



**Planning Committee
4th February 2025**

Application No	:	23/01105/FUL Full Application
Location	:	Land West Of The Fox And Raven Chelmer Village Way Chelmer Village Chelmsford Essex
Proposal	:	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.
Applicant	:	Mr Sean Marten Countryside Properties (UK) Limited and Stonebond Properties Ltd
Agent	:	Mr Sean Marten
Date Valid	:	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
21st January 2025**

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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 Area¹, 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.

¹ 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 View 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 21st 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

- 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.
- 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.
- 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, and further information can be requested by emailing cilenquiries@chelmsford.gov.uk. If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

- 6 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">- Consideration should be given to the relevant documents on design out crime and securing safe design- Ground floor amenity spaces should have suitable boundary treatments to ensure security- Consideration should be given to lighting, access/visitor entry systems, provision for mail delivery and physical security measures.

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">- We have reviewed the documents as submitted and have no objection to this application.- From the submitted amended Flood Risk Assessment, we have no further comment. <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

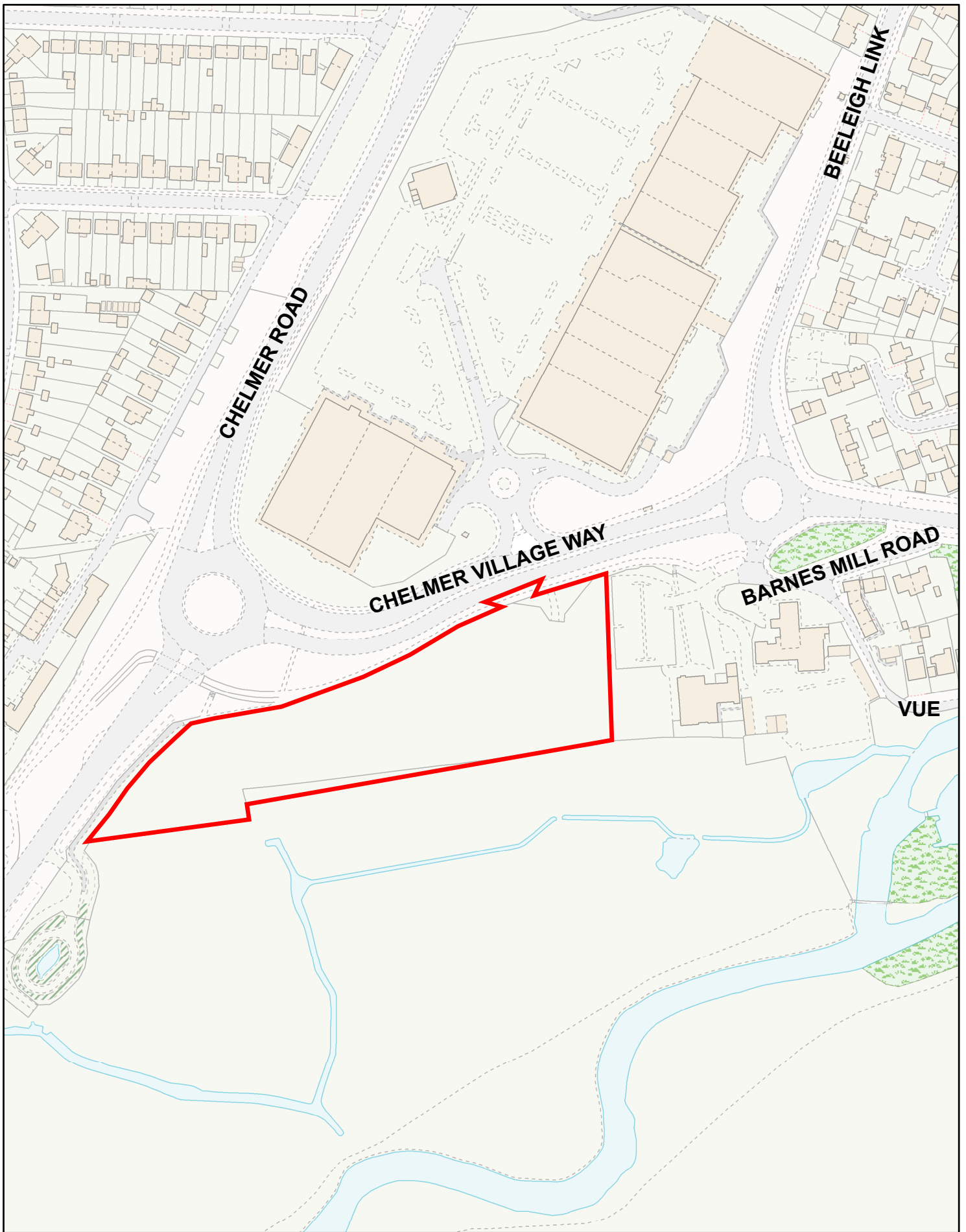
1 representation in support and 143 representations objecting to the proposal. This includes the reconsultation of the application in November 2024 where some representors resubmitted their objections.

