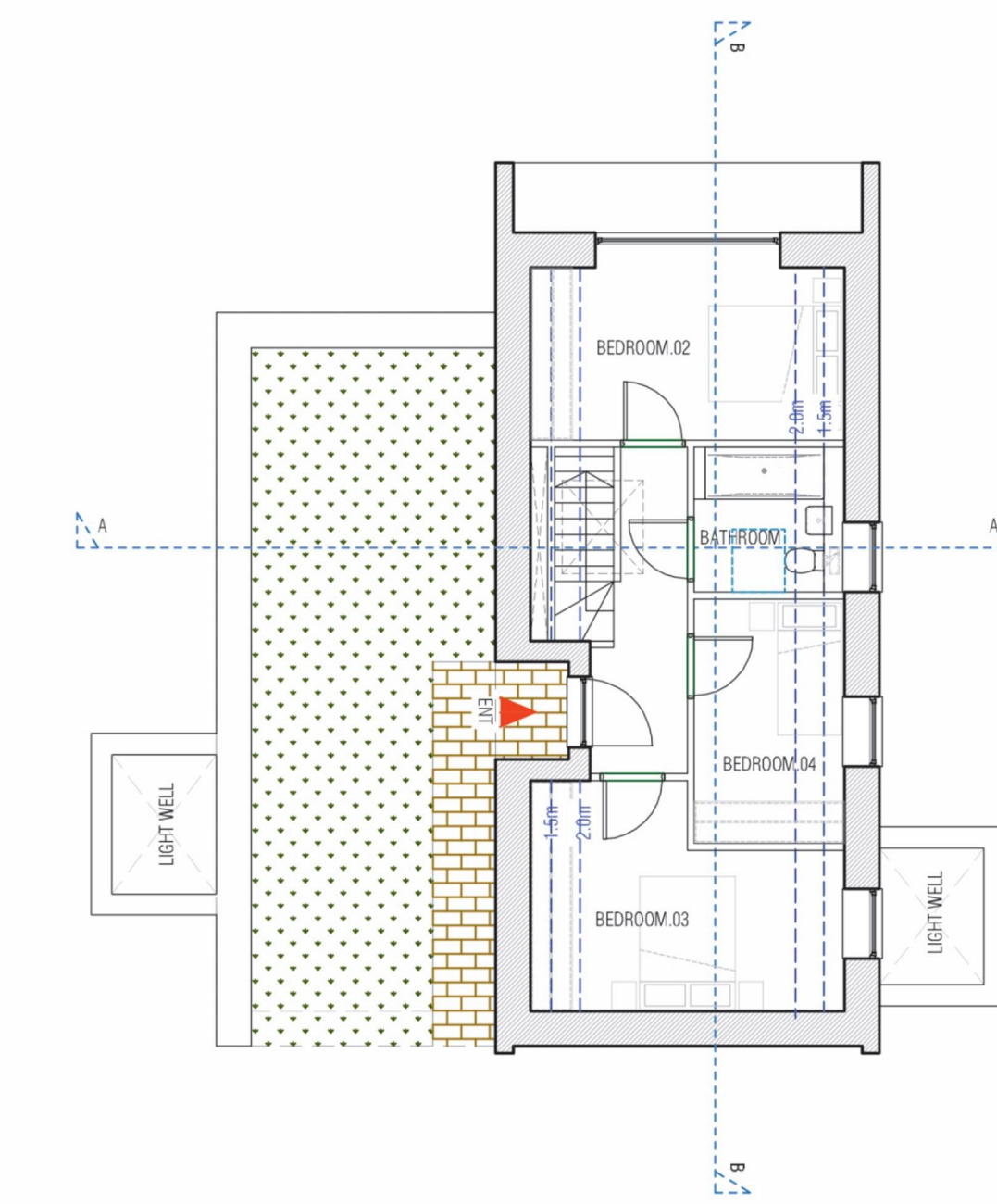
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PROPOSED SECTION A-A  
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PROPOSED SECTION B-B  
SCALE 1:100 @ A1



PROPOSED GROUND FLOOR  
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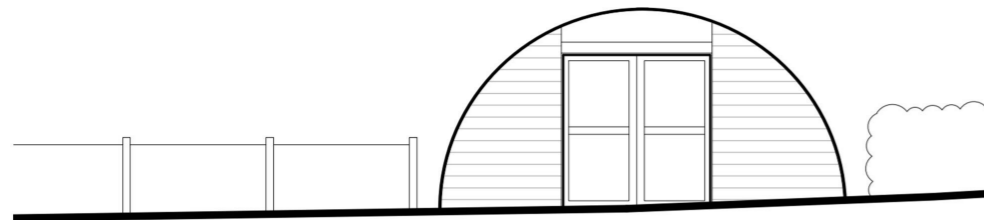
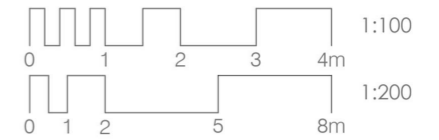
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 SHEPCOTES LANE  
 LITTLE WALTHAM  
 CHELMSFORD, CM3 3LR  
 DRAWING TITLE:  
 PLANNING APPLICATION PACKAGE  
 PROPOSED FLOOR PLANS AND ELEVATIONS

CLIENT:  
 STRATSTONE DEVELOPMENTS

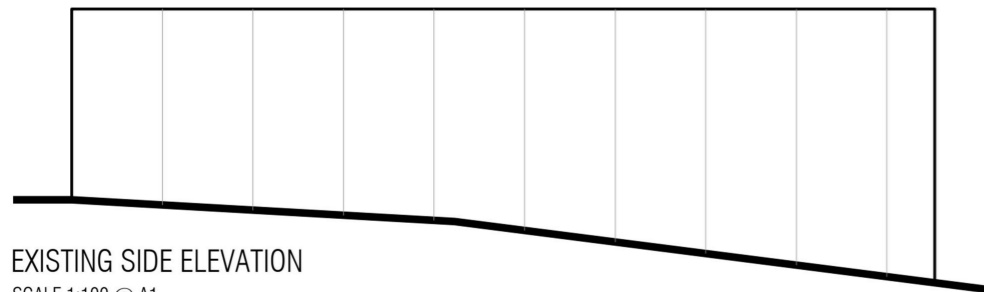
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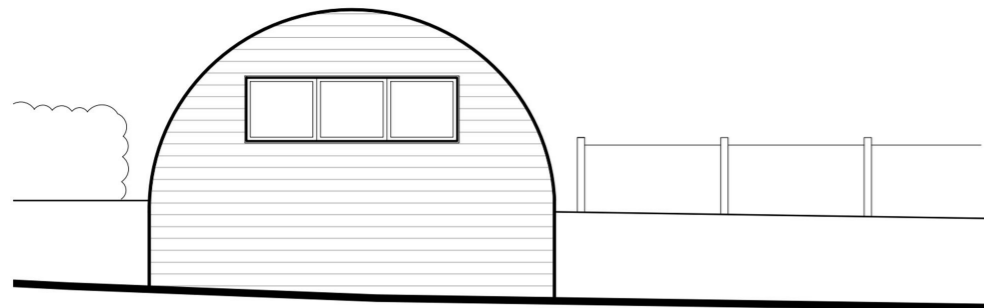
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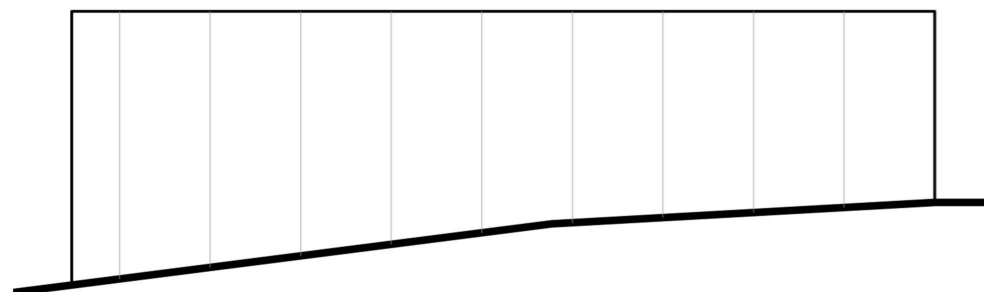
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EXISTING SIDE ELEVATION  
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EXISTING REAR ELEVATION  
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EXISTING SIDE ELEVATION  
SCALE 1:100 @ A1



EXISTING SITE PLAN  
SCALE 1:200@A3

PROJECT:  
**SHEEPCOTES LANE**  
LITTLE WALTHAM  
CHELMSFORD, CM3 3LR

CLIENT:  
STRATSTONE DEVELOPMENTS  
DRAWING TITLE:  
PLANNING PACKAGE  
EXISTING SITE PLAN & ELEVATIONS

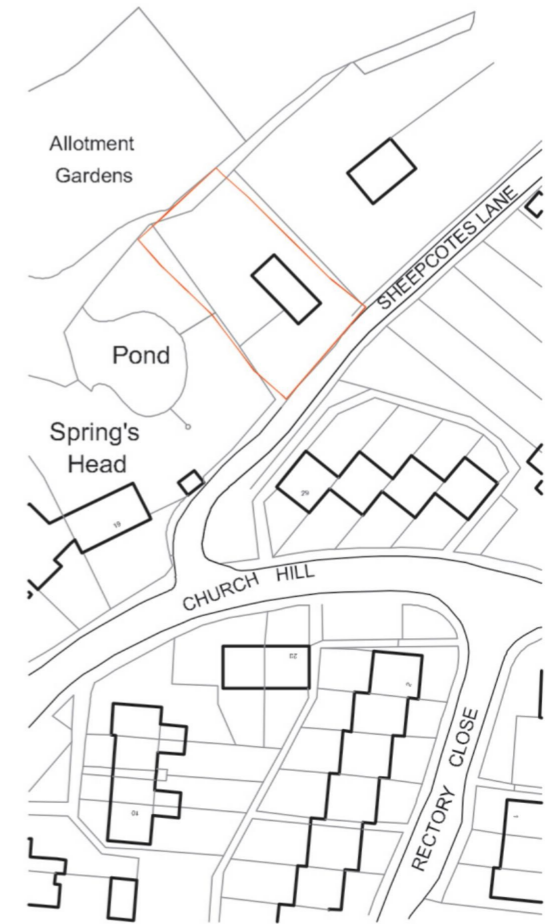
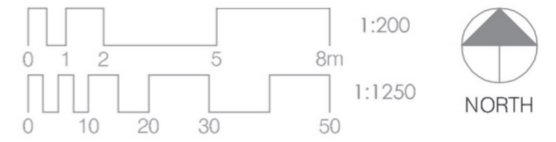
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REV.	DATE	AMENDMENT	DRAWN

PROJECT NO. 22.503	REVISION P3	DRAWING NO. <b>151</b>
DATE AUG 2024		

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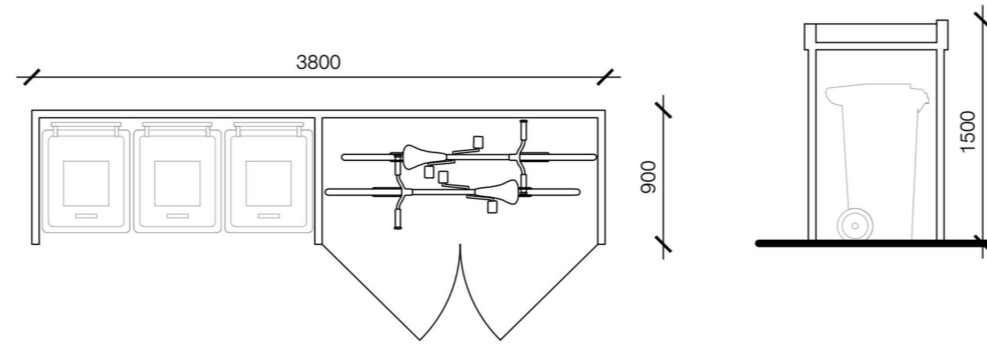


LOCATION PLAN  
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PROPOSED SITE PLAN  
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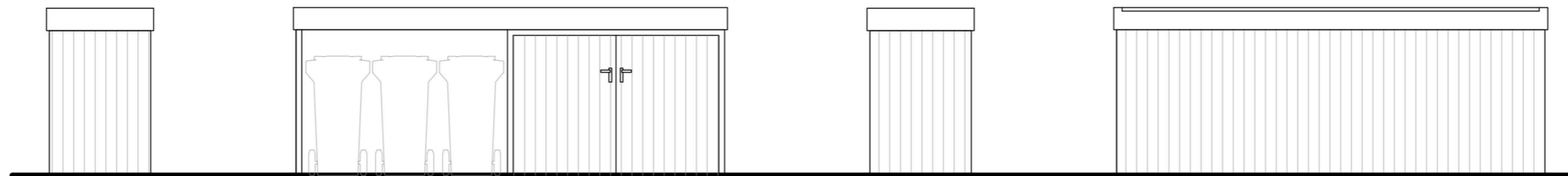
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PROJECT	CLIENT	PROJECT NO.	REVISION	DRAWING NO.
SHEEPCOTES LANE LITTLE WALTHAM CHELMSFORD, CM3 3LR	STRATSTONE DEVELOPMENTS	22.503	P6	251
DRAWING TITLE		DATE		
PLANNING PACKAGE PROPOSED SITE PLAN		AUG 2024		
		<b>FRONT.</b>	171 HIGH STREET, RAYLEIGH, ESSEX, SS6 7QA. TEL: 44 (0)1752 931 415   EMAIL: HELLO@FRONT-ARCHITECTURE.CO.UK	



PROPOSED STORE PLAN  
SCALE 1:50@A3

PROPOSED STORE SECTION  
SCALE 1:50@A3



PROPOSED STORE ELEVATIONS  
SCALE 1:50@A3

PROJECT:  
SHEEPCOTES LANE  
LITTLE WALTHAM  
CHELMSFORD, CM3 3LR

CLIENT:  
STRATSTONE DEVELOPMENTS  
DRAWING TITLE:  
PLANNING PACKAGE  
PROPOSED BIN & CYCLE STORE

P1	03.09.2024	PRELIMINARY ISSUE	FK
REV.	DATE	AMENDMENT	DRAWN
PROJECT NO.	REVISION	DRAWING NO.	252
22.503	P1		
DATE:	SEPT 2024		
FRONT.		171 HIGH STREET, RAYLEIGH, ESSEX, SS6 7QA. TEL. +44 (0)1702 831 415   EMAIL: HELLO@FRONT-ARCHITECTURE.CO.UK	



**Planning Committee**  
**4<sup>th</sup> February 2025**

<b>Application No</b>	:	24/01723/FUL Full Application
<b>Location</b>	:	Dovedale Sports Centre Vicarage Road Chelmsford CM2 9BP
<b>Proposal</b>	:	<b>Single storey extensions to form new reception area and enable internal alterations. Installation of 3 No. Air Source Heat Pumps.</b>
<b>Applicant</b>	:	Chelmsford College
<b>Agent</b>	:	Mrs Cheryl Peel
<b>Date Valid</b>	:	17th December 2024

### Contents

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2. Description of site .....	2
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4. Other relevant applications.....	3
5. Summary of consultations.....	3
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7. Community Infrastructure Levy (CIL) .....	5

### Appendices:

Appendix 1	Consultations
Appendix 2	Drawings



## **1. Executive summary**

- 1.1. This application is for two modest infill extensions to Dovedale Sports Centre. The proposal also includes the installation of three air source heat pumps, which would be located on the southwest elevation of Dovedales. The City Council has a Joint Use agreement with the College to enable community use. It therefore has an interest in the application site. In accordance with the Council's Constitution, the application is presented to the Planning Committee for a decision as a public objection has been received (see Appendix 2).
- 1.2. The development would modernise the facility for the College students and the local community. The extensions are minor in size and form and are located between two existing buildings. The design is acceptable and would result in no harm to the character of the area.
- 1.3. Access and vehicle parking to the site are not affected by the proposal and remain acceptable.
- 1.4. The air source heat pumps are located close to the rear boundaries of residential properties in Rothesay Avenue. The residents have raised concerns in relation to noise and pollution. A noise report has been submitted as part of the application to determine the ambient noise level. A condition is attached to this recommendation to ensure that the air source heat pumps do not emit noise above this level. The units would not emit unacceptable levels of CO2. The impact of the pumps on the living conditions of the neighbouring properties is considered to be acceptable.
- 1.5. The application is recommended for approval.

## **2. Description of site**

- 2.1. The site is located within the Chelmsford Urban Area. Dovedale Sports Centre is part of the Chelmsford College complex of buildings. It is separated from the College by a 3.6 metre gap. The reception area for the Centre is located within this gap between buildings.
- 2.2. The car park for Dovedales is located to the south of the building and is accessed from Vicarage Road.
- 2.3. The rear gardens of residential properties in Rothesay Avenue back onto the southwest side elevation of the Sports Centre.

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

- 3.1. The current reception area for the Sports Centre is located within the small gap between the College and the Sports Centre buildings. The proposal is to extend the reception area northwards by 8.5 metres and southwards by 5.6 metres. The extension would allow for the expansion and modernisation of the gym and changing rooms and the creation of a new studio space. The materials would match the existing.
- 3.2. Three air source heat pumps are proposed on the south-west facing elevation of Dovedales.

#### 4. Other relevant applications

- 4.1. None

#### 5. Summary of consultations

##### *Leisure & Heritage Services*

- Support the application

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

- A condition is required to ensure that the noise from the air source heat pumps will not exceed the relevant noise limit criteria set out within the submitted Noise Impact Assessment

##### *Local residents*

- Concerns relate to the noise and operation of the air source heat pumps, traffic and construction and the use of the area close to the air source heat pumps. A summary of all of the comments received is provided in Appendix 2

#### 6. Planning considerations

- 6.1. The site is located within a residential area and is an established Sports Centre. The City Council has an agreement with Chelmsford College which enables the use of the Sports facilities for the Community. The proposal is part of an update to the existing facilities.

##### *Extensions to Dovedale Sports Centre*

- 6.2. Policy DM20 of the Chelmsford Local Plan states that permission will be granted for extensions to existing facilities which support the local community where:
- there is access to adequate public transport, cycling and walking links for the benefit of non-car users; and
  - vehicle access and on-site vehicle parking would be provided to an appropriate standard commensurate to the scale of the development; and
  - the development would be compatible with its surroundings; and
  - there would be no unacceptable impact on the character, appearance or local environment; and
  - adequate access to and between the facilities and/or services would be provided for people with disabilities commensurate to the scale of the development.
- 6.3. The site is located in the city centre where there is good access to public transport and pedestrian and cycling links. The development would not affect the current parking provision.
- 6.4. The proposal is for two small extensions which would be located between two buildings. The simple design and matching materials would be compatible with the existing centre and would result in no harm to the character and appearance of the area. The amenities of the neighbouring residents would not be affected by the additions.

- 6.5. The proposal satisfactorily complies with Policy DM20.

*Air source heat pumps*

- 6.6. Policy DM29 of the Chelmsford Local Plan seeks to safeguard the living environment of the occupiers of any nearby residential property. Developments must be compatible with neighbouring or existing uses in the vicinity of the development by ensuring that the development avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.
- 6.7. The proposed air source heat pumps would be located to a discreet side of the building and would not be readily visible from public vantages.
- 6.8. The pumps would be located on an elevation closest to the rear gardens of No.s 21, 23 and a small block of flats in Rothesay Avenue (No.s 25, 25A and 27). At the nearest points, the pumps would be approximately 22 metres from No.21, 20 metres from No.23 and 16 metres from the flats.
- 6.9. A noise impact assessment has been submitted with the application. The noise survey was completed between the 22<sup>nd</sup> and 23<sup>rd</sup> August 2022. The survey measured representative noise levels at the southwestern boundary of the site. The results of this survey have then been used to set a “noise rating limit” for the air source heat pumps. In other words, the noise from the air source heat pumps must not exceed the prevailing background noise level to protect the adjacent residents from adverse noise impacts. The noise rating limit is to apply at 1 metre from the closest residential facades to the site. A comment has been received from a resident concerned that the noise survey was carried out during the summer holidays, when the college would not be very busy or noisy. By carrying out the survey during a quieter period, this gives the “worst case” scenario and results in a lower ambient noise level that the air source heat pumps should not exceed. The noise impact assessment recorded the dominant noise level as 42 decibels by day and 33 decibels by night. The required ambient noise level for the air source heat pumps is recommended as 5 decibels below the dominant noise level, being 37 decibels by day and 28 decibels by night.
- 6.10. Concerns have been raised regarding the timings of when the air source heat pumps will be in operation. Air source heat pumps are designed to keep a building at a constant temperature and therefore will run when the outside temperature is low and/or demand for heating is high. Provided that the noise emission from the air source heat pumps is below 37 decibels during the day and 28 decibels at night, this is considered acceptable.
- 6.11. A condition is attached to ensure that the air source heat pumps meet the requirements of the noise impact assessment.
- 6.12. Concerns have been raised that the air source heat pumps could result in air pollution. Air source heat pumps use the same kind of technology that keeps a fridge or freezer cool, but in reverse. They City Council’s Public Health and Protection team have advised that there are no air quality issues associated with air source heat pumps. Carbon dioxide emissions from them are lower than from standard boilers or other heat generation.

### *Other matters*

- 6.13. Concerns have been raised regarding traffic management and construction. The site has its own car parks adjacent to the areas for construction, which will be suitable for construction workers to use for their vehicles and to store materials. An informative is attached in relation to guidelines for acceptable working hours.
- 6.14. Concern has been raised about the use of the area where the pumps will be sited by children and vulnerable adults. The air source heat pumps are located in an area adjacent to "The Secret Garden" which is used by the on-site children's nursery. The Secret Garden is fenced off from the area where the air source heat pumps will be located. There will be no conflict between users of the garden and the area of the plant. The maintenance of the pumps will be the responsibility of the Sports Centre Management
- 6.15. A request for the measurement of the distance from the pumps to the rear boundary fences of No.21 and No.23 Rothesay Avenue has been made. The closest point between the pumps and the rear boundary to No.23 is 3.5 metres and to No.21 is 6.1 metres.
- 6.16. Neighbouring residents have requested the timescale of when the works will be carried out. The planning application grants permission for the development to be carried out within 3 years from the date of the decision.

## **7. Conclusion**

- 7.1. The proposed extensions to the Sports Centre are minor in size. They would provide an improvement to the existing facilities and would result in no harm to the character and appearance of the area. The proposal complies with Policy DM20.
- 7.2. The proposed air source heat pumps are located close to the garden boundaries of neighbouring residential properties. A condition is attached to ensure that the noise from the units would be below the ambient noise level. With the provision of this condition, the living conditions of the neighbouring residents will not be adversely affected. The proposal therefore complies with Policy DM29.

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

- 8.1. This development is not CIL liable

## **RECOMMENDATION**

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

### **Condition 1**

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

Reason:

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

**Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

**Condition 3**

Prior to first use of the air source heat pumps hereby permitted details of the methods to ensure that the noise emission from the units does not exceed the recommendations of the submitted Noise Impact Assessment reference PC-22-0184-RP1 shall be submitted to and approved in writing by the local planning authority. The units shall then be installed in accordance with those approved details and shall remain so.

Reason:

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

**Notes to Applicant**

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

**Noisy work**

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

**Light work**

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

In some circumstance further restrictions may be necessary.

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

**Positive and Proactive Statement**

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

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

DSPEXT-IWD-XX-ZZ-DR-A-2510/P02  
 DSPEXT-IWD-XX-ZZ-DR-A-2402/P01  
 DSPEXT-IWD-XX-XX-DR-A-2400/P05  
 DSPEXT-IWD-XX-00-DR-M-4200/P01  
 DSPEXT-IWD-XX-00-DR-A-2010/P02  
 PC-22-0184-RP1 – Noise Impact Assessment  
 CAHV-R450YA-HPB – Ecodan Air Source Heat Pump

**Appendix 2 – Consultations**

**Leisure & Heritage Services**

Comments
<p>Leisure &amp; Heritage Services declare an interest in this application as although Dovedale Sports Centre is owned by Chelmsford College it is operated in partnership with the Chelmsford City Council via a Joint-Use Agreement to enable public and community access to the facilities.</p> <p>We support the application as the new facility will help to improve the range and quality of sports facility provision in the City.</p> <p>The proposal meets the ambitions of Chelmsford City Council's Our Chelmsford: Our Plan and particularly the priorities to:-</p> <p>G: Improve opportunities for adults and children to live well, reducing health inequalities and social isolation, so that they can enjoy a healthy, safe and fulfilling life.</p> <p>H: Help create a network of amenities and community facilities providing opportunities and access for people of all backgrounds to engage in healthy, active and socially connected lifestyles.</p> <p>And the aim to promoting physical and mental wellbeing and reducing social isolation and provide access to sport, leisure and recreational activities that encourage healthy, active lifestyles.</p> <p>The facility was constructed in 1973 and although having had some minor upgrades during that time has remained a generally functional centre. The facilities are now very dated and the current standards of the building have fallen, especially compared to the other council leisure centres. Ongoing maintenance and repair costs are also increasing. The current configuration and size of facilities does not enable usage to be maximised and daytime use for the community in term-time is not currently available. It clearly requires investment to meet the needs and expectations of customers.</p> <p>The new works comprise modest infill extensions to form a new reception area and an expansion to the existing gym (fitness room). Refurbishment and remodelling works extend to all existing changing facilities,</p>

circulation spaces and staff areas. The works will see the creation of a new additional studio space. Utilities and services will also be upgraded. In addition to current access as a result of the improvements the fitness facilities (gym and studio) will become available to the local community in the mornings during term-time.

The primary aims and benefits of the proposal include:

- o Upgrade an ageing joint use community leisure centre to benefit both College students and the local community
- o Increased number of total attendances and customer and community groups participating in health & wellbeing activities.
- o Enable morning use of the fitness room/studio for the local community (not currently available)
- o Create a modernised, good quality alternative option for city centre customers with additional benefits of relieving pressure on the Council's other extremely popular fitness venues.
- o Improved energy efficiency and carbon reduction

### South Essex Parking Partnership

Comments

No response received

### Public Health & Protection Services

Comments

The installation of air source heat pumps (ASHPs) has the potential to cause noise disturbance to nearby residents. However, the acoustic assessment submitted with the application has reviewed existing noise levels and identifies a relevant noise limit criteria that the new ASHPs should meet to ensure no undue disturbance is caused. The assessment has been carried out correctly and obtained background/ambient noise levels at times when levels are likely to be lower, thus resulting in a lower noise limit criteria. I would suggest that a condition is imposed to require a further assessment is submitted for approval to demonstrate the ASHPs to be installed will be meet the relevant noise limit criteria.

### Local Residents

## Comments

Two representations received. Comments are summarised as follows:

- No traffic management plan to manage construction traffic on Vicarage Road
- Will a Construction Logistics Plan and Construction Environmental Plan be submitted
- The noise impact assessment was conducted outside term time and does not take account of the noise of students
- Concerned the gardens of 21 and 23 Rothesay Avenue will be affected by the noise of the pumps
- There are no timescales of when the work will be carried out
- No timescales of when the pumps will be running
- Will there be air pollution from the pumps
- How often will they be maintained
- There is no measurement from the pumps to the fences of 21 and 23 Rothesay Avenue on the drawings
- Will there be restriction on Nursery School children and vulnerable adults accessing the current area where the pumps will be





0 15 30 60 Metres

1:1,500



**Planning Committee**  
**24/01723/FUL**

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

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

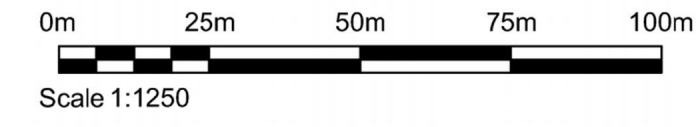
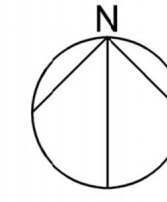
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**KEY:**

- Indicates site boundary - 15038m<sup>2</sup>
- Indicates area of works - 1391m<sup>2</sup>

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P04	Planning Issue	13/10/23	AM	MC
P03	Updated layout	06/10/23	AM	MC
P02	Reduced Scheme	03/08/23	AM	MC
P01	Information	18/07/22	XX	XX
Rev	Description	Date	Chk	Azr
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Vision, form and function

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 Vicarage Road  
 Chelmsford  
 CM2 9BP

Client:  
 Chelmsford City Council

Title:  
**Site Location Plan**

Drawing Number:  
**DSPEXT-IWD-XX-XX-DR-A-2400**

Status:	Purpose of Issue:	Revision:
A1	PLANNING	P05



P01 Planning	29/11/24	AM	SV
Rev/Comment	Date	Cnk	Apr
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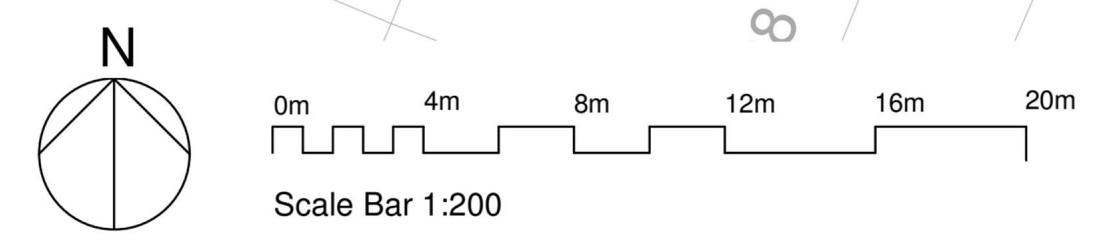
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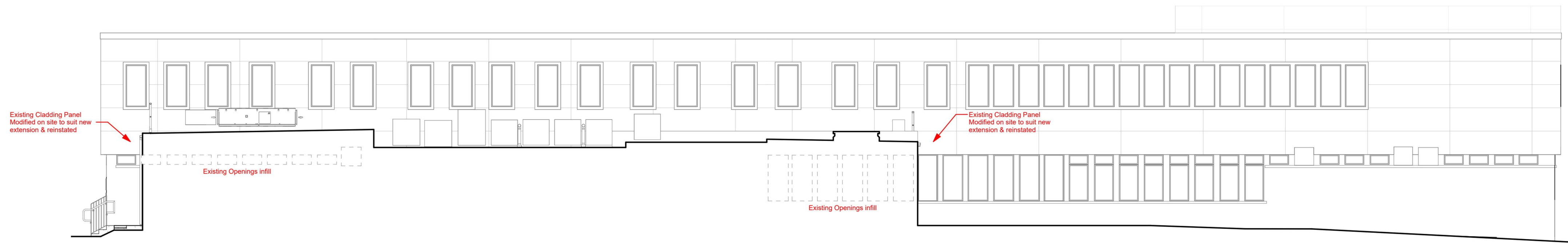
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 Chelmsford City Council

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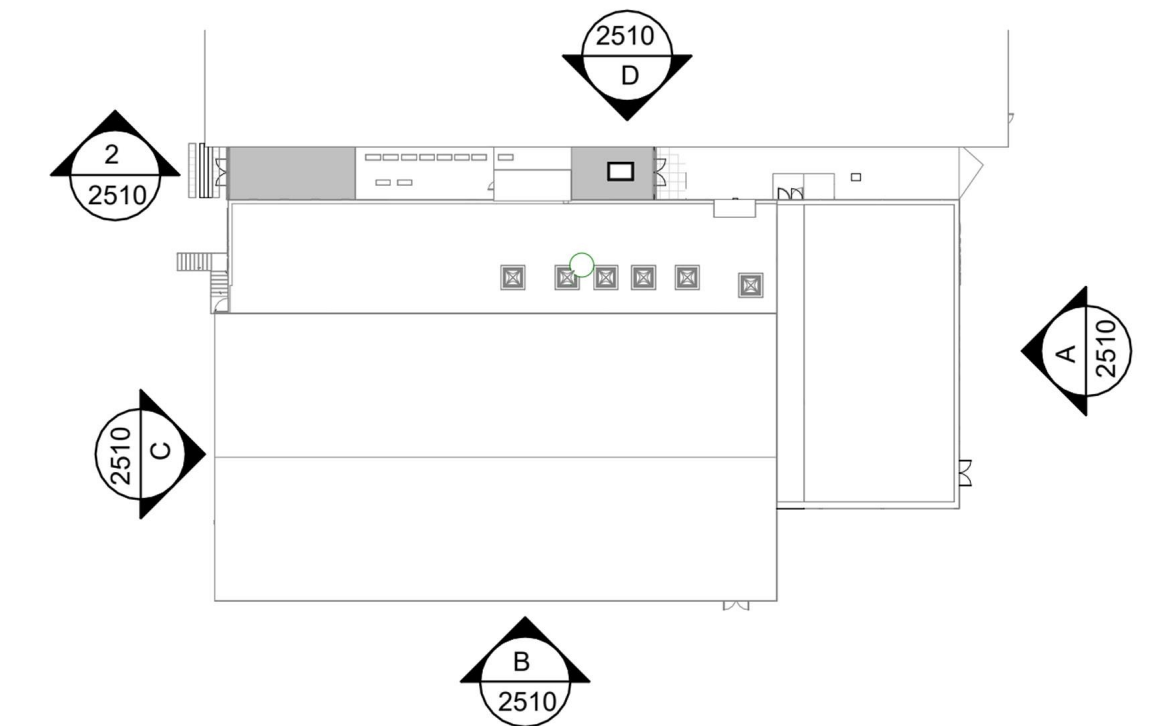
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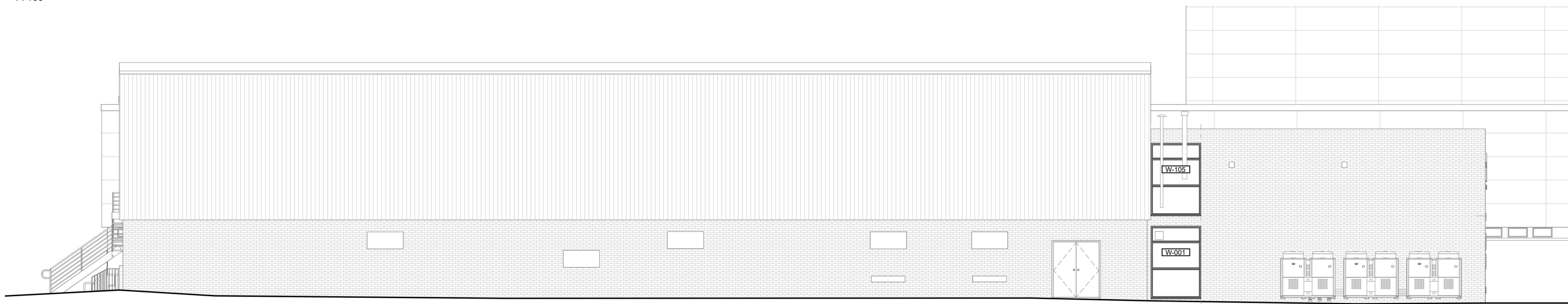




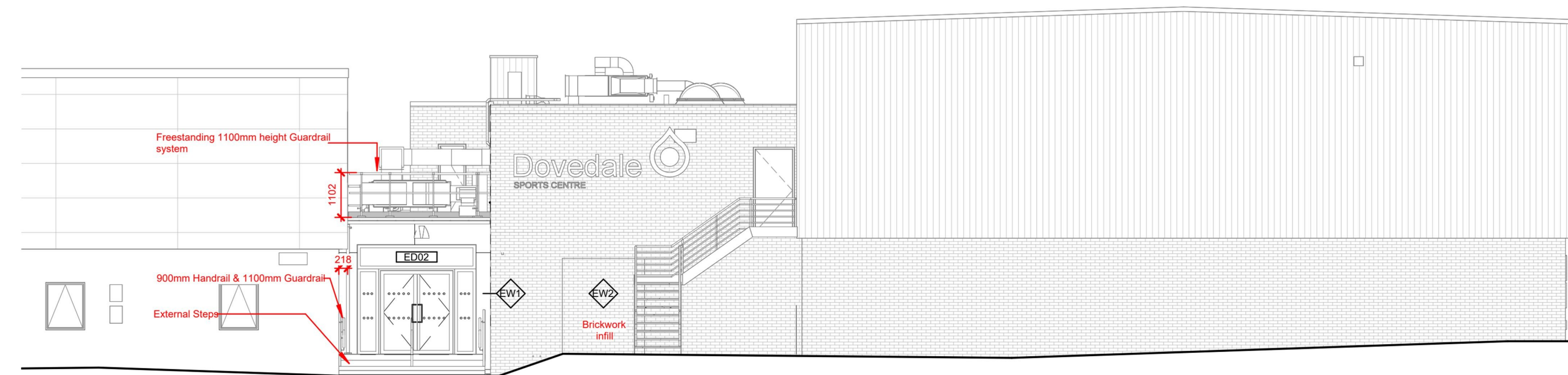
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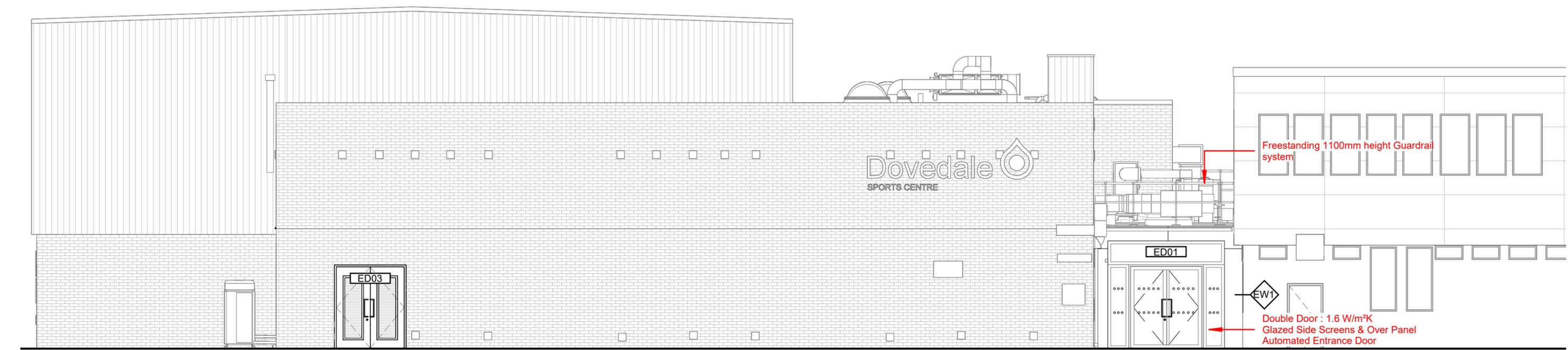
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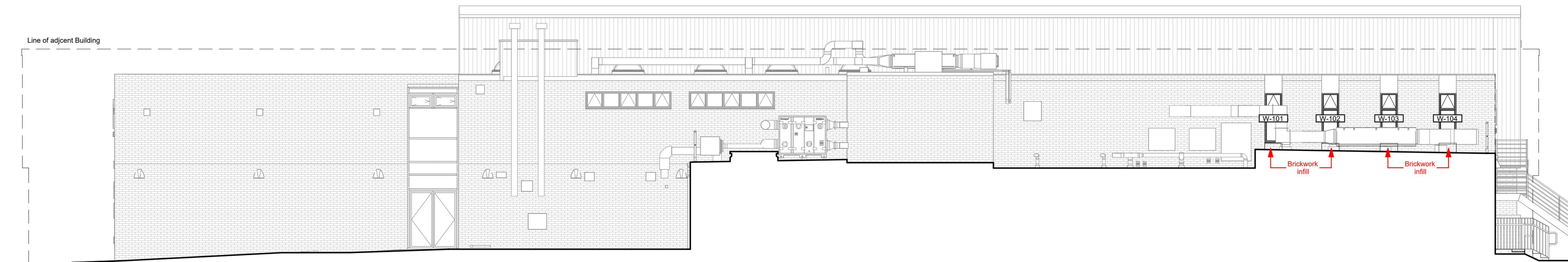
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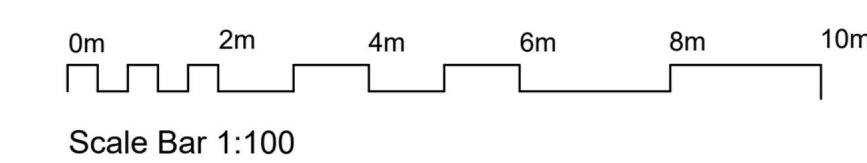
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South East Facing Elevation (A)  
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North East Facing Elevation (D)  
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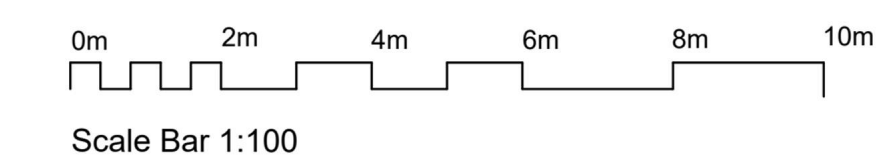
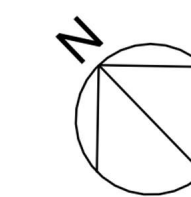
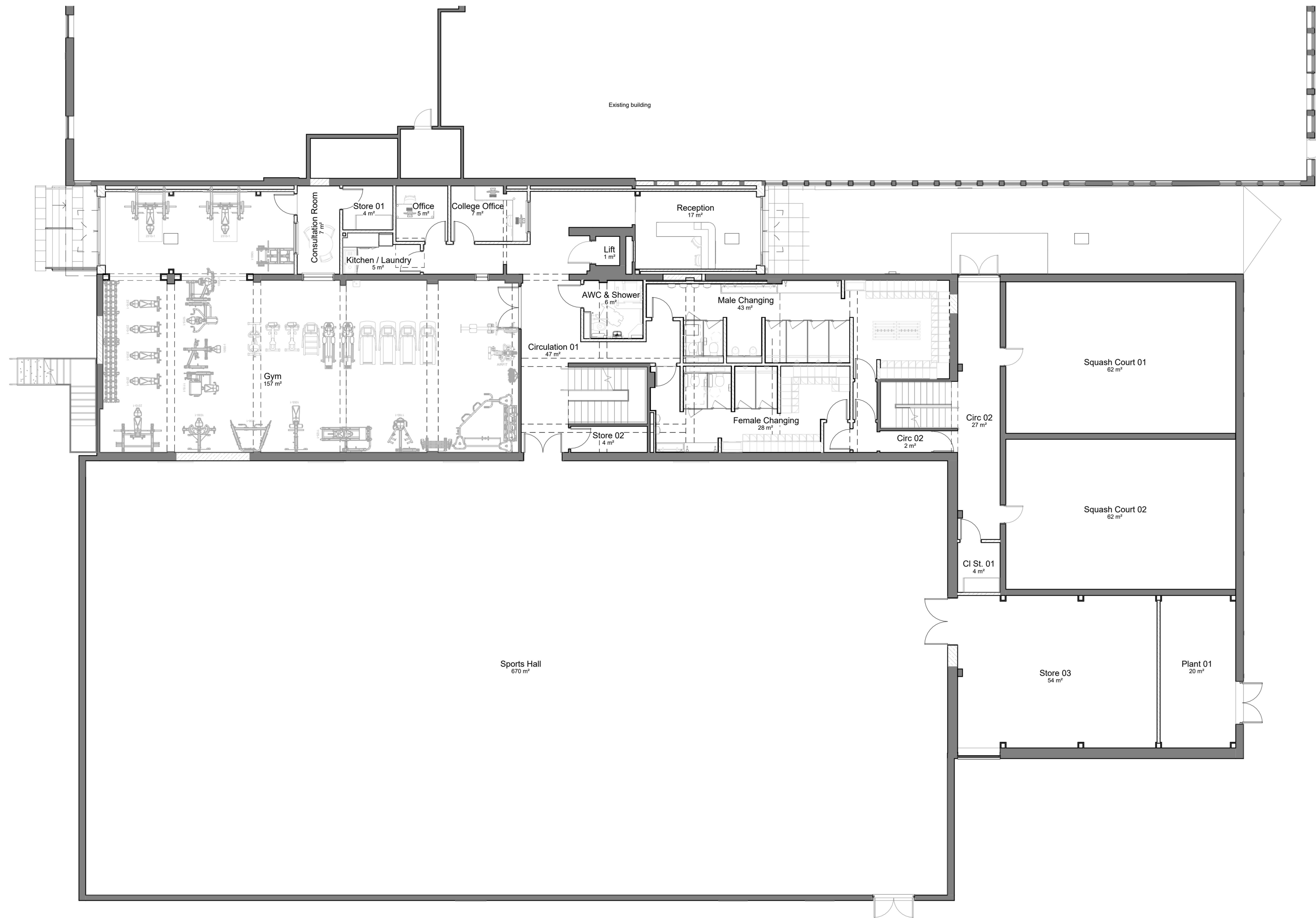
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P01 Planning	29/11/24	AM	SV
Rev / Comment	Date	CHK	APP
Project No: 502489	Scale @ A1: As indicated	Drawn By: RS	

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**Vision, form and function**  
 Project: Dovedale Sports Centre Extension  
 Vicarage Road, Chelmsford, CM2 9BP  
 Client: Chelmsford City Council

Title: Elevations

Drawing Number: DSPEXT-IWD-XX-ZZ-DR-A-2510	Revision: P02
Status: S2	Purpose of Issue: PLANNING



P02 TENDER Issue	03/05/24	AM	SV
P01 First Issue	21/03/24	AM	SV
Rev   Comment	Date	Chk	Appr
Project No: 502489	Scale @ A1: 1 : 100	Drawn By: Sv	

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**Vision, form and function**

Project:  
 Dovedale Sports Centre Extension  
 Vicarage Road,  
 Chelmsford,  
 CM2 9BP

Client:  
 Chelmsford City Council

Title:  
GAGroundFloorPlan

Drawing Number: DSPEXT-IWD-XX-00-DR-A-2010	Revision: P02
Status: S4	Purpose of Issue: TENDER



**Planning Committee**  
**4<sup>th</sup> February 2025**

<b>Application No</b>	:	21/02490/OUT Outline Application
<b>Location</b>	:	Banters Field Main Road Great Leighs Chelmsford Essex
<b>Proposal</b>	:	<b>Application for outline planning permission for the development of an integrated retirement community comprising up to 190 units (C2 use) with all matters reserved except for access</b>
<b>Applicant</b>	:	Great Leighs Estates Limited
<b>Agent</b>	:	-
<b>Date Valid</b>	:	23rd June 2022

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

### *Appendices:*

Appendix 1	Drawings to be approved
Appendix 2	Extract – Adopted Policies Map – Great Leighs
Appendix 3	Consultation responses summary

## 1. Executive summary

- 1.1. This application proposes the development of part of Strategic Growth Site Policy 7b, land east of London Road, known locally as BanTERS Field. The scheme will provide up to 190 specialist residential homes for older persons, which the application confirms will fall within use class C2 (residential institutions). The application is outline with all matters reserved except for access.
- 1.2. The proposal delivers 190 homes for older persons, in addition to a financial contribution towards affordable housing. The Highway Authority consider the proposal will not be detrimental to highway safety, capacity or efficiency. The requirements of the growth site policy are achieved, in so far as they can be for a part development of the allocated site, in a manner consistent with the previously approved masterplan.
- 1.3. The proposal demonstrates conformity with the Local Plan. It is therefore recommended that the application should be approved by the Director of Sustainable Communities subject to conditions and the completion of the s.106 agreement.

## **2. Site and context**

- 2.1. Within the site policy, the Strategic Site 7 allocations are described as follows:
  - 7a: Great Leighs – Land at Moulsham Hall
  - 7b: Great Leighs – Land East of London Road
  - 7c: Great Leighs – Land North and South of BanTERS Lane
  - 7d: Great Leighs – Land East of Main Road
- 2.2. The allocation sites are generally located to the west, north and east of Great Leighs village. The largest allocation site is 7a and is located northwest of the village. 7b is located north of the existing village envelope. 7c adjoins the south side of 7b and crosses BanTERS Lane southwards. 7c is split by BanTERS Lane, with the larger segment being to its south. 7d is effectively an extension of the existing village and all houses built following the grant of planning permission in 2016. See Policy Map extract for Great Leighs at Appendix 2.
- 2.3. The application site is roughly 6.2 hectares of relatively flat agricultural land to the east of London Road, north of Great Leighs, known as BanTERS Field. Intermittent trees run along the front edge of the site. The application site forms the northern portion of the field allocated under 7b. The red line application site also contains a narrow strip of land to the west of London Road which runs to Moulsham Hall Lane, to include drainage works.
- 2.4. To the south of London Road is the junction with Main Road, which leads into Great Leighs village and onto a roundabout which provides access onto the A131 and Moulsham Hall Lane. To the west, is a narrow field which sits between London Road and the A131. Beyond the A131 to the west sits Chelmsford City Racecourse. The field and the Racecourse are designated as a Special Policy Area within the Rural Area. To the north is Bushy Wood, an Ancient Woodland, designated as a Local Wildlife Site. The boundary between the Council and Braintree District Council runs along the northern edge of Bushy Wood. To the east, is an agricultural field.

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

- 3.1. The application is submitted in outline for the development of an integrated retirement community comprising up to 190 units (use class C2 – residential institutions). All matters are reserved except access.

- 3.2. As access is not reserved, details are included for the entry point into the site which is roughly in the centre of the site frontage with London Road. A pedestrian footway and cycleway is proposed at the front of the site, set back behind the existing frontage hedge.
- 3.3. Further highway works are proposed within the blue edged land to connect the proposed pedestrian and cycleway to Great Leighs village, speed control measures, Toucan crossing, bus stop, improvements to the junctions with Main Road and the roundabout with A131, and an access into the southern portion of Banters field. These works beyond the red line application site do not form part of the proposal to be considered, however this application seeks to secure the land to deliver the scheme through the legal agreement.
- 3.4. An indicative layout is provided indicating how an integrated retirement community of up to 190 units could be achieved on site. It takes the form of numerous separate blocks accompanied by parking courts, with a 'community hub building' located roughly centrally.

#### 4. Other relevant applications

- 4.1. The below lists applications relevant applications to Sites 7a, b & c, with a short explanatory note.

##### *Adjacent site to the north west*

*21/02475/FUL – resolution to approve subject to legal agreement*

*Provision of 5 fully serviced travelling showperson plots each containing a workshop for maintenance/storage, space for large vehicles and siting of 10 static and touring caravans. Formation of access points along London Road. Ancillary development including electricity substation, pumping station, drainage works, bin stores, fire point structures, fencing and landscaping.*

- 4.2. Planning application for five travelling showperson plots situated on a strip of land between A131 and London Road. This application was presented to Committee in April 2024. The Committee resolved that the application be approved, subject to legal agreement.

##### *Strategic Growth Site 7b*

*21/02491/FUL – pending consideration*

*Proposed infrastructure for the location and design of the various junctions to serve the proposed development on Banters Field. Works to London Road to provide a new footpath/cycle way.*

- 4.3. This application includes works to London Road and within the southern segment of 7b to detail works for a proposed cycleway and footway. The details are currently being finalised.

##### *Strategic Growth Site 7 – Great Leighs*

*22/00002/MAS - approved 14 March 2023*

- 4.4. The masterplan was subject to negotiation and revision. The substantive points to evolve from its consideration through two separate Policy Board meetings, and directly relevant to Site 7b, were the inclusion of highway improvements at the London Rd / Main Rd junction, provision of cycle / pedestrian routing along Main Road, and acceptance of the location for the Travelling Showperson Site outside of the allocation site within a parcel of land opposite Site 7b.
- 4.5. The approved masterplan is a material planning consideration in the determination of the planning application.



#### *Strategic Growth Site 7a*

*23/01583/FUL & OUT – pending consideration*

*Hybrid planning application for EIA (Environmental Impact Assessment) development to include:*

- 1. Outline application with all matters reserved for residential development of up to 750 homes (Use Class C3) including affordable and self/custom-build homes; a Neighbourhood Centre comprising commercial, business and service (Use Class E) of which the anchor retail store is not more than 500 sqm (GIA); medical services (Use Class E(e)), a children's nursery (Use Class E(f)) and a residential care home (Use Class C2) of up to 80 beds; a new primary school (Use Class F1) with co-located early years and childcare facility; landscaping works, provision of strategic and local open space; biodiversity enhancements, all associated highways infrastructure, pedestrian, cycle, PROW and bridleway routes; drainage infrastructure and all associated ancillary works including services and utilities.*
- 2. Full application for the principal means of vehicular access to the site, on site highways works, surface water attenuation basins and associated ancillary works including services and utilities.*

- 4.6. Hybrid planning application submitted for EIA (Environmental Impact Assessment) development, currently pending consideration. It represents the substantive parcel of the Growth Site in terms of scale of development and infrastructure.

#### *Strategic Growth Site 7a*

*23/01769/FUL - pending consideration*

*Construction of spine road and formation of new road access junction with associated realignment of Moulsham Hall Lane to serve future development at Strategic Growth Site 7a (Land at Moulsham Hall), including provision for cyclists, pedestrians and equestrians, and all associated highways infrastructure works including drainage features, lighting and landscaping.*

- 4.7. Planning permission sought for construction of spine road and formation of new road access junction with associated realignment of Moulsham Hall Lane to serve future development at Strategic Growth Site 7a (Land at Moulsham Hall). The application would effectively act as a separate standalone permission to the main hybrid application, in theory facilitating earlier commencement on site if approved.

#### *Strategic Growth Site 7c*

*23/01637/FUL – pending consideration*

*Application for Full Planning Permission for the construction of 8no. dwellings (Use Class C3), access, car parking, landscaping and associated works.*

- 4.8. Planning permission is sought for residential development on a small segment of 7c which sits to the south side of Banters Lane. Pending consideration following submission of amended plans.

#### *Strategic Growth Site 7c*

*24/00695/FUL – pending consideration*

*Construction of 105 residential dwellings including affordable housing and custom build housing (Use Class C3) and principal means of site access, provision of resident's and visitor car parking, open space including children's play space, a new shared pedestrian/cycle route, enhancements to existing routes, hard and soft landscaping, highways works, new drainage basin, and all associated infrastructure works.*

- 4.9. Planning permission sought for the largest element of Strategic Growth Site 7c. Application is pending consideration following submission of amended plans.

## **5. Summary of consultations**

5.1. Below is a summary of the responses from consultees. More detailed summary to be found in Appendix B.

- Essex Police - welcome the opportunity for further consultation.
- ECC Development and Flood Risk, Waste & Environment - no objection, subject to conditions.
- NHS Mid and South Essex ICB – no response.
- Essex Fire and Rescue - issue raised with dead ends in layout, comments on access, Building Regulations, water supplies and sprinkler systems.
- Natural England – query whether RAMS will be applicable
- Sport England – outlined potential contributions
- Anglia Water – currently no capacity at recycling centre, capacity required to be made available by Anglian Water, request for condition.
- ECC Growth and Development – various topic comments
- ECC Minerals – previous holding objection withdrawn
- ECC Historic Environment – recommend conditions for trial-trenching and open area excavation.
- Public Health and Protection Services – no objection subject to compliance with internal noise levels

5.2. No public representations were received on the planning application.

## 6. Planning considerations

### ***Principle of Development***

*Strategic Priorities: 1 (sustainable development patterns) 2 (new homes), 5 (strategic infrastructure), 6 (local infrastructure)*

*Local Plan Strategic Policies: S1, S6, S7. Site Policies: Growth Site Policy 7b*

- 6.1. Strategic Priority 2 of the Chelmsford Local Plan is 'meeting the needs for new homes'. The Local Plan will need to ensure the provision of sufficient and appropriate housing to meet objectively assessed housing needs.
- 6.2. Strategic Policy S7 sets out the spatial strategy (i.e., the scale and distribution) for new development over the period of the Local Plan. The Spatial Strategy applies the Spatial Principles to focus new housing and employment growth to the most sustainable locations, which includes sustainable urban extensions around Chelmsford and South Woodham Ferrers. In allocating sites for strategic growth, this policy confirms that Strategic Growth Sites will be delivered in accordance with masterplans to be approved by the Council.
- 6.3. The application site relates to Strategic Growth Site Policy 7b – Land East of London Road. This site policy requires the following amount and type of development:

- Around 250 new specialist residential homes for older persons
  - Main vehicular access to the site from London Road
  - Pedestrian and cycle connections
  - Well-connected internal road layout
- 6.4. This application follows the approval of a masterplan for the wider site allocation. The development of the masterplan began in 2018 and was brought forward by a consortium of developers, namely Moulsham Hall Estates, Bellway, Redrow / Harrow and Landvest Developments Ltd. Community and technical stakeholder workshops were held in April and May 2022. Public consultation in March 2022 and July 2022 with a further consultation following a revised masterplan in December 2022. The masterplan was considered by Chelmsford Policy Board on 12 January 2023 and then 28 February 2023. The masterplan was approved by Cabinet on 14 March 2023. It is a material planning consideration.
- 6.5. In terms of land use, the proposed development meets the requirements of Strategic Growth Policy 7 (specialist residential for older persons). The applicant has chosen to submit a proposal for C2 use, this was not a requirement of the policy and is not problematic to its acceptability in principle. Although the application is submitted in outline, an illustrative layout plan has been provided to show how the development might be laid out. The merits of the layout are considered later in this report. The land uses are consistent with the approved masterplan, which required a landscape led approach with suitable perimeter buffering and landscaping.
- 6.6. The land was allocated in the Chelmsford Local Plan as part of a strategic growth site, with the intention that the development would be a sustainable extension to the existing settlement of Great Leighs. The principle of the development is acceptable.
- 6.7. The site has been the subject of a detailed masterplan for the whole allocation and the application submission is broadly in accordance with that masterplan. The development therefore contributes to fulfilling the Council's strategic priorities for special housing growth and is in accordance with the Spatial Strategy.

### **Housing**

*Strategic Priority 2 (new homes)*

*Local Plan Strategic Policy: S6, Local Policies: DM1, DM2*

#### *Market Housing*

- 6.8. The reasoned justification within Policy DM1 outlines an appropriate mix for market housing on strategic sites in order to address the Council's greatest need. The proposed revised policy within the Local Plan review will provide an indicative market mix based on the latest Strategic Housing Needs Assessment (SHNA) 2024. Whilst the revised policy carries limited weight, the updated assessment is relevant in considering application details. The application is made in outline and the housing mix is indicative. This mix indicates 33 x one bedroom apartments, 81 x two bedroom apartments, 66 x two bedroom bungalows/cottages and 10 x three bedroom cottages. No four-bedroom properties are proposed. The indicative mix in comparison to the adopted Local Plan mix and the revised mix based on the latest SHNA is shown in the below table.

<b>Dwelling size</b>	<b>Proposed Mix</b>	<b>Adopted LP Mix</b>	<b>SHNA mix</b>
One bed	33 (17.4%)	6.2%	5-10%

Two beds	147 (77.4%)	28%	30 - 35%
Three beds	10 (5.3%)	46.3	35 - 40 %
Four or more	0 (0%)	19.5%	20 - 25%
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>100%</b>

- 6.9. The proposed mix does not reflect the adopted Local Plan mix and those reflected in the latest SHNA. The proposal is for specialist residential homes for older persons, in accordance with the site allocation policy. This type of accommodation would be expected to have a different mix to general market housing, for instance to enable older occupants to be provided with accommodation that requires less maintenance. It would also be anticipated that such occupants are 'downsizing' so it would be unusual to expect an abundance of 3 or 4 bed units. Based on the site allocation, the proposed mix is considered appropriate.
- 6.10. Policy DM1 requires 50% of the total units to be delivered as Accessible or Adaptable dwellings in compliance with Building Regulation M4(2). This can be achieved through planning condition.

### *Affordable Housing*

#### *Context*

- 6.11. Policy DM2 requires 35% of developments of 11 or more residential units to be provided as affordable housing. The Council's Planning Obligations SPD (POSPD) sets out the required mix for affordable housing. The reasoned justification for Policy DM2 states that affordable housing is expected to be provided "in kind and on-site".
- 6.12. The proposal would provide self-contained units of accommodation accessed by a front door which only one household can use - it is therefore captured by Policy DM2.
- 6.13. At the time of the submission paragraph 65 of the previous version of the NPPF excluded the requirement for shared ownership within developments providing 'specialist accommodation' (purpose-built accommodation for the elderly, as an example given). Therefore, at the time, under Policy DM2 was seeking an affordable housing provision of 22% (35% minus the 13% home ownership element).
- 6.14. Within the revised NPPF (2024) this paragraph, and reference to exemptions for such development, has been deleted. However, given the presence of a Financial Viability Assessment (FVA) as part of the application the relevance of the NPPF deletion may be considered somewhat academic for reasons discussed below.

#### *Application details and consideration*

- 6.15. The application is accompanied by a FVA by Richard Garside of Newsteer, which sets out that the development is unviable in their opinion.
- 6.16. The introduction of new RICS Guidance back in 2019 (updated in March 2021) and changes to both the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) mean that the Council is now unable to give significant weight to an application-based viability report in most circumstances.

- 6.17. The NPPF and PPG both direct that a viability assessment shall be carried out by the Local Authority through its Local Plan and the Strategic Viability Assessment which must form part of the evidence base for a Local Plan. It is for the applicant to justify, based on tests expressed within the PPG why they consider application-based viability assessment should be given any weight in the application assessment, but those opportunities are limited.
- 6.18. The framework for considering viability through the application process is set out in the PPG (paragraph 007 reference ID 10-007-20190509 and paragraph 008 reference ID 10-008-20190509). This sets out that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. The onus is on the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at application stage. Such circumstances includes where a recession or similar significant economic changes have occurred since the plan was brought into force or where particular types of development are proposed which may significantly vary from standard models of development for sale (for example housing for older people).
- 6.19. Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.
- 6.20. The Chelmsford Local Plan, together with the viability assessment forming a part of its evidence base went through Examination in Public and was adopted in May 2020 and covers the period 2013-2036. The Council is now reviewing the adopted Local Plan so that the Local Plan will run until 2041. As part of this review the Council commissioned a Viability Update. The Local Plan Viability Update (August 2023) produced by HDH Planning & Development Ltd, comprehensively updates the Local Plan Viability Study Including CIL Viability Review (January 2018) also produced by HDH, considering changes in national policy and in the market and to test the Council's updated policies.
- 6.21. It is the Council's position, that any viability reports submitted need to be based upon and refer to the typologies of development tested and to the standardised inputs used in the Local Plan Viability Update (August 2023). This Update tested Sheltered and Extra-care sectors of older people's housing, and an Integrated Retirement Community (IRC) was also modelled. These were modelled without First Homes due to the nature of the schemes. An allowance of £2,000 per unit was allowed for s106 contributions. Based on this analysis specialist older people's housing schemes are able to bear 35% affordable housing.
- 6.22. The Viability Update Note (November 2024) refers to the information in the 2023 Update and states that the delivery of Sheltered Housing, Extracare Housing and IRCs schemes are all shown as being viable and generating a Residual Value well in excess of the Benchmark Land Value, suggesting that the inclusion of such schemes into larger sites is unlikely to render large sites unviable.
- 6.23. The scheme was submitted prior to the Viability Update and Update Note. The FVA does not utilise standardised inputs referred to in the adopted Local Plan or the Local Plan Viability Update or justify any deviations from the assumptions used in the Local Plan Viability Update

(August 2023). However, the Local Plan Viability Update (August 2023) was not available to the applicant at the time that they were preparing their FVA.

- 6.24. If given the nature of the allocation, for specialist accommodation, the characteristics of such a site would negate the desire for affordable housing to be provided on site then affordable housing could be dealt with through off-site contribution. The Council commissioned an independent Viability Report by Bailey Venning Associates (BVA) to review the applicant's submitted FVA, to consider the content and conclusions reached by Newsteer. This independent report concludes that the site cannot support affordable housing at the policy requirement. However, the outcome of the report established that the scheme would be viable with a contribution of £1.275m.
- 6.25. As the PPG states that the weight to be given to a viability assessment is a matter for the decision maker, it is for the Council to consider whether the conclusions of the independent reports should be given weight.
- 6.26. In this case, the applicant's submission was during a technical recession and our independent review finds that the FVA has clearly demonstrated the scheme is unviable. Given the above, in this instance greater weight should be given to the viability conclusion as it is a more unique circumstance to this development and is not a factor that would likely repeat within these typologies.
- 6.27. The Council faces an unprecedented challenge in meeting the need for affordable housing and schemes not delivering affordable housing units will reasonably be resisted. The Council's assessment in this instance has accepted that this scheme cannot provide affordable housing in the conventional manner. The report has found the scheme to be viable with a financial contribution of £1.275m – this can be secured through legal agreement.

#### *Self-Build and Custom Build and Specialist Residential Housing*

- 6.28. Policy DM1 (c) states that within all developments of more than 100 dwellings the Council will require 5% self-build homes, which can include custom housebuilding. The Council's self-build and custom build register does not identify a demand specifically for self-build or custom build for older people. As this scheme would provide accommodation for older people in accordance with the Strategic Policy and there is no demand for older people, it would be inappropriate to require self-build or custom build on site for other occupants. Self-build or custom build accommodation will therefore not be sought.
- 6.29. Policy DM1 (c) also requires the provision of specialist residential accommodation, taking account of local housing needs. The scheme provides 100% specialist residential accommodation.

#### **Education**

*Key Strategic Priorities: 5 (strategic infrastructure), 6 (local infrastructure)*

*Local Plan Strategic Policies: S9, S10; Site Policies: Growth Site Policy 7b; Local Policy: DM20*

- 6.30. Given the nature of the site allocation and prospective occupiers, no education contribution is necessary.

#### **Health**

*Key Strategic Priorities: 5 (strategic infrastructure), 6 (local infrastructure) Local Plan Strategic Policies: S9, S10. Site Policies: Growth Site Policy 7b, Local Policy: DM20*

- 6.31. Strategic Growth Site Policy 7b states that ‘healthcare provision’ will be required for community facilities as required by the NHS/ Clinical Commissioning Group (CCG).
- 6.32. The NHS Mid Essex Clinical Commissioning Group (CCG) were consulted on this planning application, however have not responded to date. The formula for healthcare contributions is evident through their consult responses to the 7a and 7c planning applications. A contribution figure has been agreed as part of the heads of terms for the legal agreement based upon the Council’s knowledge of the formula.

### **Open Space / Sports provision**

- 6.33. The design response of the indicative layout (as endorsed by the approved masterplan) insets development from the edges of the site. This serves a practical function for buffering of the woodland to the north but will also aid the policy requirement for a coherent network of open space. The Council’s open space requirements through Policy DM26 are not compromised by the indicative layout; if there were to be a shortfall in the typologies within the Open Space Planning Advice Note (April 2021), the legal agreement will secure a financial contribution in lieu of any shortfall.
- 6.34. The allocation policy seeks provision of or financial contributions to sport, leisure and recreation facilities. Sport England have provided a calculation method for the development, but indicated it would be difficult to justify having regard to average age of prospective residents. This application also represents only part of the allocation site. Officers would seek, through the legal agreement, the community use of any on-site sports facilities such as pool, gym, bowls, for example. A financial contribution is not therefore justified.

### **Transport**

*Key Strategic Priorities: 5 (strategic infrastructure), 6 (local infrastructure)  
Local Plan Strategic Policies: S9, S10; Local Policy: DM24*

- 6.35. The NPPF states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios“ (paragraph 116).

### *Access and routes*

- 6.36. The Strategic Growth Site Policy for 7b sets out masterplanning principles for movement and access, namely access from London Road, pedestrian and cycle connections and a well-connected internal road layout.
- 6.37. The main vehicular access would be from London Road. It would be a single point of access in order to limit the number of new potential conflict points along the road. Due to the existing national speed limit of the road, the visibility splays are required to be 2.4m x 215m. This is achieved in both directions, with some vegetation loss as described later in the report. The details submitted demonstrate that, subject to conditions, the access would be safe to use and its impact upon the highway network would be an acceptable one.

- 6.38. A comprehensive scheme of highway improvement works for London Road (and Main Road to a lesser degree) has been developed through negotiation on this application and the separate planning application ref 21/02491/FUL. This includes the delivery of new and enhanced walking and cycling facilities, crossing points, bus stops, and a speed management strategy for London Road, all of which will tie into wider improvements in Great Leighs. The improvements scheme will provide connections for active travel to Great Leighs village and towards Great Notley, and the provision of bus infrastructure and services, in the interests of accessibility and sustainability. This application does not detail all of those works but it is integral in securing and delivering both the land required and the infrastructure itself.
- 6.39. The proposed Block Plan shows how the new footway/cycleway route could interact with the vehicular access (which would be fixed by this application). The route would be inset from the site frontage, to its east side, set back from the existing highway. In some circumstances it is possible to widen the existing highway (utilising highway controlled land). This is not feasible in this case on the eastern side of the carriageway – there is no existing footway and the highway boundary does not extend deep enough into the field. A new footway/cycleway (measuring 5m in width) is proposed ‘off-line’ to London Road, which will run roughly parallel southwards towards Main Road, utilising land all in the same ownership. This will effectively enable the remainder of 7b and part of 7c to ‘plug into’ this new infrastructure. More widely it will also benefit the connections to the Travelling Showperson Site (TSP) and the cycle network north towards the Notley roundabout. This planning application shows part of the route within the application site (indicatively) – any future reserved matters will need to conform to that route, if not exactly then in a manner which permits north south movement of pedestrians and cyclists in a reasonable manner. This application, being the first part of 7b to come forward, seeks to secure the route down to Main Road through the legal agreement. A separate planning application will deal with the exact details (ref 21/02491/FUL, details which are still under revision), but this application for the retirement village will secure the land to achieve the route, as it is the first parcel of 7b to come forward.

#### *Transport Modelling*

- 6.40. The submitted Transport Assessment is considered robust and the Highway Authority is satisfied that the development will not have a significant or severe impact at this location, or on the wider highway network.

#### **Natural Environment**

Key Strategic Priority 7 (Protecting and enhancing the Natural and Historic and Environment)  
*Local Plan Strategic Policy: S4, Local Policies DM16 and DM17*

#### *Loss of agricultural land*

- 6.41. The site currently comprises agricultural land. The site is classed as grade 3 (good quality). This would be permanently lost. The land is allocated in the Local Plan – this loss has therefore previously been considered at a strategic level and deemed acceptable by the Council, and through Local Plan examination. The loss was deemed insignificant in the wider context and there is no material change in circumstances evident to form an alternative conclusion.

#### *Minerals*



- 6.42. The site exceeds the 5ha threshold for sites within a sand and gravel Minerals Safeguarding Area. ECC Minerals do not consider extraction to be practical or reasonable. No conflict with the Essex Minerals Plan is identified.

#### *Ecology - Designated Sites*

- 6.43. The site lies within the Zone of Influence identified as part of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) for Blackwater Estuary Special Protection Area and Ramsar site, and the corresponding component of Essex Estuaries Special Area of Conservation (SAC). These sites have national, European and international importance. The Council have carried out an Appropriate Assessment. The Appropriate Assessment concludes that RAMS is deemed applicable to the C2 use and that a Construction Environmental Management Plan (CEMP) would reduce potential effects to a level which is not significant. A financial contribution in accordance with the requirements of the Essex Coast RAMS is to be secured through the s.106 agreement and CEMP secured by planning condition.
- 6.44. The site is 2.3km to the north of the River Ter SSSI and within its Impact Risk Zone. The site is beyond Great Leighs Village and there is no hydrological connectivity in between. The site does not contain similar/connected habitats nor is it required for functionality. It is unlikely that a development of this nature would impact the River Ter.
- 6.45. Bushy Wood Local Wildlife Site (LoWS) is directly to the north. This contains ancient woodland and lowland deciduous woodland, which are irreplaceable/Priority Habitats. No impact is proposed to the wood and suitable buffering has been indicated on the indicative layout in recognition of its status.

#### *Ecology - on site*

- 6.46. The Preliminary Ecological Survey (PES) undertook a Phase 1 Habitat Survey. This also included protected/priority species scoping in respect of bats, Great Crested Newts, dormice, otters, water voles, reptiles, birds and badgers.
- 6.47. The PES recommended updated bat surveys, lighting to be controlled and enhancement recommendations. An updated bat survey was undertaken in December 2022. The results of the survey identified several bat species foraging and commuting within or near to the site, including Barbastelle bat species. The document has recommended the need for buffer planting in relation to the nearby woodland, precautionary mitigation measures and a wildlife sensitive lighting plan. A Landscape and Ecological Management Plan (LEMP) would detail buffer planting and be secured by a condition. The precautionary mitigation measures should be detailed within a Construction Environmental Management Plan (CEMP) and wildlife sensitive lighting plan secured by conditions.
- 6.48. The PES recommended further survey to determine the impact of the proposal on Great Crested Newts and that District Level Licencing Scheme could be used as an alternative means of compensation. The Great Crested Newt eDNA Survey Report (2022) has identified that onsite pond was positive for Great Crested Newt. The applicant has provided a countersigned Impact Assessment and Conservation Payment Certificate (IACPC) document as proof of joining the District Level Licence Scheme. Great Crested Newt has been sufficiently considered. A copy of the District Level Licence will need to be submitted and secured by a condition.

- 6.49. The PES recommends that subject to the eastern boundary hedgerow and Bushy Wood being retained and protected with suitable buffers further surveys are likely to be required for dormice, and no impacts predicted upon otters and water voles.
- 6.50. The PES recommended further surveys to determine any reptile population and establish mitigation as appropriate. Reptile surveys (2022) recorded a single Grass Snake during the course of other surveys. Reptiles were appropriately assessed sufficient areas of suitable habitat are being retained. Precautionary mitigation measures will be detailed within a CEMP secured by condition.
- 6.51. The PES recommends further bird surveys, any vegetation removal/management outside of nesting period and if not possible an ecologist to check for active nests and ensure these ones are left undisturbed. The results of the Breeding Bird Survey Report (2022) identifies a range of bird species breeding within the red line boundary. This included notable farmland birds such as Skylark. The document also states a Barn Owl was observed foraging across the site, but not roosting. Additionally, it is stated the proposals will result in the loss of grassland used as nesting habitat for Skylark and other red and amber listed BoCC species. With regard to compensation for the loss or displacement of Skylark territories the document recommends off-site compensation for loss of skylark nesting habitat. The off-site location will need to be secured by a legal agreement, additionally, details of compensation measures in a Farmland Bird Mitigation Strategy secured by a condition.
- 6.52. Either planning conditions or matters within the legal agreement can satisfy the ecological constraints of the site.

*Ecology - Biodiversity Net Gain*

- 6.53. The application does not mandatorily need to provide for 10% (as submitted pre 12<sup>th</sup> February 2024), as such it is proposed to achieve a net gain as required by current Policy DM16. A Biodiversity Enhancement Strategy is to be secured by condition.

*Trees*

- 6.54. The application is accompanied by an arboricultural impact assessment which contains the results of a tree survey and details relating to tree constraints and likely impacts resulting from the proposed development.
- 6.55. The northern adjoining land, known as Bushy Wood, is an Ancient Woodland and Local Wildlife Site protected by a Tree Preservation Order (TPO). A buffer zone of at least 15m from the boundary of the Ancient Woodland to avoid root damage is expected by Government guidance. This buffer would be achieved by the scheme and no trees will be lost.
- 6.56. The trees along the rear eastern boundary are also protected by a TPO. A 20m ecological buffer is proposed to the eastern boundary, which would ensure that these trees are adequately protected, and no trees will be lost. This buffer also ensures a green link between the Local Wildlife Site and the land to the south.
- 6.57. There are trees and hedgerows along the front western boundary. There will be a loss of trees and hedgerow along this boundary to achieve the vehicular access, and to provide a cyclist/pedestrian access and route. This will result in a loss of mostly category C trees and hedgerows (lower quality trees/hedgerows). No category A (large, high quality) trees will be

removed. Four category B trees (T5, T7, T17 and T19) will be removed to facilitate the vehicular access and the pedestrian/cycle access and the route. The removal of good quality category B trees is regrettable however essential in this case for the access onto London Road and the pedestrian/cycle route. Replacement trees will be planted to mitigate for the loss.

- 6.58. There is a discrepancy in the position of the access on the submitted Tree Protection Plan, nevertheless there is sufficient information within the assessment for the tree impact to be properly assessed. An updated Tree Protection Plan can be secured via a suitably worded condition.
- 6.59. The submitted assessment also covers the land to the south, beyond the confines of the site, which indicates further potential tree loss along the western boundary to enable the development of the remainder of Strategic Growth Site 7b. This is a matter for a future application.
- 6.60. Tree planting of three trees per residential unit will be achieved through the legal agreement.
- 6.61. The loss of trees is regrettable, but also essential; they will however be compensated through provision of new trees. Some tree loss was anticipated through the masterplan process. The allocation, and now the access detail, provide much needed specialist residential properties which would contribute towards meeting an unmet need across Chelmsford – any harm to the natural environment needs to be balanced against that provision.
- 6.62. Subject to an updated Tree Protection Plan, the provision and retention of buffers and protective measures to retained trees, the proposal would have an acceptable impact upon trees.

### **Noise**

*Strategic Priority 8 (Well designed and attractive places, healthy communities)*  
*Local Policy DM29*

- 6.1. An environmental noise assessment has been submitted as part of the application. A noise survey was undertaken which found that traffic on London Road and the A131 generate significant levels of noise, day and night. Noise arising from the commercial estate to the south was considered and found that any noise generated from the commercial activities would be dominated by passing traffic noise. The assessment considers that suitable glazing and ventilation can be achieved to maintain appropriate internal noise levels. At present the layout shows no indication of private garden spaces, but areas of open space. The open spaces closest to London Road is deemed by the report to potentially struggle to be within acceptable limits. If private garden spaces were provided, suitable barriers could be provided to bring these in line with acceptable limits. A suitably worded condition is proposed to secure acceptable noise levels for future occupants.
- 6.2. During operation, the proposed would not result in unacceptable levels of noise to nearby residents.
- 6.3. The City Council's Public Health and Protection Service have reviewed the content of the submitted noise report and raise no concerns subject to the implementation of mitigation measures as set out in the report.

### **Air Quality**

*Strategic Priority 8 (Well designed and attractive places, healthy communities)*

*Local Policy DM30 and DM29*

- 6.4. An air quality impact assessment has been submitted. The assessment considers the air quality from the nearby roads on the future occupants and concludes that the site is suitable for the proposed use without the implementation of protective mitigation measures.
- 6.5. The assessment also takes into account the air quality from the construction period and the generated road traffic impacts during the operational phase of the development. During the construction phase, assuming good practice measures are implemented the air quality impacts was predicted to be not significant. The impact of the operational phase on air quality at all sensitive receptors within the vicinity of the site has been deemed as negligible. A suitably worded condition is proposed for a Construction Environmental Management plan to include good practices measures are implemented.
- 6.6. The assessment has been reviewed by the Council's Public Health and Protection Service and they are content that the operational phase of development will not be significant on amenity.

***Flood risk and Drainage***

*Local Policy DM18*

*Flood risk*

- 6.7. The Environment Agency Flood Zone map indicates that the site lies within Flood Zone 1 'Low Probability', therefore not at risk from fluvial flooding (river/stream).

*Surface Water*

- 6.8. Policy DM18 of the Chelmsford Local Plan states that all major development will be required to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risk elsewhere. The principal method to do so should be the use of Sustainable Drainage Systems (SuDS).
- 6.9. A SuDs drainage strategy is included as part of the application. It is not the purpose of a planning application to resolve existing issues, the proposed development must not worsen the possibilities of surface water flooding. This must also take into account the impacts of climate change. The principle of the drainage strategy is to ensure that the water draining from the site would be no more than the existing situation. The strategy is to drain to a basin in the south west corner of the application site, then release to a natural watercourse in land surrounding Moulsham Hall via a piped network under London Road and the A131.
- 6.10. The submitted SuDs scheme has been considered by the Lead Local Flood Authority at Essex County Council. They do not object to the granting of planning permission for this development and recommend conditions to secure the SuDs scheme, together with its management and maintenance.
- 6.11. The amended plans amalgamated the SuDs details for this application with the adjoining planning application (ref 21/02491/FUL) so this application could be a standalone entity. ECC Suds have not objected to the separate entities. Conditions are included.

*Foul Water*

- 6.12. Anglian Water note that the foul drainage from this development is in the catchment of Great Leighs Water Recycling Centre, which currently does not have capacity to treat the flows the development site. This matter was known at Local Plan allocation stage. Anglian Water themselves note that they are obligated to accept the foul flows from development with the benefit of planning permission and treatment capacity is their responsibility. A site specific condition is recommended so that they are made aware of discharge rates.

### ***Historic Environment***

#### *Strategic Priority 7 (Protecting and Enhancing the Natural and Historic Environment)*

#### *Local Plan Strategic Policy: S3, Local Policies DM13, DM14 and DM15*

#### *Heritage*

- 6.13. The application site does not include any designated or non-designated heritage assets. There are a number of heritage assets within the wider area which are considered below.
- 6.14. The application site lies to the north and northwest of Batemans Farmhouse, North Whitehouse Farmhouse, Blue Barns Farmhouse and Gubbions Hall, each Grade II listed and a Scheduled Monument moat at Gubbions Hall.
- 6.15. The rural character of the areas forms part of the setting to the listed buildings and contributes to their significance. The indicative proposals indicated mainly two storey development, with three storey elements at the centre of the site. There would be retained hedgerows to the east of the site and an ecology buffer. The site is screened by existing mature hedgerows and dense ancient woodland to the north. The closest listed building would be circa. 480m away.
- 6.16. Given the distance and screening from the listed buildings there is likely to be no adverse impact on their settings. Reserved matters would need to consider the scale and design, particularly to the edges of the development and also landscaping.
- 6.17. There would be no harm identified to the designated heritage assets (with suitable landscaping through reserved matters).

#### *Archaeology*

- 6.18. Essex County Council Historic Environment Branch advise that the proposed development is located on the site of a series of cropmarks identified from aerial photography that have been interpreted as historic woodland boundaries. A recent geophysical survey on the development site has reinforced this interpretation and identified several additional historic landscape features. In addition, the proposed development is directly adjacent to Main Road, which is on the line of the original Roman Road between Chelmsford and Braintree. There is the possibility of Roman remains surviving adjacent to this historic routeway, including roadside ditches, extramural remains and agricultural evidence. There is the possibility that archaeological features and deposits may survive in the proposed development area. A condition is included for archaeological excavation and evaluation.
- 6.19. Subject to a condition, the development would not result in any significant harmful impacts on heritage assets that cannot be satisfactorily mitigated through layout, design and landscaping.

## **Design and Layout**

*Local Plan Policies: DM23, DM24, DM26*

- 6.20. The application is submitted in outline with all matters reserved except access. Whilst the matter of layout is reserved for subsequent approval, an illustrative layout has been provided as part of the application to show how the development might be laid out. The illustrative layout was amended during the lifetime of the application due to changes to the location of the access onto London Road.
- 6.21. The layout broadly follows the principles of the approved masterplan. The scheme shows one parcel of development with an ecological/vegetation buffer to the northern and eastern boundaries, a single access from London Road, access into the adjoining parcel to the south and a SuDS pond in the south west corner.
- 6.22. The development scale indicates between one and three storeys. The suggested three storey community hub building is focused in the centre of the site roughly aligning with the location of the potential location of 'key buildings up to a maximum of three storeys or equivalent (12.5m)' as shown in the masterplan. Beyond the community hub building nine further three storey buildings are proposed, which exceeds the expectations of the masterplan. This may not necessarily be problematic if designed in appropriate manner, and it will be for future reserved matter to demonstrate high quality development.
- 6.23. As the scheme is illustrative, details such as the relationship between properties, parking and design will need to be looked at carefully at the stage of reserved matters. For instance, the three storey community hub building and surrounding smaller three storey units creates a dense pattern of development in the centre of the site. These are mainly separated by parking courts creating an urban environment at odds with the sites position at the edge of Great Leighs. Furthermore, no private or communally allocated amenity areas are proposed, increasing the opportunity for the units to be tighter than would be expected on a traditional housing scheme. This also gives rise to potential for adverse levels of overlooking between residential properties. Furthermore, the position of buildings to the street frontages needs improvement to create street enclosure and vista points, which are necessary to create a scheme of high-quality design and character. The internal road layout of the development is not determined at this stage. At the stage of reserved matters this would need to be considered carefully to ensure that a cycleable recreational route is achieved and an appropriate internal layout. The indicative layout provides large groupings of parking spaces within exposed parking courts, which could result in a scheme dominated by parked vehicles.
- 6.24. Essex Fire and Rescue raise an issue with the layout due to the existence of dead end situations with no turning. It should be noted that the block plan is indicative, layout is not being determined by this application.
- 6.25. Concern is raised with the number of three storey buildings, dominance of parking, relationship between properties and overall design and character of the scheme. These issues are not insurmountable through reserved matters. The Council acknowledges that a retirement village product may provide a design and layout which may not conform to the Council's standards (in terms of private gardens, proximity to neighbours, nature of parking provision, for example) due to its conceptual differences. However, the Council will still expect a development which demonstrates a high quality of built form and urban design, and one which is well connected.

- 6.26. Overall, the illustrative layout shows a development scheme that would be broadly compliant with the layout principles within the masterplan. However, the indicative drawings provided whilst not for consideration at this stage require further negotiation. An informative to that effect is included.
- 6.27. Policy DM24, and more widely the strategic policies, require public art to be embedded within major development schemes. A condition is proposed to secure public art for the scheme.

### **Sustainable development**

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

#### *Economic*

- 6.29. The proposal would generate jobs through the construction process and in the longer term through the leisure facilities on site. The construction of dwellings on the site would also increase spending in the local economy. These benefits carry weight in favour of the proposed development.

#### *Social*

- 6.30. The proposed development would provide a range of dwelling types and sizes as part of a specialist residential offering. The development would also provide a financial contribution towards affordable housing
- 6.31. The scheme would include facilities that would encourage social interactions and the growth of a new residential community, whilst also physically not constraining further development to the south of the field.
- 6.32. The scheme has been designed to connect pedestrian and cycle links with the village to the south. Active and sustainable modes of transport are a realistic prospect.
- 6.33. It is recognised that the development will result in minor additional private motor vehicles on the existing highway network. The applicant has sought to mitigate the impacts of any additional traffic, and the requirements of the masterplan to link 7b with the rest of the village, by physically facilitating a new cycle and pedestrian route along the east side of London Road.
- 6.34. The proposal provides social benefits, which weigh in favour of the development.

#### *Environmental*

- 6.35. The scheme is landscape led, providing areas of open space and a buffering around the north and eastern edges. It is acknowledged, however, that the development would result in a loss of open countryside. The proposal seeks to retain most of the existing trees and hedgerows and would result in no harm to protected species subject to conditions. A biodiversity net gain will be achieved.
- 6.36. Conditions are recommended to ensure the development is built sustainably by requiring the installation of electric vehicle charging infrastructure, by requiring water efficiency building

regulations to be met and also for non-residential buildings to be built to BREEAM 'Very Good' level.

6.37. There would be no adverse impact on nearby heritage assets. A condition is attached to ensure that the archaeology of the site is properly recorded.

6.38. Overall, with the provision of appropriate conditions and s.106 obligations, the proposal is considered to comply with the three strands of sustainable development.

### **Legal Obligations**

*Key Strategic Priorities: 2 (new homes), 5 (strategic infrastructure), 6 (local infrastructure);*

*Local Plan Strategic Policies: S6, S9, S10;*

*Site Policies: Growth Site Policy 2; Local Policies: DM1, DM2, DM16, DM20*

6.39. The nature of the requirements for mitigation of this type of application will necessitate a s.106 agreement to be signed. The head of terms are agreed with the applicant and are summarised as follows.

6.40. Contributions listed are correct at the time of publication.

### *Affordable Housing*

- Financial contribution of £1.275m in lieu of on-site provision

### *Transport/Infrastructure*

- Construction of footway / cycleway with crossing points along London Rd within applicant's land and highway land
- Implementation of improvements to Main Road / London Road
- Financial contribution towards passenger transport

### *Open Space / Recreation*

- Open Space Delivery
- Open Space Phasing and Delivery Plan
- Landscape and Open Space Management and Maintenance Plan
- Financial contribution in lieu of any shortfall in any of the open space categories
- 570 trees to be planted (based on 190 dwellings) on site or financial contributions in lieu of on-site provision in accordance with the City Council's Tree Planting Planning Advice Note
- Community use agreement for on-site sports facilities

### *Health Care*

- Financial contribution towards floorspace provision

### *Biodiversity / RAMS*

- Off-site habitat provision



- RAMS financial contribution per dwelling - £163.86 x 190 dwellings = £31,133.40

#### *Other*

- Monitoring fees for numerous schedules

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

- 7.1. The development would be CIL liable but zero rated if implemented as a C2 use (residential institutions).

### **8. Conclusion**

- 8.1. The site was allocated in the Chelmsford Local Plan as a sustainable extension to the settlement of Great Leighs. The application follows an approved masterplan for the Site 7 allocations, which has shaped both its form and detailing.
- 8.2. Amendments were made to the access location along London Road during the lifetime of the application in order to provide satisfactory visibility splays. A scheme of works to facilitate a new footway / cycleway nears a resolution through a separate planning application. This application for the retirement village will secure land required to implement the footway / cycleway, and implement that scheme, through its S106 legal agreement. ECC Highways are content with the details of the application and the means by which to deliver such infrastructure.
- 8.3. For reasons listed in Section 6, the development would be a positive contributor economically and socially. Any minor negative environmental impacts can be mitigated. All material considerations have formed part of the planning balance.
- 8.4. The development is required to meet the Council's identified growth needs and is a direct consequence of the plan-led system. The proposal is in general accordance with the approved masterplan and any layout concerns will be addressed through reserved matters. The application would satisfactorily meet the requirements of Strategic Growth Site Policy 7b of the Chelmsford Local Plan.
- 8.5. The proposed development accords with the Chelmsford Local Plan and would deliver a sustainable development as sought by the National Planning Policy Framework. The proposal is acceptable, subject to conditions and the completion of the S106 agreement.

### **RECOMMENDATION**

**The Application be APPROVED subject to the completion of a S106 Agreement and compliance with the following conditions, the details/minor variations of which would be delegated to the Director of Sustainable Communities/Planning Development Services Manager in liaison with the Chair and Vice Chair of the Planning Committee):**

### **Procedure**

#### **Condition 1 – reserved matters**

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

Reason:

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

**Condition 2 – Time limit submission**

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

Reason:

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

**Condition 3 – Time limit implementation**

The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason:

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

**Condition 4 – Occupation restriction**

Other than staff or visitors the premises shall only be occupied by persons above 55 years of age.

Reason:

In order to comply with the requirements of the Strategic Growth Site Policy 7b.

**Condition 5 - Access plans**

The development hereby permitted shall be carried out in accordance with the following access plans:  
Proposed IVG Access to London Road (Drawing no.48274/C/LR/030 Rev A)

Reason:

In order to achieve satisfactory development of the site.

**Pre-commencement**

**Condition 6 - Levels**

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

Reason:

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

**Condition 7 – Construction Management Plan**

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

- i. provision of a safe and suitable access to the site;
- ii. vehicle routing;
- iii. the parking of vehicles of site operatives and visitors;
- iv. loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. wheel and underbody washing facilities;
- vii. measures on site to control the deposition of dirt / mud on surrounding roads during the development;
- viii. treatment and protection of public rights of way during construction;
- ix. hours of deliveries;
- x. highway safety considerations;
- xi. before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken by the developer.

Reason:

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

#### **Condition 8 - Archaeology**

1. No development or preliminary groundworks shall commence until a programme of archaeological investigation has been secured and completed in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the planning authority.
2. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.
3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority.
4. The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of archaeological fieldwork. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason:

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

#### **Condition 9 – Surface Water Drainage**

No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 19.35l/s for all storm events up to and including the 1 in 100 year rate plus 40 allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

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

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

#### **Condition 10 - Minimise off-site flooding**

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

Reason:

To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

#### **Condition 11 - Biodiversity enhancement strategy**

Prior to the commencement of the development hereby permitted a Biodiversity Enhancement Strategy (BES) demonstrating how the development will achieve a positive biodiversity net gain shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with that strategy, with a timetable for implementation and details of maintenance of biodiversity features within each phase to be included with the submission of landscaping details to address the reserved matters.

Reason:

To ensure that the development delivers Biodiversity Net Gain in accordance with the Council's Making Places SPD.

#### **Condition 12 – Ecological mitigation**

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd, November 2021). This may include the

appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

**Reason:**

To conserve and enhance protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

**Condition 13 – Ecological surveys time limit**

If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of Badgers and bats; and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**Reason:**

To allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

**Condition 14 – Natural England mitigation licence**

Any works which will impact the breeding / resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

**Reason:**

To conserve protected species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

**Condition 15 – Farmland Bird mitigation strategy**

A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate for the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;

- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason:

To allow the local planning authority to discharge its duties under the NERC Act 2006 (as amended).

#### **Condition 16 - Construction Environmental Management Plan**

Prior to commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall include, but not be limited to the following:

- Risk assessment of potentially damaging construction activities;
- Identification of "biodiversity protection zones";
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) relating to bats, Great Crested Newt, reptiles, Barn Owls, breeding birds and Badger;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason:

To ensure that the construction of the development does not result in harmful impacts on the local environment in accordance with Policies DM29 and DM30 of the Chelmsford Local Plan.

#### **Condition 17 – Arboricultural method statement**

No development shall take place until an arboricultural method statement setting out details of ground protection, service routes and levels changes 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:

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

### **Pre-occupancy**

#### **Condition 18 – Lighting design strategy for biodiversity**

Prior to the first occupation of the development a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

Reason:

To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

#### **Condition 19 – SuDS maintenance plan**

Prior to the first occupation of the development a maintenance plan detailing the maintenance arrangements for SuDS features including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

Reason:

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

#### **Condition 20 - Vehicle parking**

No residential unit or non-residential building shall be brought into use until such time as the approved vehicle parking for that residential unit or facility has been made available for use. The spaces shall not thereafter be used for any purpose other than the parking of motor vehicles in conjunction with the residential unit or non-residential unit which they serve.

Reason:

To ensure that parking provision is acceptably integrated within the development avoiding car dominated spaces and to prevent on-street parking in the interests of highway safety and the amenities of the area in accordance with Policy DM27 of the Chelmsford Local Plan.

#### **Condition 21 - Visibility splays**

Prior to occupation of the development, the provision of an access onto London Road, as shown indicatively on Dr no. 48274/C/LR/003 REV. F, dated 02/12/2024 (Highway Improvement Works and Cycle and Footway Provision to Serve Proposed Development – Sheet 3), shall be provided at its centre line a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the north and 2.4 metres by 90 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason:

To provide adequate inter-visibility between users, in the interest of highway safety.

#### **Condition 22 - Part M4 (2)**

A minimum of 50% of the dwelling units as approved shall be constructed to comply with Building Regulations 2015 Approved Document Part M4(2) Category 2.

Reason:

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

**Condition 23 - Pedestrian and cycle surfacing and lighting**

The network of pedestrian and cycleway routes within the site shall, where to be adopted by the highway authority, be hard surfaced and illuminated in accordance with details to be submitted to and approved in writing by the Local Planning Authority and designed to accord with the adoptable highway standard applicable at the time. The pedestrian and cycle routes shall be implemented as part of the overall phased delivery of the development in accordance with an agreed timetable.

Reason:

In the interests of establishing a logical route network which permeates the development encouraging sustainable methods of travel and minimising the need for travel by car.

**Condition 24 - samples of building materials**

Prior to their use, samples of the materials to be used in the construction of buildings 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 25 - noise insulation**

The residential properties shall be constructed so that the internal noise levels in habitable rooms, with windows closed, does not exceed 35 dBA LAeq (0700-2300 hours) and 30 dBA LAeq (2300-0700 hours).

Reason:

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

**Condition 26 – Broadband**

Each residential unit shall be provided with a connection to superfast broadband prior to the first occupation of that dwelling.

Reason:

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being in accordance with the objectives of the National Planning Policy Framework and Making Places Supplementary Planning Document.

**Condition 27 - Boundary treatments**

- 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) Each dwelling shall not be occupied until the boundary treatments for that dwelling 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 28 - EV Charging**

No residential unit or building shall be occupied until that residential unit or building has been provided with one electric vehicle charging point per 10 parking spaces. Electric vehicle charging points shall be installed and retained in accordance with details that shall have been previously submitted to and agreed in writing by the local planning authority.

Reason:

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

**Condition 29 - Tree retention**

No trees or hedges shall be felled, uprooted, damaged, or disturbed or removed prior to the commencement of development until the details submitted under this condition of this permission have been approved in writing by the local planning authority. If any such tree is removed, uprooted, destroyed or dies prior to commencement of development or within a period of 5 years following commencement another tree shall be planted within the next available planting season. The location, size and species of replacement planting shall be as agreed in writing by the local planning authority.

Reason:

To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 and Policy DM23 of the Chelmsford Local Plan.

**Condition 30 - Public Art**

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

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

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

Reason:

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

**Condition 31 – Foul water drainage**

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason:

To prevent environmental and amenity problems arising from flooding.

**Post occupancy monitoring and management****Condition 32 - SuDs maintenance logs**

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

Reason:

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

**Condition 33 - Water efficiency**

All new residential units as hereby approved shall be constructed to achieve water efficiency to a standard of no more than 110 litres of water per person per day.

Reason:

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

**Condition 34 - Unbound material**

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

Reason:

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

**Condition 35 - Landscaping**

Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility related to a pedestrian or vehicular access splay.

Reason:

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

**Condition 36 - BREEAM commercial over 500sqm**

- a) Any non residential building above 500sqm shall be built to a minimum sustainability standard of BREEAM Very Good (or its successor);
- b) Prior to the commencement of the relevant building, a Design Stage Assessment (under BREEAM or its successor) for each building shall be carried out and a copy of the Interim Certificate or the Assessor's summary score sheet shall have been submitted to and approved in writing by the Local Planning Authority;
- c) any relevant building with a floor area in excess of 500sqm shall not be occupied until a Post Construction Review (under BREEAM or its successor) has been carried out in respect of that building and a copy of the Final Certificate or the Assessor's final summary score sheet has been submitted to the Local Planning Authority verifying that the agreed standards have been met in respect of that building.
- d) a copy of the Final Certificate, if it is not submitted prior to the first occupation of the relevant building, shall be submitted within six months following approval of the final summary score sheet.

Reason:

A minimum sustainability standard of BREEAM Very Good is required to ensure that any non-residential element of the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

**Notes to Applicant**

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

#### Noisy work

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

#### Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 You are reminded that this permission is also subject to a legal agreement, and that the terms of this agreement must be complied with.
- 3 More information about BREEAM is available on the BRE website: [www.breeam.org](http://www.breeam.org) .
- 4 The proposed development is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended) which will be applied to any Reserved Matters application(s) submitted in connection with this outline application. Reserved Matters application(s) must be accompanied by a CIL Additional Questions Form as well as CIL Form 2 - Claiming Exemption or Relief if claiming Social Housing relief. There are further details and links to these forms on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil).
- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 6 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 7 Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available
- 8 All work within or affecting existing and future highways is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 9 Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- 10 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- 11 All highway works associated with the development are to be delivered fully at the applicant / developer's expense.
- 12 Any non-standard specification materials, signal equipment or structures proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for an agreed period following construction. To be provided prior to the works license / adoption of the relevant sections of Public Highway.
- 13 Any landscaping proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for an agreed period following adoption.
- 14 Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
- 15 The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- 16 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, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- 17 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Planning permission does not negate the requirement for consent.

## 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**

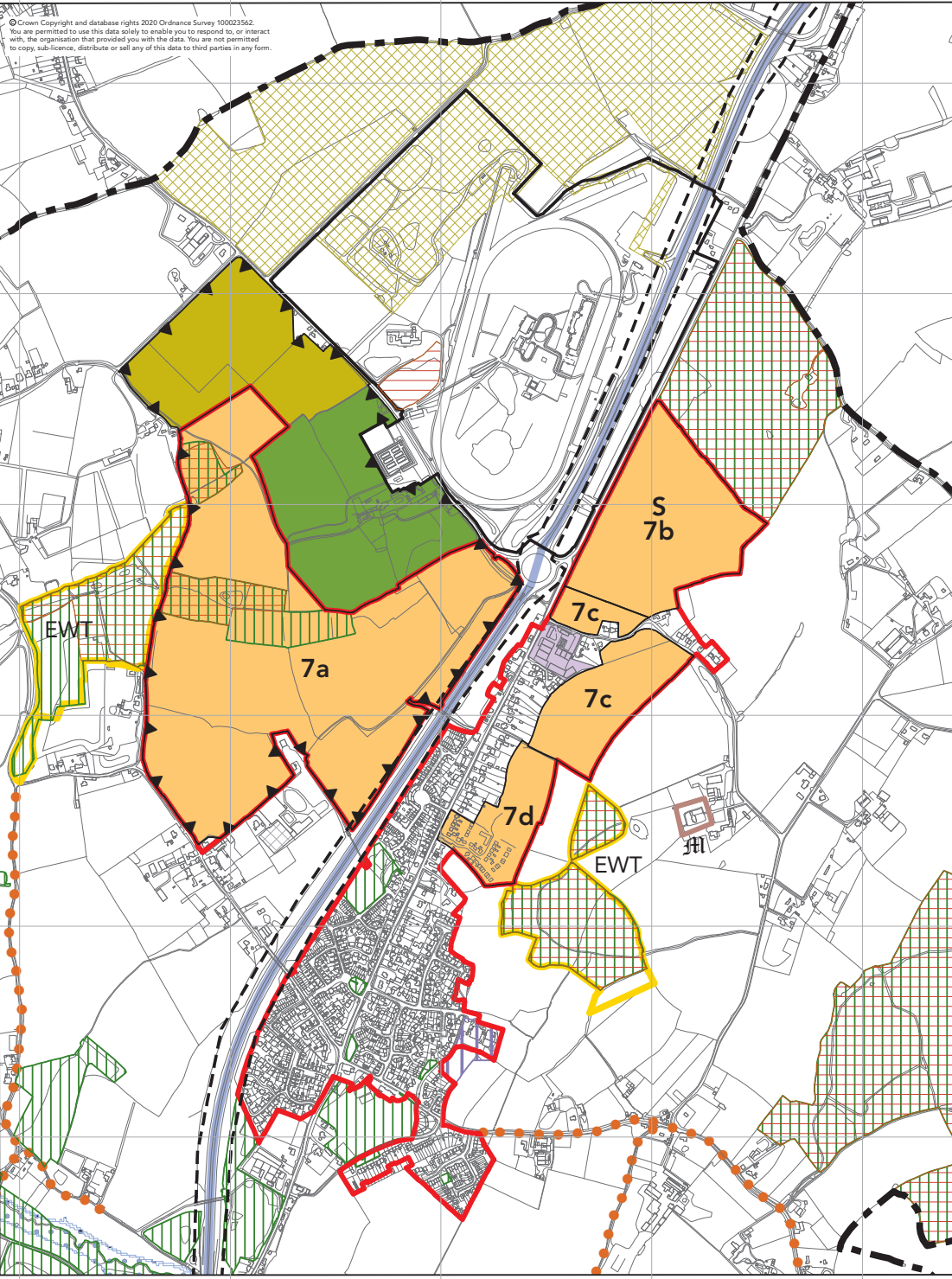
Case File

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

- 024-LF Rev A Site Location Plan
- Master Plan 02
- 48274/C/LR/030 REV A Proposed IVG Access to London Road (60mph)





Adopted Policies Map May 2020

**18** **Great Leighs**  
(Great and Little Leighs Parish)

The Policies Map shows the spatial definition of policies. It includes Policy Areas proposed by the Chelmsford Local Plan.

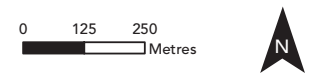
For the application of relevant policies within the Local Plan, the designation of the Rural Area includes all those areas outside of Urban Areas, Defined Settlement Boundaries, Green Belt and specific allocations or Policy Areas. The Rural Area has no notation so appears as 'white land' on the Policies Map and its insets.

**Important Note**

This Policies Map shows areas at a higher risk of flooding. Areas at a higher risk from flooding are defined and regularly updated by the Environment Agency.

For further details please see the flood maps published on the Environment Agency's website at:

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



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# Chelmsford Local Plan

## Legend for Adopted Policies Map May 2020

Relevant Key Policy References are shown in brackets

- Chelmsford City Council Area
- Inset
- Chelmsford and South Woodham Ferrers Urban Areas (S7)
- Chelmsford City Centre (S1, S8, S12, DM5)
- South Woodham Ferrers Town Centre (S12, DM5)
- Defined Settlement Boundary (S7, DM2)
- Area for the former Runwell Hospital Major Developed Site (7.320)
- Boundary of Strategic Growth Site Allocations 2, 3a, 6 and 7
- New Housing Site (S7 and Relevant Site Policy)
- New Garden Community for Major Housing and Employment Development (SGS6)
- Specialist Residential Accommodation (SGS7b, GS12)
- New Gypsy and Traveller Site (GT1)
- Proposed Employment Area (S7, SGS6, SGS3b, DM4)
- Existing Employment Area (S8, DM4)
- Rural Employment Area (S8, DM4)
- Green Belt (S11, DM6, DM9, DM10, DM11, DM12)
- Special Area of Conservation (SAC) (S4, S9, DM16)\*
- Special Protection Area and Ramsar Site (S4, S9, DM16)\*
- Marine Conservation Zone (S2)\*
- Site of Special Scientific Interest (SSSI) (S4, DM16)\*
- Scheduled Monument (S3, DM13)\*
- Registered Park and Garden of Special Historic Interest (S3, DM13)\*
- Local Nature Reserve (S4, DM16)\*
- Local Wildlife Site (LoWS) (S4, DM16)
- Essex Wildlife Trust Nature Reserve (S4, DM16)\*
- Green Wedge (S11, DM7, DM9, DM10, DM11, DM12)
- Protected Lane (S3, DM17)
- Conservation Area (S3, DM13)
- Area for Conservation / Strategic Landscape Enhancement (SGS7a)
- Country Park\*
- Proposed Country Park (SGS3, SGS6)
- Land Allocated for Future Recreation Use and / or SUDS (SGS2, SGS7a)
- Open Space (S11, DM21)
- New Railway Station (S9)
- Railway Station Access Road (S9)
- Radial Distributor Road (RDR1) (S9)
- Proposed RDR2 Detailed Design within New Garden Community Masterplan Area (S9, SGS6)
- Proposed Link Road (SGS3a, SPA5)
- Route Capacity Improvement (S9, SGS10)
- Proposed Cycle Route\*
- Proposed Bridge (S9, SGS1a, SGS10)
- Existing Park and Ride
- Park and Ride Area of Search (S9)
- Proposed Chelmsford North East Bypass - Detailed Design within Masterplan Area (S9, SGS6)\*
- Proposed Chelmsford North East Bypass - Safeguarded Corridor (S9, SGS6)\*
- Route Based Strategy (S9)
- Strategic Trunk Route
- Strategic Non-Trunk Route
- Regional Route
- Location for Primary School
- Existing School, Further / Higher Education Establishment (DM22)
- Retail Allocation (SGS10)
- Primary Shopping Area (S12, DM5)
- Primary Frontage (S12, DM5)
- Secondary Frontage (S12, DM5)
- Principal Neighbourhood Centre (S12, DM5)
- Retail Frontage of Principal and Local Neighbourhood Centres (S12, DM5)
- Special Policy Area (S7, SPA1-SPA6)
- Hazardous Substance Site Safeguarding Zone (DM30)\*
- Flood Zone 2 (S2, DM18)\*
- Flood Zone 3 (S2, DM18)\*
- Flood Alleviation Scheme
- Air Quality Management Area (DM30)
- Minerals and Waste Site\*

\*These notations are designated by third parties not Chelmsford City Council and are subject to change

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**Great & Little Leighs Parish Council**

Comments
No response received.

**ECC Historic Environment Branch**

Comments
<p>29.07.22</p> <p>The above application has been identified on the weekly list by the Historic Environment Advisor for Chelmsford City Council as having archaeological implications. The Essex Historic Environment Record (EHER) shows that the proposed development site is located on the site of a series of cropmarks identified from aerial photography that have been interpreted as historic woodland boundaries (EHER 13951). A recent geophysical survey on the development site has reinforced this interpretation and identified several additional historic landscape features. In addition, the proposed development is directly adjacent to Main Road, which is on the line of the original Roman Road between Chelmsford and Braintree. Accordingly, there is the possibility of Roman remains surviving adjacent to this historic routeway, including roadside ditches, extramural remains and agricultural evidence. As described above, there is the possibility that archaeological features and deposits may survive in the proposed development area. In view this, the following recommendation is made in line with the National Planning Policy Framework, paragraph 205:</p> <p><b>RECOMMENDATION:</b> Archaeological evaluation and excavation</p> <p>(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.</p> <p>(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.</p> <p>(iii) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.</p> <p>(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.</p> <p>(v) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This</p>

will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A professional team of qualified archaeological contractors should undertake the work. The work will consist of a programme of trial-trenching across the entire site to evaluate its archaeological potential. Depending on the results of this evaluation a subsequent programme of archaeological excavation will be undertaken on any deposits identified and/or any groundworks associated with the development will be archaeologically monitored. The City Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief will be produced from this office detailing the work required, on request, and should be acquired prior to the production of a WSI.

## Public Health & Protection Services

### Comments

The air quality impact assessment identifies that the impact of the operation phase of the proposed development will be not significant on air quality.

Providing the recommendations and specifications outlined in the acoustic report are implemented it appears that the criteria in 'BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings' in respect of internal noise levels will be met.

## Essex County Council Highways

### Comments

24.01.25

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway. The application is for Strategic Growth Site Policy 7 – Great Leighs, an allocated site in Chelmsford City Council's Local Plan, adopted May 2020. The assessment of the application was undertaken with reference to the National Planning Policy Framework 2024. The following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The Highway Authority has assessed the application and submitted information, visited the site, and has concluded that in highway terms, the application is not contrary to national and local highways and transportation policy and current safety criteria. The Highway Authority has undertaken extensive investigation and analysis of the submitted supporting documentation, and all additional information supplied by the applicant. The submitted Transport Assessment is considered robust and the Highway Authority is satisfied that the development will not have a significant or severe impact at this location, or on the wider highway network. The proposed

access and junction improvements fully complies with current highway design standards and have been subjected to a Road Safety Audit. Further to this there is being offered a comprehensive package of highway works, sustainable transport measures and financial contributions, as set out in this recommendation. A comprehensive scheme of highway improvement works for London Road has been developed. This includes the delivery of new and enhanced walking and cycling facilities, crossing points, bus stops, and a speed management strategy for London Road, all of which will tie into wider improvements in Great Leighs. The improvements scheme provides connections for active travel to Great Leighs village and towards Great Notley, and the provision of bus infrastructure and services, in the interests of accessibility and sustainability. Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity and efficiency. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

Construction Management Plan 1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for; i. provision of a safe and suitable access to the site, ii. vehicle routing, iii. the parking of vehicles of site operatives and visitors, iv. loading and unloading of plant and materials, v. storage of plant and materials used in constructing the development, vi. wheel and underbody washing facilities, vii. measures on site to control the deposition of dirt / mud on surrounding roads during the development; viii. treatment and protection of public rights of way during construction, ix. hours of deliveries, x. highway safety considerations, xi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.  
Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

## Essex County Council (SUDS)

Comments
<p>02.08.22</p> <p>Thank you for your email received on 2 August 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application. As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015. In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents: • Non-statutory technical standards for sustainable drainage systems • Essex County Council’s (ECC’s) adopted Sustainable Drainage Systems Design Guide • The CIRIA SuDS Manual (C753) • BS8582 Code of practice for surface water management for development sites. Lead Local Flood Authority position Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:</p> <p>Condition 1 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning</p>

authority. The scheme should include but not be limited to:

- Limiting discharge rates to 19.35l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with 2 the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA. Reason

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

Condition 2 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved. Reason The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority. Reason To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protectingenvironment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures

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

4 Any questions raised within

this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us. Summary of Flood Risk Responsibilities for your Council We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team. • Sequential Test in relation to fluvial flood risk; • Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements); • Safety of the building; • Flood recovery measures (including flood proofing and other building level resistance and resilience measures); • Sustainability of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council. INFORMATIVES: • Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk). • Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. • Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note. • It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners. • The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise. • We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information. Yours sincerely, Alison Vaughan, Development and Flood Risk Officer Team: Development and Flood Risk Service: Waste & Environment Essex County Council Internet: [www.essex.gov.uk](http://www.essex.gov.uk) Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk) Appendix 1 - Flood Risk responsibilities for your Council The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider. • Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements) You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood. • Flood recovery measures (including flood proofing and other building level resistance and resilience measures) We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation. Flood

proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'. • Sustainability of the development The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

## Essex County Fire & Rescue Service

Comments
<p>01.08.2022</p> <p>Access</p> <p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.</p> <p>Access for Fire Service is considered unsatisfactory, the proposed development is not fully compliant with Building Regulations Approved Document B, B5. Your attention is drawn to following.</p> <p>There are two roads that cause dead-end situations that exceed the 20m as set out in ADB B5 with no turning circles set out within the plans provided.</p> <p>ADB B5 15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3.</p> <p>It must be noted that any new roads or surfaces being developed are compliant with the table below, it is not currently confirmed whether the newly built road or parking area can withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.</p> <p>For the provision of Fire Service Access Approved Documents B, B5 compliance is required. Also, when referring to ADB V1 Table 13.1 and ADB V2 Table 15.1, please refer to note 1, (Referring to not all fire appliances are standardised).</p> <p>Where the development involves flats, mixed use buildings or non-residential buildings, more detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p>

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

#### Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

#### Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

#### Sprinkler Systems

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

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

### ECC Community Infrastructure Planning (Education)

#### Comments

23.08.2022 –

ECC is a key infrastructure and service provider and is responsible for delivering and commissioning a wide range of strategic and local infrastructure requirements and public services to support and shape inclusive and healthy communities. ECC's role covers a wide range of statutory services including (but not limited to) highways and transportation, education, early years and childcare, minerals, waste, surface water management, passenger transport, adult social care, and public health. We also advise on, and have a



material interest in, a number of other related placemaking matters to assist in the determination of planning applications.

The Growth and Development team at ECC is responsible for coordinating single corporate responses for major development schemes and Nationally Significant Infrastructure Projects to ensure that the Council's interests and responsibilities to deliver quality and sufficient infrastructure in the right places and at the right time are effectively communicated, and to support good place-making and place-keeping for existing and future communities.

This application forms part of the Strategic Growth Site 7 - Great Leighs which is made of 4 sites 7a, 7b, 7c and 7d. Together they will provide comprehensive development at Great Leighs. The proposal for 190 units as part of this application falls within the Local Plan Growth Site 7b & 7c. The policy for Growth Site 7b in the Local Plan provides for the development of around 250 specialist new homes for older persons.

Statutory responses from statutory services will be provided by ECC in the usual process for this particular development. However, given the nature of these proposals which has focus on specialist housing, and to help ensure consistency of approach across all 4 sites, this response looks to compliment and add to ECC statutory consultee responses, and focuses on a couple of services who have comments that may aid the development proposals in the context of the wider Strategic site area.

ECC trusts that the following comments will be considered in the spirit within which they are provided, to assist with and be taken into account, in the determination of this planning application.

The nature and scope of this ECC's consultation response addresses the following service areas with remaining comments from other statutory consultees being provided in the usual manner.

- o Adult Social Care and Independent Living
- o Zero Carbon and Low Energy Generation
- o Environment and GI
- o Digital Connectivity

#### Infrastructure and Housing Infrastructure Fund

It should be noted that the Great Leighs sites benefit from the delivery of the Chelmsford North East Bypass (CNEB) which is being funded by forward funding from the Housing Infrastructure Fund. ECC and CCC are responsible for ensuring that the funding of the new road is recovered from the delivery of new development at Great Leighs and we look forward to working with the developers of the site to establish a sustainable recovery mechanism as planning discussions progress.

Other infrastructure requirements/contributions are either listed within this letter or will be provided by ECC statutory consultees as part of their individual responses to the planning application.

#### Adult Social Care and Independent Living

ECC, in our capacity as the Adult Social Care Authority, must ensure that the needs of vulnerable people are reflected in line with our duty under the Care Act 2014 and the wider prevention and maximising independence agendas. This includes reviewing both general needs housing, and any specialist housing

provision. As part of this proposed development, it needs to be ensured that housing and communities are accessible and inclusive over the life course and enable people to age with dignity in their homes.

In providing advice on new housing, care and support to vulnerable people, ECC's overriding strategic goal includes enabling people to live independently throughout their life. The adopted ECC Housing Strategy (2021 - 2025) seeks to ensure that new homes and places are designed for residents to live independent and healthy lives; homes are adapted and digital technologies adopted, to support residents to live independently; and access to high quality specialist and supported accommodation for those who need it. We therefore having the following comments as the Adult Social Care Authority:

- o ECC would request that the applicant is more specific about the percentage of dwellings that will be Part M(4)1, Part M(4) 2 Part M(4)3 particularly given the target demographic and housing need cohort for these dwellings. Chelmsford City Local Plan Policy DM1 is clear on its expectations around the delivery of Part M dwellings and that a site of this number of units should deliver 50% of dwellings at M4(2) and 5% at M4(3). However, given the target demographic for this development we would hope (and expect) that the developer would seek to exceed these targets and enable people to age in place.

- o In term of parking, we note that the parking at the site is proposed so that the majority of spaces are provided to accessibility standards (2.75m wide x 5m long). Given the client group for the proposed development, and to accommodate those who may be wheelchair users or need some form of equipment to aid mobility, we suggest that parking also needs to be Part M compliant - i.e. 3.3m or capable of being widened. As a minimum, the number of spaces provided to this standard should reflect the number of Part M4(3) dwellings provided at the development.

- o ECC as lead Adult Social Care Authority recommend that the Local Planning Authority should be completely satisfied that this development falls under C2 use rather than C3. If it is deemed that some, or all of the development falls within C3 use, we would wish to be part of any detailed discussion on affordable housing for older people/people with disabilities on this site.

- o ECC are keen to understand the rationale behind the stipulation that the "Residents must be 65 and over and have a care need". This does not align with ECC strategic ambitions or national health and care ambitions around prevention, meeting the needs of people with health and care needs under-65 or meeting the needs of people with disabilities who could benefit from housing with care.

- o Whilst we appreciate that the mix of the different size properties is subject to change at detailed design stage, we suggest the applicant should provide the evidence used to develop the mix proposed and the need for care.

- o It is stated by the Applicant that there will be an assessment of "care needs". ECC would like to understand from the applicant who it is envisaged will carry out these assessments of care needs and the reassessments.

#### Net Zero Carbon and Renewable Energy Generation

The UK is legally bound by the Climate Change Act 2008 to achieve net zero Green House Gas (GHG) emissions by 2050. This shift to net zero target from the previous target of 80% reductions on a 1990

baseline has brought into sharp focus the need to radically tackle GHGs across all sectors including the built environment.

Furthermore, the National Planning Policy Framework (NPPF) recognises the key role of the planning system in supporting the transition to a low carbon future in a changing climate, mitigating and adapting to the impacts of climate change; including minimising the impacts of new developments through reducing GHG emissions.

In reviewing this application, as well as national legislation and considerations, local climate goals and targets should also be considered. Chelmsford City Council declared a 'climate and ecological emergency' in 2019 and the independent, cross-party 'Essex Climate Action Commission' in their report published in 2021 included recommendations such as "all new homes and all new commercial buildings granted planning permissions to be carbon zero by 2025 and carbon positive by 2030", and "All new build houses, industrial and commercial units to have solar panels fitted immediately."

Significant steps therefore must be made to help reach targets for all new consented developments and it should be recognised that failure to meet net zero standards now will further add to the size of the challenge to meet net zero by 2050 at the latest.

In the above context, we are supportive of a fabric first approach as proposed for this development. We also acknowledge the net-zero carbon (regulated energy target) and the suggestion that if this target cannot be met, the shortfall will be evaluated and strategies will be developed to achieve the target through suitable on site and/or off-site means. We would, however, wish to highlight that unregulated energy can make up a significant part in overall operational energy use. Therefore, to achieve operational net zero at the development, regulated and unregulated energy should be included in an overall net-zero target. The LETI Climate Emergency Guide provides guidance on such an approach to regulated and unregulated energy.

We would also recommend that renewable energy generation is maximised onsite to meet all, or close to all of the energy demand on site. Any proposed offsetting should be the last resort and all efforts should be made in first instance to ensure that the development is net-zero.

We would suggest that proposals should monitor and report energy performance for at least 5 years post completion to ensure that actual carbon performance of the development is achieved.

As well as operational carbon, embodied carbon from activities such as construction also needs to be managed from the development. We therefore welcome the principle of 'Considerate Construction' but do recommend, however, that the aim should be to reduce embodied carbon emissions to net-zero or as close to net-zero as possible.

In terms of both operational and embodied carbon, we would expect at the detailed design stage further details on proposed sustainability measures to be incorporated into the development to meet net-zero targets and would also recommend that a whole-life cycle assessment should be requested to show how both embodied and operational carbon will be managed.

Green Infrastructure

ECC currently provides advice on green infrastructure schemes (GI) for major developments. ECC have been consultees on GI since 2018. Although there are no statutory requirements for GI, the 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.

In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- o Chelmsford City Council's Chelmsford Local Plan 2013-2036 and Chelmsford Green Infrastructure Strategic Plan 2018-2036.
- o Essex Green Infrastructure Strategy, 2020, which aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city, and villages, especially close to areas of deprivation.
- o Essex Green Infrastructure Standards, 2022, which aims to provide clear guidance on the requirements on both planning policy and planning application and processes.

#### ECC GI Position

Having reviewed the Design and Access Statement, Landscape plans and the associated documents which accompanied the planning application, ECCs GI team wish to raise the following comments.

#### Biodiversity Net-Gain

At present, the Environment Act identifies a minimum 10% gain required in biodiversity. The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament. At present mandatory biodiversity net gain is likely to become law in Winter 2023 including the following key components:

- o Minimum 10% gain required calculated using Biodiversity Metric and approval of net gain plan
- o Habitat secured for at least 30 years via obligations/ conservation covenant
- o Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- o There will be a national register for net gain delivery sites
- o The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- o Will also apply to Nationally Significant Infrastructure Projects (NSIPs)
- o Does not apply to marine development
- o Does not change existing legal environmental and wildlife protections

The following guidance has already been produced to assist the calculation and delivery of biodiversity net gain:

- o an updated Biodiversity Metric 3.1 was published in April 2022.
- o CIEEM, IEMA and CIRIA have set out Good Practice Principles for Development and an associated Practical Guide and Case Studies.
- o a British Standard on biodiversity net gain and development projects: BS 8683:2021 Process for designing and implementing Biodiversity Net Gain

ECCs GI team expects this proposal to deliver Biodiversity Net-Gain (BNG) in line with the Environment Act. GI features within the site boundary, and the boarding hedgerow and trees, should be protected and retained where possible to support the delivery of BNG. However, it is recognised that on-site BNG might not always be conceivable, and additional off-site delivery can provide additional benefits and be used to protect areas of land that are of local natural and wildlife value. Moving forward, ECCs GI team recommends a Biodiversity Metric and Biodiversity Statement are completed and submitted to assess the biodiversity net-gain of the proposal.

#### Ancient Woodland

ECCs GI Team note that the ancient woodland of Bushy Woods (16.4ha) is located to the north of the site boundary. Paragraph 180(d) of the National Planning Policy Framework (NPPF) states that "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists". ECCs GI team expects ancient woodland to be protected. Developments that infringe upon these locations are expected to be designed to avoid detrimental direct and indirect impacts with the appropriate landscape buffers applied. This includes, risk of water-borne pollution, air pollution, dust deposit, change to local hydrology, increased recreational pressure and informal access points and soil compaction.

#### Access Routes and Public Rights of Way

ECCs GI team supports the provision of an access networks which encourages and supports active travel. In terms of the proposed footpaths, cycleways, and other sustainable transport routes (both within the proposal and those that connect the site to the village of Great Leighs) green infrastructure can be integrated along the network to enhance nature through the delivery of biodiversity net-gain, habitats, and green corridors. Therefore, ECCs GI team recommends that routes are designed to include wildlife corridors and GI features along sustainable transport routes such as paths, cycle, and bridleways.

#### Country Parks

It should be considered how the development site could have wider recreational impacts including on Great Notley Country Park. In Paragraph 7.13 of the Planning Statement submitted, it is stated that:

"There are other recreation areas, such as the Great Notley Country Park, and footpaths which are more accessible from the application site which are more likely to be used by future residents.

It therefore should be demonstrated what impact this development may have on visitor numbers to the park. If there is a significant increase in visitor numbers, it should be demonstrated how any impacts of

increased visitor numbers could be mitigated and ECC would wish to have further discussions around any such potential mitigation measures.

#### Sustainable Design

ECCs GI team support a focus on sustainability, both in terms of the long-term objectives of environmental protection and resource management and sustainable design and delivery. To further deliver these objectives, ECCs GI team recommends consideration of the following: -

- o Green Roofs/Walls: The provision of these features allow ecosystems to function and deliver their services by connecting urban, peri-urban and rural areas. Alongside biodiversity habitat creation, green roofs and walls can provide water storage capacity, flood alleviation and energy saving potential. In addition to buildings, these features can be provided on sustainable transport infrastructure (such as on bus stop/ cycle storage facilities).
- o Wildlife Bricks: The provision of wildlife bricks creates habitats for invertebrates.
- o Dual street furniture/seating (i.e., a bench including a planter): The design of the street furniture and bin stores can contribute to the landscape character, reduce clutter of an area or street and act as a green corridor/link to the wider landscape scale GI network.

#### Green Infrastructure Strategy

Moving forward, ECCs GI team recommends the production of a Green Infrastructure Strategy for the site, based on the Essex Green Infrastructure Strategy (2020) and Emerging GI Standards to provide a more detailed an assessment of the ecological context of the development. The scheme should include but not be limited to:

- o The development should be designed to deliver Biodiversity Net Gain and wider environmental net gains, that forms an important component of nature recovery networks and the wider landscape scale GI network.
- o Demonstrate that the development site has been reviewed for multiple functions and benefits (as listed in the Essex GI Strategy, chapter 5.1, pg.35) and designed to protect existing assets and deliver multi-purpose and functional use.
- o Provided detailed layout design drawings and plans which provide information on the locations on retained GI and new landscape features.
- o Establish how the GI has been designed to provide recreational facilities for different user groups. It should deliver social inclusive processes that are open to all and incorporate the knowledge and needs of diverse parties.
- o Ensure that there are good access links for all from the development to existing settlements, urban centres, rural areas, active travel networks and green spaces.
- o Provide a detailed outline of the green and blue infrastructure features that will be retained, and new features that will be implemented, the timescales for the implementation of each aspect and, the details of the GI management and maintenance that will occur.

## Landscape and Ecology Management Plan

ECCs GI team would expect a Landscape Ecological Management and Maintenance Plan to be submitted to and approved in writing, by a SuDs and landscape specialist at the Local Planning Authority. Details should include who is responsible for GI assets (including any surface water drainage system), the maintenance activities/frequencies and how these shall be funded.

This is to ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets. Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

## Essex GI Strategy and Standards

Consideration should be given to the use of the Essex Green Infrastructure Strategy (2020) and emerging Essex Green Infrastructure Standards in securing multifunctional green infrastructure. ECC is also establishing a Local Nature Partnership (LNP) covering Greater Essex along with a Local Nature Recovery Strategy. The works of this group should be supported and acknowledge moving forward.

Please see Appendix A for Green Infrastructure Informatives.

## Digital Connectivity

In line with the objectives stated in the Government's Future Telecoms Infrastructure Review 2018, all new developments should include provision of future proofed internet access, ideally Fibre to the Premises.

Where this is possible, provision of fully operational 5G mobile connectivity may also be accepted as appropriate broadband coverage, if arrangements are made for all premises in the development to access this at affordable prices, comparable to a fixed-line fibre broadband service, and this access is fully available at the time of completion of the build. Plans for such an approach should be submitted for review by the Planning Authority.

Developers are expected to proactively contact a telecommunications network operator of their choice to plan for internet connectivity installation as part of the build process. Developers are expected to provide details of their plans to install internet connectivity as part of their planning applications.

Any new housing development over 30 homes is likely to be provided with full fibre internet access (FTTP) free of charge by the large network operators. For smaller developments the network operators may request a contribution to the build cost. Openreach and Virgin Media have New Sites teams where developments can be registered.

Other network operators are available and developers can work with them, but confirmation must be provided that fibre connections installed by alternative operators will be fully connected to the internet by appropriate backhaul links and broadband services will be available for customers to subscribe to at the time the development is complete.

Where smaller in-fill type developments are built in areas within existing part-copper fibre-to-the cabinet (FTTC) coverage, developers are expected to work with the network operators, either to seek installation of

full-fibre connections or to ensure that sufficient FTTC capacity to supply the new premises is made available when properties are completed.

Developers should be aware that in Essex, alternative network operator Gigaclear plc has a significant full-fibre network deployment in the Epping Forest, Uttlesford, Braintree and north Colchester areas. Gigaclear is likely to be keen to extend its own FTTP network to new housing, or business parks.

#### Conclusion

ECC is a key infrastructure and service provider with statutory responsibilities to ensure that the right infrastructure is delivered in the right place at the right time to support new and existing communities. Statutory responses from statutory services will still be provided by ECC for this particular development in the usual process. However, given the nature of these proposals which has focus on specialist housing, and to help ensure consistency of approach across all 4 sites, this response has looked to compliment and add to ECC statutory consultee responses, and focuses on a few services who have comments that may aid the development proposals in the context of the wider Strategic site area.

#### Appendix A - Green Infrastructure Informatives

- o Any GI features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- o It is not within the scope of the GI team to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- o We will advise on the acceptability of green infrastructure and the information submitted on planning applications based on the key documents listed within this letter. However, any relevant information relating to green infrastructure submitted as part of any previous applications should be submitted with the updated information.
- o The GI consultation responses provide a high-level review of the proposals onsite. However, the relevant specialists e.g. ecology and landscape specialists should still be consulted on the information submitted. It should be noted that detailed discharge of condition applications should be referred to technical specialists rather than the GI planning team.

## ECC Minerals & Waste Planning

### Comments

21.10.2022

Nature of Response: To respond to the Minerals Resource Assessment (MRA) prepared on behalf of Great Leighs Estates Limited and submitted in connection with an Outline Planning Application for an Integrated Retirement Community on part of Phase 7b, being one of a number of housing and related development



Allocations in the Chelmsford Local Plan at Great Leighs, Essex (Planning Ref 21/02490/OUT).

Location: Banters Field Main Road Great Leighs Chelmsford Essex.

Thank you for your email received 5th October 2022 consulting the Mineral and Waste Planning Authority (MWPA) on the above.

At 13.8ha, the total area of land associated with the Great Leighs Strategic Growth Site, following omission of the non-contiguous Site 7a and the previously developed Site 7d, that lies within an MSA for sand and gravel exceeded the 5ha threshold upon which local resource safeguarding provisions are applied for this mineral. These thresholds are defined in Policy S8 of the MLP. Policy S8 of the MLP therefore applied, and on that basis a Minerals Resource Assessment was requested by the MWPA to address issues relating to mineral safeguarding. This has since been submitted.

Having reviewed the MRA, the MWPA notes that after applying a 100m housing buffer, 100m woodland buffer and 100m highway buffer, the amount of land in an MSA reduces to 4.27ha (as set out in the figure on page 7 of the MRA). Section 5.0 of the MRA states, "The total potential mineral resource covers an area of 4.27ha. This figure is relevant as Minerals Local Plan Policy S8 does not seek to safeguard a mineral resource where the area of that resource is less than 5ha." The MWPA agrees with this assessment and therefore, the MWPA can confirm that the total area of land associated with the Great Leighs Strategic Growth Site, following omission of the previously developed Site 7d, that lies within an MSA for sand and gravel falls below the 5ha threshold upon which local resource safeguarding provisions are applied for this mineral.

Therefore, the MWPA accept that prior extraction is not required as the total workable area following buffer zones being placed around existing sensitive land is below the threshold at which safeguarding policy is engaged.

As such, the MWPA removes its holding objection and has no further comment to make on this application.

## Recycling & Waste Collection Services

Comments

No response received.

## NHS Mid & South Essex

Comments

No response received.

## Anglian Water Services Ltd

Comments

08.08.2022

#### Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### WASTEWATER SERVICES

Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Great Leighs Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. Planning Report Section 3 - Used Water Network This response has been based on the following submitted documents: Application form, Site Location Plan, Application Documents Site Specific Flood Risk & Sustainable Drainage Assessment Part 2, Application Documents Site Specific Flood Risk & Sustainable Drainage Assessment Part 1 Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a discharge rate. Anglian Water requires the rate so that they can make an accurate assessment on the public network. We therefore request a condition requiring an on-site drainage strategy

INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. Section 4 - Surface Water Disposal 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. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority, as they are the statutory consultee for surface water management, and the Internal Drainage Board if applicable. The Environment Agency should be also consulted if the drainage system directly or indirectly involves the discharge of water into a Main River. Section 5 - Suggested Planning Conditions Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval. Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding

Next steps Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition: Foul water: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including: Development size Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s) Connecting manhole discharge location (No connections can be made into a public rising main) Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website) Feasible mitigation strategy in agreement with Anglian Water (if required)

## Essex and Suffolk Water

### Comments

No response received.

## Police - Designing Out Crime

### Comments

26.07.2022

Essex Police comments pursuant of the National Planning Policy Framework 2019 (NPPF) and Chelmsford City Council polices.

NPPF section 8 "Promoting Healthy and Safe Communities" paragraph 91(b), and section 12 "Achieving Well Designed Places" paragraph 127(c) address creating places that are safe. Chelmsford Local Plan DM23 & DM24 addresses security through "High Quality Design" and "Place Shaping" with a reasoned justification 9.6 - "The layout and design of a development are important in creating a safe environment where people are comfortable to live, work and visit".

We note within the Design and Access Statement in relation to this application that it states, "The principles of Secured by Design are incorporated into the design and operation of their communities where applicable, in some instances the design model of an inspired Village does not follow these principles and so a Secured by Design accreditation cannot be achieved". We have checked our records and can find no

record of any consultation between the applicant and the Essex Police Designing out Crime, and therefore are mystified as to how this comment can be substantiated. We also note that it states, "As such the design and operation of their villages incorporates measures which have been developed to the satisfaction of local police forces and would be integrated into this development." As Secured by Design is a nationally police approved scheme, we would wish to see further details of these 'measures which have been developed to the satisfaction of local police forces' and know the locations where they are. For the safety and security of an 'Inspired Village' or any other community it is imperative that risk commensurate security features are incorporated into its design. Constructing well designed places, buildings and places that promote both sustainable communities and health and wellbeing is an objective that Essex Police widely supports. Mitigating the opportunities for crime is not only about reducing and preventing injury and crime, but it is also about building strong, healthy, cohesive, accessible, vibrant, and participatory communities.

We have worked with many developers on other over 50's schemes where through consultation and where necessary coming to compromises which are not to the detriment of design or security the developer has still been able to achieve a Secured by Design Award. The area of this development is part of substantial growth area that sits adjacent to another major growth area for Chelmsford where developers have already achieved and continue to achieve Secured by Design Awards. This development has the potential to house vulnerable members of the community that may be or feel that they are at greater risk crime, the fear of crime and ASB therefore it is important for their Health and Wellbeing as well as Safety and Security that realistic security measures are incorporated into this development and that the design is not a contributing factor to potential crime.

We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with these planning policies, and guide them through the process to achieve a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.

## Natural England

Comments
<p>24.01.24</p> <p>As submitted, the application could have potential significant effects on internationally designated sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>The following information is required: • Consideration of qualification for contribution to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) • If the application is within scope of Essex Coast RAMS, then a Habitats Regulations Assessment (HRA) will need to be provided. Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites and advice on other issues is set out below.</p> <p>Additional Information required The Essex Coast RAMS Supplementary Planning Document (SPD) states that Class C2 Residential Institutions/Care Homes are to be considered on a case-by-case basis. The Preliminary Ecological Appraisal report (Hybrid Ecology, November 2021) states that the application site is within scope of the Essex Coast RAMS and a financial contribution is required to mitigate for recreational impacts on Essex coast (para 5.9). Having considered the information provided in the application, we suggest that the</p>

application would be covered by Essex Coast RAMS but we are content for the Page 2 of 4 final decision to be made by the local authority. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence. Further general advice on the protected species and other natural environment issues is provided at Annex A. If you have any queries relating to the advice in this letter please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service. Please consult us again once the information requested above, has been provided. Yours sincerely Alison Collins MCIEEM West Anglia Area Team Annex A –Natural England general advice Wider landscapes Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance. Biodiversity duty The local planning authority has a duty to conserve and enhance biodiversity as part of its decision making. Further information is available here. Designated nature conservation sites Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via Impact Risk Zones or as standard or bespoke consultation responses. Protected Species Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on Page 3 of 4 protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. Local sites and priority habitats and species The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging Local Nature Recovery Strategies may also provide further useful information. Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here. Biodiversity and wider environmental gains Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the NPPF glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be

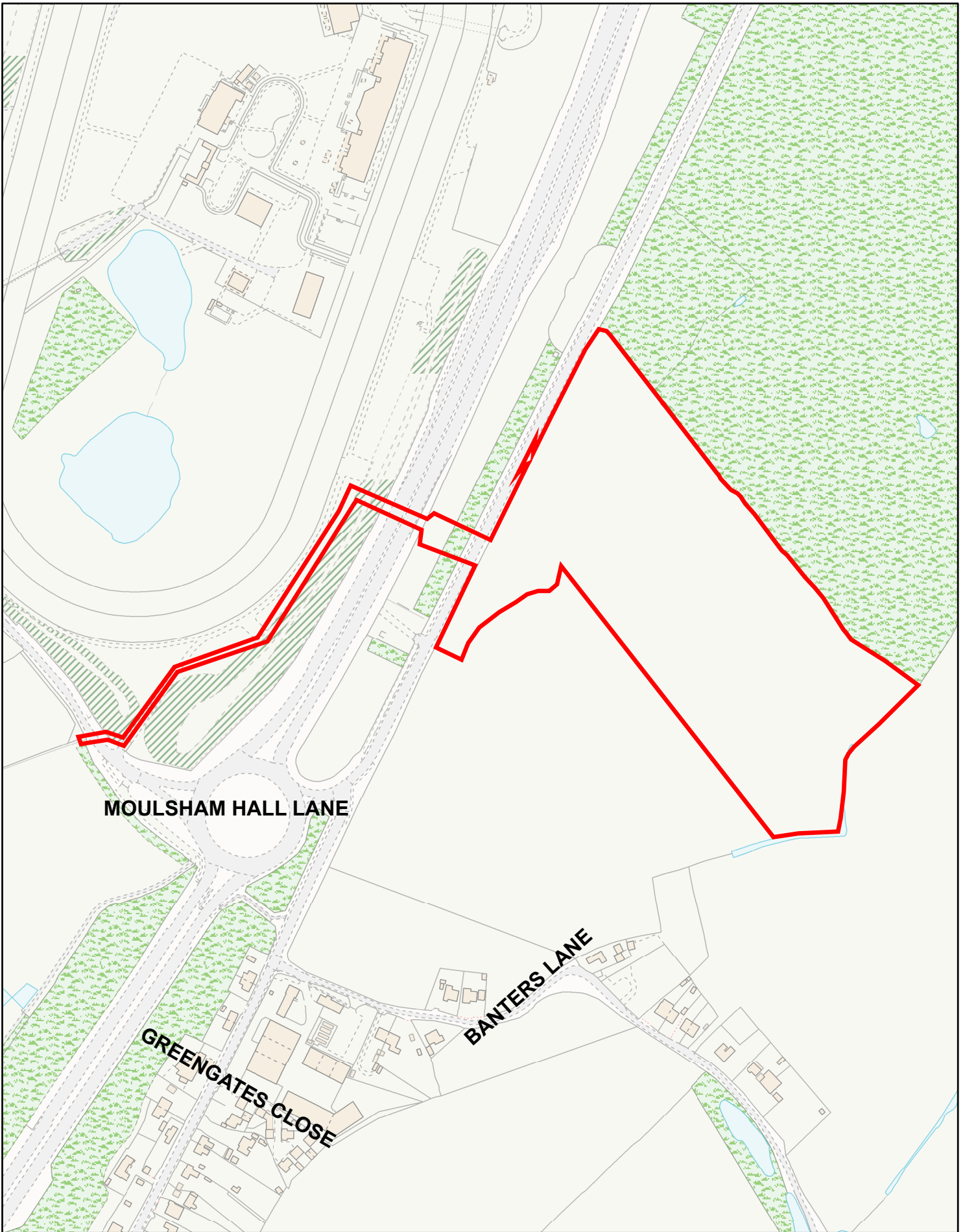
implemented from 2025. Further information on the timetable for mandatory biodiversity net gain can be found here. Further information on biodiversity net gain, including draft Planning Practice Guidance, can be found here. The statutory Biodiversity Metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the Small Sites Metric may be used. This is a simplified version of the Biodiversity Metric and is designed for use where certain criteria are met. The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered. Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife. Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version. Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance for the natural environment. Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances. Best and most versatile agricultural land and soils Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website and the Data.Gov.uk website Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site. Green Infrastructure Natural England's Green Infrastructure Framework provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales. Development should be designed to meet the 15 Green Infrastructure Principles. The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate. GI mapping resources are available here and here. These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision. Access and Recreation Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and

promote wider green infrastructure. Rights of Way, Access land, Coastal access and National Trails Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

## Local Residents

Comments

No representations received.



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1:4,000



**Planning Committee  
21/02490/OUT**

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

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

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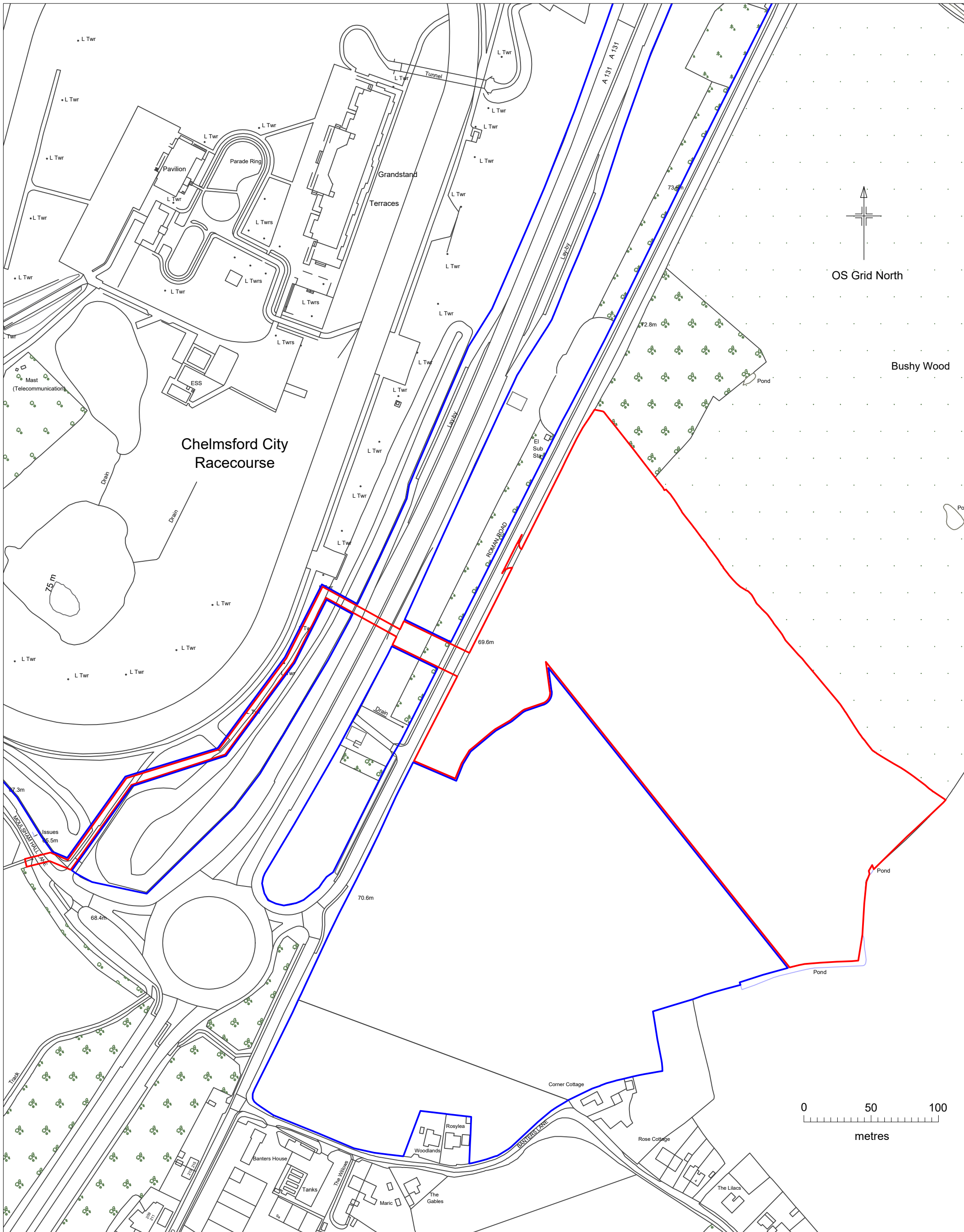
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Telephone: 01245 606826





Date: December 2024  
 Scale: 1:2500 @ A3  
 Revision: A / January 2025

21/02490/OUT  
 Banter's Field at Great Leighs,  
 for Great Leighs Estates Limited

Title: Site Location Plan  
 Project: Great Leighs - Banter's Field  
 DWG No. 024-LF

Revision.	
Date.	
Project.	<b>BANTERSFIELD, GREAT LEIGHS, CHELMSFORD, ESSEX.</b>
Description.	<b>Proposed Retirement Community Block Plan.</b>
Client.	
Drawing No.	<b>Master Plan 02.</b>
Sheet size.	<b>A3</b>
Scale.	<b>1/ 1250</b>
Date.	<b>Oct. 2024.</b>



Proposed Block Plan. 1 / 1250 @ A3.

- Single storey Buildings.
- 1.5 storey Buildings.
- 2 storey Buildings.
- Community Hub Building.
- 3 storey Buildings.



**Planning Committee**  
**4<sup>th</sup> February 2025**

<b>Application No</b>	:	88/02105/S73 Section 73
<b>Location</b>	:	Daniel Kirby House Care Home Moulsham Street Chelmsford CM2 9AQ
<b>Proposal</b>	:	<b>Removal of condition 3, variation of conditions 4 and 7 to approved planning application 88/02105 (change of use to residential elderly persons home including conversion of existing garage and extensions) to remove age constraints.</b>
<b>Applicant</b>	:	Calm Futures Ltd Calm Futures Ltd
<b>Agent</b>	:	Mr James Firth
<b>Date Valid</b>	:	18th September 2024

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## 1. Executive summary

- 1.1. This application has been submitted under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the conditions that are the subject of the application.
- 1.2. The planning application is presented to the Planning Committee at the request of the local ward member, to consider whether it is appropriate development in this location and whether if granted, the use would be effectively controlled.
- 1.3. The premises would remain in C2 use for the provision of residential accommodation to people in need of care. The change proposed is that the current age restrictions secured by conditions 3 and 4 attached to the original planning permission 88/02105, that limit occupation to over 60 years of age for female residents and 65 years of age for male residents, would be removed (3) and varied (4) so that the premises can be occupied by younger residents in need of care.
- 1.4. There would be no intensification of use in that number of residents are restricted by condition 7 to a maximum of 13 residents. This condition currently refers to 'elderly persons' and it is proposed to be varied to remove reference to 'elderly' (see proposed condition 4).
- 1.5. In determining this application, it should be borne in mind that the question it poses is whether a care home where residents are not restricted by reason of older age is in land use terms, acceptable within a residential area. It is considered that a residential care home whether for the elderly or adults over 18 years of age is, in land use terms, an inherently acceptable use within a residential area.
- 1.6. Concerns have been raised by local residents about the potential for increased noise and disturbance and fears about their safety and wellbeing as a result of the change in nature of the residents occupying the premises and the potential for a different nature of behaviour. These concerns are not supported by any authoritative evidence. The premises would be subject to a comprehensive management regime and as the applicant advises; a continuous inspection model implemented by the Care Quality Commission (CQC). This means that service quality would be monitored on an ongoing basis.
- 1.7. It is considered that the proposal would comply with the requirements of Policy DM29 (Protecting living and working environments). Subject to effective management, as proposed, the proposal would be most unlikely to result in an unacceptable impact on the quality of nearby residential living conditions through noise, activity or other disturbance or be likely to materially affect the safety and wellbeing of nearby residential occupiers.
- 1.8. Concerns were raised by the local residents regarding the adequacy of parking provision to serve the site. The premises are in a sustainable location which has good bus links and is close to existing services and the city centre. Five parking spaces are provided which is the same as when the premises operated as a care home for the elderly. This is an appropriate amount of parking in this location for the use of the premises as has been confirmed by the highway authority.
- 1.9. The proposal would not affect the character of the immediately adjacent conservation area, and an adequate level of private amenity space would be provided.

- 1.10. For the reasons set out in the report it is considered that the proposed variation to occupation of these premises from elderly persons to any person requiring care would not materially alter the characteristics and impact of the use on the locality.
- 1.11. Having regard to all other matters raised by local residents it is concluded that the proposed change subject to conditions is acceptable and in accordance with the adopted Local Plan Policies. The scheme is recommended for approval subject to the conditions listed in this report.

## 2. Description of site

- 2.1. The application site is in the urban area of Chelmsford and located at the junction of Moulsham Street and Brooklands Walk. The site consists of a detached 1930s house, now much extended with a garden area to rear.
- 2.2. The use of the existing premises changed from residential to a care home in late 1980s. More recently the building has been vacant and undergoing refurbishment.
- 2.3. The site has an existing and long-established access from Moulsham Street to a front courtyard which provides five parking spaces.
- 2.4. The immediate surroundings of the application site are residential. The site to the southwest side and partly to the rear the property is bounded by Brooklands Walk and associated parking spaces. To the northeast of the site is an access drive that serves a residential property called The Lions which lies adjacent to the rear corner of the application property.
- 2.5. The site is adjacent to the New London Road Conservation Area.

## 3. Details of the proposal

- 3.1. The application is to vary planning permission reference 88/2105 '*Change of use to residential elderly persons home including conversion of existing garage and extensions.*' The proposed variation is to delete condition 3 and amend conditions 4 and 7.

- 3.2. Condition 3 states:

*'Other than the warden's accommodation, the residential units hereby permitted shall not be occupied by any male of less than 65 years of age or any female of less than 60 years of age except as may be agreed in writing with the Local Planning Authority.'*

- 3.3. Condition 4 states:

*'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended or re-enacted, the premises shall be used solely as a home for elderly persons.'*

- 3.4. The reasons for the two conditions 3 and 4 on the decision notice is:

*'The effect of the use on the amenity of nearby residents and the amount of space available for car parking has all been assessed on the nature of the use and the activity generated. The*

*circumstances pertaining to an alternative use within the same use class would be unlikely to meet these criteria and would be unacceptable’.*

3.5. Condition 7 states that:

*‘The total number of elderly persons occupying the premises at any one time shall not exceed 13’.*

3.6. The reason for this condition on the decision notice is:

*‘To determine the scope of this permission and to enable the local planning authority to retain effective control over the development hereby permitted in the interests of the amenities of the area’*

3.7. The proposed variation of Condition 4 is:

*‘Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended or re-enacted, the premises shall be used solely as a care home or for supported living.’*

3.8. The proposed rewording of condition 7 is:

*‘The total number of persons occupying the premises at any one time shall not exceed 13.’*

3.9. Information submitted with the application advises that it is intended to continue use the premises as a residential care home but for individuals over the age of 18 with learning disabilities, autism and complex needs. Planning permission 24/00962/FUL approved on 22 October 2024 (see history below) granted permission for a single storey extension to the rear to provide two independent living units. The remainder of the existing built form on site would provide a six-bed care home and a further four independent living apartments. Total accommodation if the recently approved extension is built would therefore provide six care rooms and six independent living units. The applicant advises that the nature of the independent living units would mean that they would fall within the C2 use class due to the level of care being provided to the occupiers. The premises as a whole would operate as one with 24-hour staffing and all residents having access to the 24- hour care available.

3.10. Supporting information on the application has been provided as follows:

- Letter from Ceres Property (planning agent) dated 3 October 2024
- Letter from ECC Adult Social Care dated 30 August 2024
- Essex County Council – Process for Onboarding of Supported Living Accommodation in Essex
- Supporting information from Calm Futures (operator of the premises)

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

4.1. **24/00962/FUL** - Approved 22nd October 2024  
Extension to provide 2no. self-contained assisted living flats.

##### Note

*The above application provided further information following the refusal of 24/00258/FUL (see below). The applicant clarified that the premises would be managed as one care facility and provided further information on staffing levels. As a consequence of this additional information, it was considered that the five parking spaces proposed would be acceptable. A refuse and cycle store were also proposed to the rear of the property along with confirmation of the refuse collection arrangements. As such the previous reasons for refusal were considered to have been overcome.*

4.2. 24/00258/FUL - Refused 25th April 2024

Conversion of part of the existing building to propose 6 no. assisted living units for adults with complex needs, with extension to the rear and associated amenity.

Note

*The above application was refused because of concerns about the adequacy of car parking provision and because the development did not demonstrate that adequate refuse storage and cycle parking would be provided.*

4.3. 22/01628/FUL - Application Withdrawn 17th November 2022

Demolition of the existing care home. Construction of 2 buildings to provide a 9 flat extra care residential complex for the over 70s with associated communal areas and parking provision.

4.4. 06/01412/FUL - Approved 19th September 2006

Single storey rear addition and first floor side extension to existing residential home.

4.5. 90/0198 - Approved 8th April 1991

Extensions to form larger sitting room and four bedrooms at rear, infill in front patio for dining room and double bedroom, new entrance, internal alterations and parking area.

4.6. **88/2105** - Approved 14th August 1989

Change of use to residential elderly persons home including conversion of existing garage and extensions

Note -

*The site as whole is a subject to a s52 agreement (now s106 agreement following the 1990 Act) secured under planning permission reference 88/02105/FUL, which requires that planning consent is obtained for the change of use of the site if the use would differ from the one described in Schedule 3 of the Agreement. The restrictions were imposed on the age of the occupiers (above 60-65) and the number of people to be living within the site (13).*

*The applicant has advised it is also the intention to seek the required variation of the agreement in relation to the age restrictions.*

## 5. Summary of consultations

- Essex County Council Highways - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject that the site must retain its current C2 Planning Use and any other mitigation measures agreed in support of the previous full approval must be transferred to this application if approved.

*The conditions referred to relate to planning permission reference 24/00962/FUL for the extension approved in October 2024. They relate to a service & car park management plan, parking bays to be provided and marked out, a construction management plan and cycle parking.*

- Public Health & Protection Services - No comments with regard to these variations.
- South Essex Parking Partnership - Please note that new properties and/or conversions are not eligible to join any resident permit parking schemes.
- Local residents – Four letters of representation have been received. Two from neighbours in Brooklands Walk and two from the neighbouring properties closest to the property to the northeast.

The comments from the neighbours to the northeast include concerns regarding privacy, that the existing garden boundary hedge can be seen through in places and that an existing low brick wall on the northern boundary may become a location for residents to sit.

The more general points are:

- Concern about the use of the premises for young adults with complex needs in relation to nearby housing.
- Concern residents could cause problems to people and their property.
- Concern that occupants may include residents with addiction or violent tendencies.
- Provision of parking for residents and staff.
- Adequate provision of amenity space for residents.

## 6. Planning considerations

6.1. The application has been submitted under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the conditions that are the subject of the application – it is not a complete reconsideration of the application.

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

- a. Is a care facility for adults in need of care as opposed to solely elderly care an appropriate use in a residential area.
- b. Would the lifting of the age restriction and occupation of the premises by younger individuals with generally different care needs result in an unacceptable level of harm to nearby residential occupiers from noise, disturbance or other planning related matters of concern about the use.
- c. Would the proposed lifting of the age restriction lead to a greater demand for car parking such that the five parking spaces to the front of the property would be insufficient and on street parking would occur to the detriment of highway safety.

### ***Policy considerations***

6.2. A care home is a building in residential use where care is provided (Class Use C2). There is no change of use involved with this proposal which solely seeks to remove the age restrictions currently in place so that the premises can cater for younger residents. As things stand in planning terms, the premises could be used to accommodate residents with learning difficulties, autism and complex needs provided female residents had reached the age of 60 and male residents 65, but not if they were under those ages.



- 6.3. The following policies are of relevance to the proposal.
- 6.4. Policy S1 – Spatial Principles requires, amongst other things, that development should be located at well-connected and sustainable locations.
- 6.5. Policy DM29 – Protecting living and working environments concerns the safeguarding of the living environment of occupiers of nearby residential property including at i) that the development shall not result in excessive noise, activity or vehicle movements. Noise is also referenced within part ii) of the policy in the context of pollution.
- 6.6. Policy DM27 – Parking Standards seeks to ensure that appropriate levels of car parking are provided.
- 6.7. Also of some relevance are Policy DM26 - Design Specification for New Dwellings, insofar as it relates to providing sufficient private amenity space and, Policies S3 – Conserving and Enhancing the Historic Environment and DM13 – Designated Heritage Assets, insofar as it relates to conservation areas.

***Principle of Development (Policy S1)***

- 6.8. The lawful use of the site is a care home which is the ‘residential institutions’ use falling within Class C2 of Town and Country Planning (Use Classes) Order 1987 (as amended) (the Order). Class C2 does not just cover care homes. Its scope includes such uses as residential schools, colleges or training centres, hospitals and nursing homes.
- 6.9. The use would not change from C2. The premises would remain as a residential care use within a largely residential area but with the age restriction changed so that younger people can be accommodated.
- 6.10. The Council’s spatial strategy for development (Policy S1) seeks amongst other things to make the best use of previously developed land in the Chelmsford urban area which is accessible, has existing services and public infrastructure. The site is approximately 1.6km from the city centre, in a location where development will be supported subject to compliance with policies which ensure the adequate provision of facilities for development to function properly while providing safeguards to the environment and amenity in the public interest.
- 6.11. As is the case with the current care home for older residents, the proposed change to accommodate younger people would result in a nature of occupation of the premises which would remain acceptable in principle in a residential area and in a location well served for services and public infrastructure.
- 6.12. It is also of note that the Town and Country Planning use Classes Order within the C3 dwelling houses use class, includes at C3 (b) use as a single household of not more than 6 residents where care is provided. The point here being that a residential care use is inherently acceptable in principle within a residential area. The proposal falls outside C3 (b) because more than 6 residents would be accommodated.

***Effect on living conditions of nearby residents (Policy DM29)***

- 6.13. A separate planning permission has been granted for a single storey extension to the existing care home premises (ref 24/00962/FUL). There are no alterations requiring planning permission as part of the current S73 proposal which solely concerns a change to the planning conditions attached to the original planning permission.

- 6.14. Policy DM29 concerns the safeguarding of the living environment of occupiers of nearby residential property including at i) that the development shall not result in excessive noise, activity or vehicle movements; and at ii) that amongst other things, the proposed development avoids unacceptable levels of noise.
- 6.15. The reason stated for the attachment of conditions 3 and 4 to the original 1989 permission is set out at paragraph 3.4 of this report.
- 6.16. In this case the proposal is to retain a use falling within Class C2, one of providing residential accommodation to people in need of care. A total of 12 living spaces (6 self-contained living spaces and 6 communal spaces) would be provided in the renovated and extended property.
- 6.17. The application falls to be determined on its planning merits as now proposed and based on the information provided.
- 6.18. Condition 7 of the planning permission 88/2105 states that *'The total number of elderly persons occupying the premises at any one time shall not exceed 13'*. It is proposed that this condition is amended to continue to limit the number of occupiers to 13, but with the age restriction lifted. This would enable up to 12 residents requiring care and one sleep in member of staff to be accommodated. The proposal would therefore not result in any intensification of the use in that the maximum number of residents would be similar to the current care home use.
- 6.19. Local residents are unlikely to experience any unacceptable levels of noise or disturbance from inside the building. Residents will be able to use the garden where, as in the case of any residential garden, there is potential on occasion for some level of noise to occur and be heard beyond the boundaries of the site.
- 6.20. The applicant has advised that upon moving in residents are required to agree to house rules that include guidance on the use of the garden with specific attention to minimising noise levels to respect the local neighbourhood. Residents using the garden can be monitored when outside and staff should be aware immediately should rules not be followed and can take action to deal with any issue promptly.
- 6.21. Letters of representation from residents, express concern about the potential for unpredictable behaviour of the residents of the new development and the consequences for neighbours' safety and wellbeing.
- 6.22. These concerns about the safety and wellbeing of neighbours are understood but are speculative. It may not necessarily be the case that any issues of concern for nearby residents would arise. The premises would be subject to a management regime to address any issues that may occur. Information from the applicant indicates that management would include 24-hour staffing with typically two staff members on duty at the premises with one staff member available all night for waking night support along with a further sleeping staff member who could be called upon if necessary. The applicant advises that staff are comprehensively trained and well prepared to manage any resident related incidents or emergencies that may arise. An on-call system is in place that includes operational managers, the Group Operations Manager and board members to ensure rapid escalation and support if needed. This system aligns with the organisation's Business Continuity Plan. To enhance safety and security further the applicant has advised that CCTV systems will be installed around the property.
- 6.23. Information has been provided by the applicant in relation to allocations and the inspection regime for the premises.

- 6.24. Essex County Council Adult Social Care has indicated support for the proposals (30 August 2024 letter from Robert Sier, Commissioning Manager Learning Disabilities, Autism, Physical and Sensory Impairments). An Onboarding process needs to be completed. Onboarding is a scheme approval process to ensure that Essex County Council (ECC) are satisfied that the care home would provide a good quality and stable environment so that ECC can proceed with funding and onboarding residents into the facility.
- 6.25. Inspection would be through a continuous inspection model implemented by the Care Quality Commission (CQC) – the independent regulator of health and social care in England. This means that service quality would be monitored on an ongoing basis. The applicant’s agent has advised that the premises will be CQC registered and therefore the service managed through this system. The required standards ensure the appropriate number of staff in relation to specific care requirements and that staff are all appropriately trained and effective in managing the service.
- 6.26. The allocation and inspection regimes both indicate that the premises will be managed in accordance with best practice and will be subject to a robust regime of regulation.
- 6.27. In all, the concerns of a number of local residents about the behaviour of proposed residents unacceptably affecting their living conditions and safety and wellbeing are acknowledged but these are not supported by any substantive evidence. As it stands there is no evidence that the use proposed would operate so that an unacceptable level of harm would occur to the living conditions and wellbeing of nearby residential occupiers. An effective management regime as has been set out by the applicant and would be in place to adequately address any issues that may occur on this site.
- 6.28. It is recognised that the fear of an incident arising can detract from the quality of an area in terms of feelings of well-being and security. Assessment of this application should be based on the likely situation following implementation rather than fears generated by the proposal itself. The proposal is unlikely to so undermine reasonable expectations relating to the use of the surrounding area to make the proposal unacceptable on this basis. The concerns expressed in the representations received regarding the potential behaviours of occupants on and off the premises have been fully considered but any issues that may arise which could impact upon neighbours can be effectively addressed through the management regime of the premises. If problems of noise or behaviour were to still occur, then there are separate legislative and regulatory processes and powers available to the local authority and the police beyond the scope of planning legislation to address these.
- 6.29. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where there are separate regimes, it should be assumed that these will operate effectively and should not be duplicated by planning conditions as these would be unlikely to meet the test of necessity.
- 6.30. Concerns were also raised regarding overlooking of The Lions and Stump Cross properties from the rear garden. The side garden boundary provides screening in the form of hedgerow type planting. To address such concerns the applicant has agreed to erect a screen fence along the north side garden boundary – see condition 7.
- 6.31. The proposal would comply with the requirements of Policy DM29 and subject to effective management would be unlikely to result in an unacceptable impact on the quality of nearby residential living conditions through noise, activity or other disturbance or be likely to materially affect the safety and wellbeing of nearby residential occupiers.

6.32. Policy DM29 Protecting Living and Working Environments of local development plan is also concerned with any adverse physical or noise impacts from the construction and use of a proposed development. Construction noise is not relevant in the case of this application which solely concerns changes to conditions affecting the ages of the potential occupiers.

6.33. The proposed change to the age restriction relating to the premises is considered to comply with Policy DM29 of the local development plan.

***Access and Parking (Policy DM27)***

6.34. The premises are well served by public transport and are accessible on foot and bicycle. The highway authority raises no objection to the proposed variation on the basis that the parking provided with the use is retained. The use as originally permitted includes 5 parking spaces. In granting permission under section 73 the local planning authority may impose new conditions. Conditions are proposed to safeguard retention of parking spaces. Other conditions proposed include restrictions preventing servicing deliveries during peak traffic hours at the beginning and end of the working day and securing cycle parking.

6.35. The proposed development is considered to comply with the adopted Parking Standards and Policy DM27 of the local development plan as no material harm would be likely to arise to highway users as a result of the proposal.

***Amenity Space (Policy DM26)***

6.36. The care home as extended will retain an area of approximately 350sqm of shared garden space to the rear, this is considered satisfactory for the residents of the home and is consistent with Policy DM26 - Design Specification for Dwellings Appendix B of the local development plan.

***Conservation Area (Policies S3 and DM13)***

6.37. The northeast side boundary of the site forms the boundary of the Chelmsford New London Road Conservation Area. The site therefore lies outside but adjacent to the conservation area wherein Policy DM13 – Designated Heritage Assets applies. The proposal which does not include any physical changes, other than the requirement for new north boundary treatment and would not materially affect the character or setting of the adjacent conservation area.

**7. Other Matters - Biodiversity Net Gain**

7.1. The application is exempt from the Biodiversity Net Gain contribution because it is section 73A application submitted under Section 73A of the Town and Country Planning Act 1990.

**8. Community Infrastructure Levy (CIL)**

8.1. This application is not CIL liable.

**9. RECOMMENDATION**

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

**Condition 1**

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

Reason:

In order to achieve satisfactory development of the site.

**Condition 2**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended or re-enacted, the premises shall be used solely as a care home or for supported living.

Reason:

The use of the premises in any other use than proposed may not comply with Policies DM29, DM26, DM27 of the Local Plan

**Condition 3**

Accessed from Moulsham Street, 5 vehicle parking spaces and the associated turning area at the front of the care home shall be retained in this form at all times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the hereby permitted use of the site.

Reason:

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

**Condition 4**

The total number of persons occupying the premises at any one time shall not exceed 13.

Reason:

In order to safeguard the living conditions of nearby residents and ensure sufficient parking is available to serve the development in accordance with Policies DM29 and DM27 of the Chelmsford Local Plan

**Condition 5**

There shall be no servicing deliveries to the premises during the highway network peak hours of 08:00 to 09:30 and 16:30 to 18:30 Monday to Friday.

Reason:

In the interests of highway safety.

**Condition 6**

Within 3 months of the first occupation of the premises as proposed with age restrictions lifted, secure and covered bicycle parking shall be laid out within the site in accordance with details which shall previously have been submitted to and approved in writing by the local planning authority. Those spaces shall thereafter be kept available for the parking of bicycles only.

Reason:

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

**Condition 7**

WEB  
03FCOM

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Within 28 days of the first occupation of the premises as proposed with age restrictions lifted a close vertical boarded fence shall be constructed along the full length of the north-east side rear garden boundary of the application site to provide a solid boundary of 1.8m height.

Reason:

To safeguard the residential living environment of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

### **Notes to Applicant**

- 1 Your attention is drawn to the s.106 agreement attached to planning permission number 88/2105 approved on 14th August 1989 and the clause under The Third Schedule of that agreement which restricts occupation of the premises formally known as Ashley House Moulsham Street, now Daniel Kirby House Care Home. The Third Schedule of the agreement relates to the occupation of the development, in particular to age and number of occupiers. Your proposal would provide assisted living accommodation to all ages, which could be in breach of The Third Schedule of the s.106 agreement. You are advised that formal amendment/variation of the s.106 agreement is required prior to occupation of the units in accordance with this section 73 planning permission.

### **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

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

Site Location Plan

Appendix 2 – Consultations

**Essex County Council Highways**

Comments
<p>25.10.2024 - Your Ref: 88/02105/S73</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:</p> <p>1. The site must retain its current C2 Planning Use and any other mitigation measures agreed in support of the previous full approval must be transferred to this application if approved.</p> <p>The above is 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 and NPPF 2023.</p>

**Public Health & Protection Services**

Comments
<p>02.01.2025 - No PH&amp;PS comments with regard to this variation.</p> <p>25.09.2024 - No PH&amp;PS comments with regard to these variations.</p>

**South Essex Parking Partnership**

Comments
<p>Please note that new properties and/or conversions are not eligible to join any resident permit parking schemes. The South Essex Parking Partnership.</p>

**Local Residents**

Comments
<p>Representations received –</p> <p>WEB 03FCOM</p>

Four representations received.

There is concern for the safety and well-being of the occupiers of nearby property and within the locality. It is understood that the interior of the building will incorporate protective measures to protect it against the unpredictable behaviours of residents. The behaviour of the residents of the care facility could pose a danger to others. The care facility residents' well-being will not be best served by living in a group of up to 12 people with complex needs.

There are also concerns about the robustness of safeguarding and management of the premises in relation to the full range of challenging behaviours that may be displayed by residents.

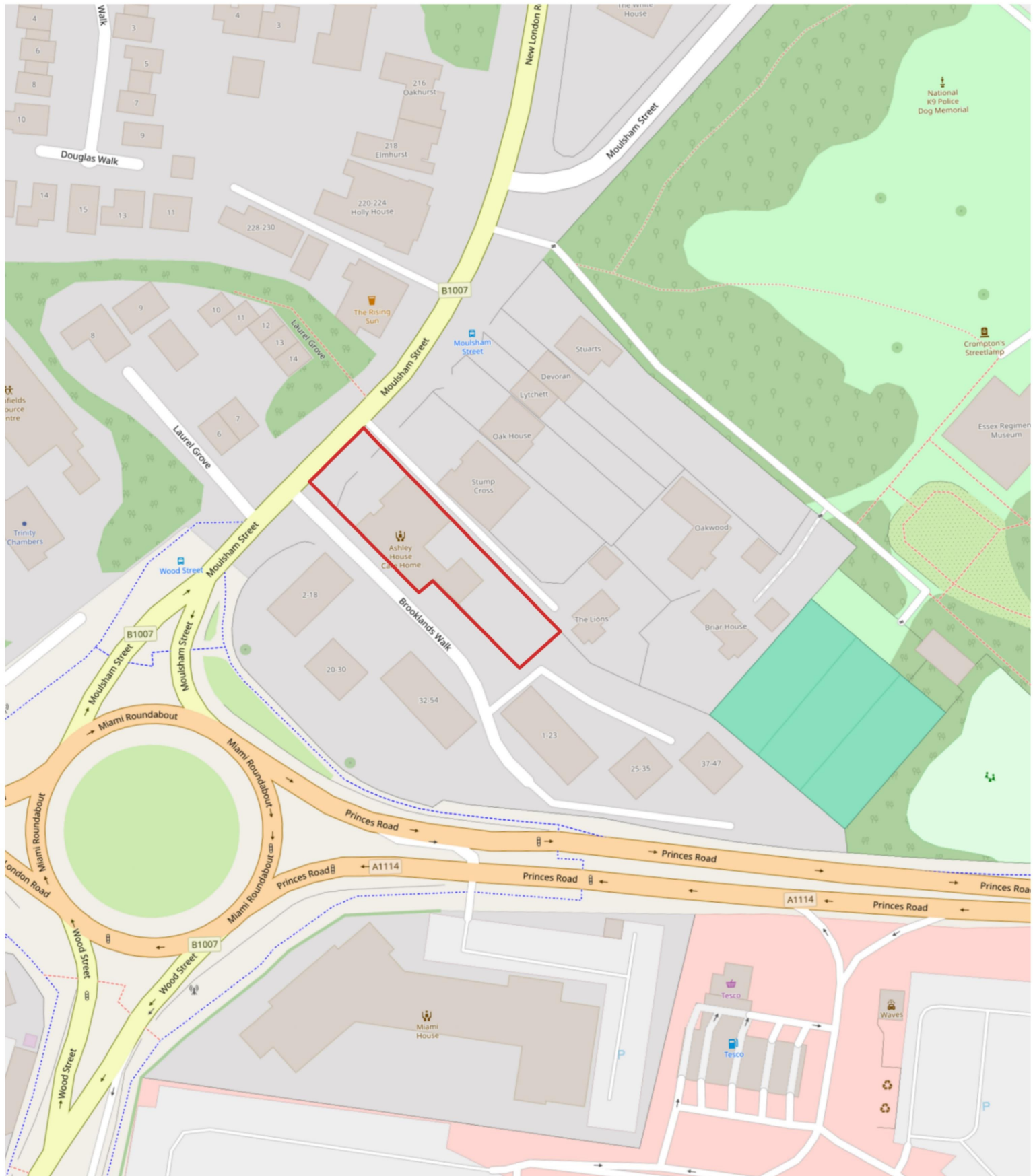
Twelve residents living at the premises would be a large number of people to manage and due to the intensity of the occupation and proximity of neighbouring property is likely to cause noise and disturbance to the detriment of the living conditions of nearby residential property.

The rear garden space would be used by residents, and it should be borne in mind that it will be reduced once the planning permission for the rear extension is implemented.

The north side boundary of the application site includes low walls and a thin hedge. Concern is expressed about loss of privacy so if permission were to be granted there should be a requirement for the applicant to erect a new boundary treatment to safeguard neighbouring property.

The proposal would not provide sufficient car parking to serve the nature of the use now proposed.





# Appeals Report

Appeal Decisions received between 09/01/2025 and 21/01/2025

## PLANNING APPEALS

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

### Written Reps

#### G W Smith Woodham Road Rettendon Chelmsford Essex SS11 7QL

<b>Reference</b>	23/00992/FUL
<b>Proposal</b>	Appeal to vary Condition 8 to planning permission for material change of use of land and buildings from existing Use Class E(g) to an interchangeable use comprising Use Class E(g) or Sui Generis private car sales including the stationing of cars for sale.
<b>Appeal Decision</b>	Appeal Dismissed - 10/01/2025
<b>Key Themes</b>	Impact of opening hours on nearby residential amenity.
<b>Agreed with CCC on</b>	Extension of opening hours on Saturdays and Sunday would unacceptably harm the living conditions of nearby residents; there are no comparable site circumstances which weigh in favour of the appeal.
<b>Disagreed with CCC on</b>	N/a
<b>Costs Decision</b>	None

#### Tinsley Farm Blind Lane West Hanningfield Chelmsford CM2 8UF

<b>Reference</b>	23/02051/FUL
<b>Proposal</b>	Retrospective application for change of use from agriculture to a catering business (Class E(g))
<b>Appeal Decision</b>	Appeal Dismissed - 15/01/2025
<b>Key Themes</b>	Effect of traffic on amenity of local residents
<b>Agreed with CCC on</b>	Traffic generation harmful to amenity
<b>Disagreed with CCC on</b>	None
<b>Costs Decision</b>	None