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

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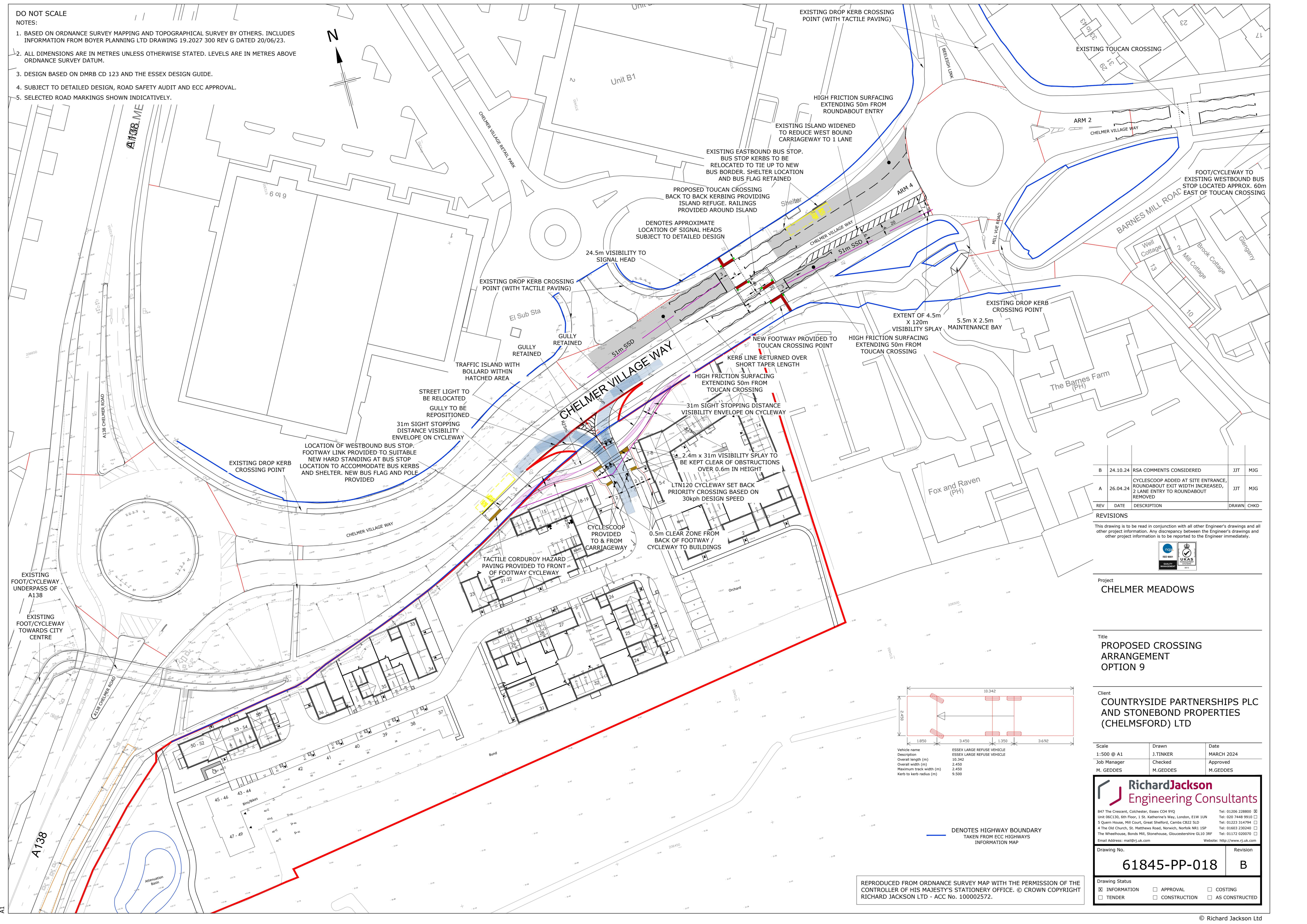
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2. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED. LEVELS ARE IN METRES ABOVE ORDNANCE SURVEY DATUM.
3. DESIGN BASED ON DMRB CD 123 AND THE ESSEX DESIGN GUIDE.
4. SUBJECT TO DETAILED DESIGN, ROAD SAFETY AUDIT AND ECC APPROVAL.
5. SELECTED ROAD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

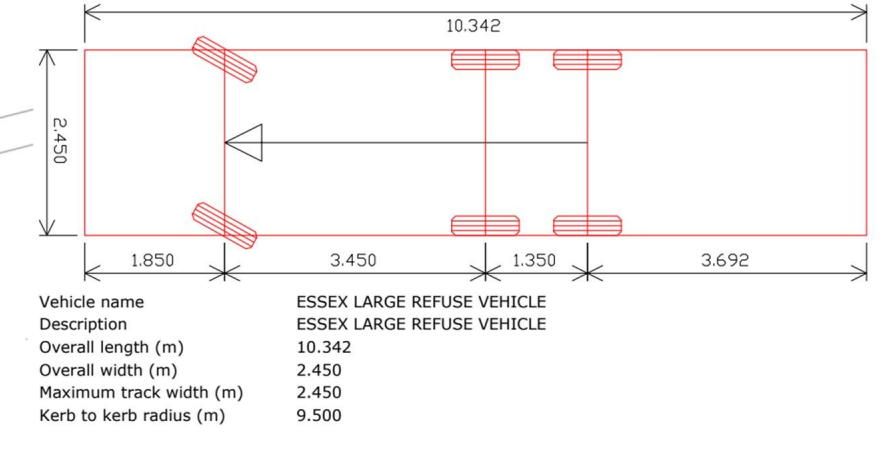


Project
CHELMER MEADOWS

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



Vehicle name: ESSEX LARGE REFUSE VEHICLE
Description: ESSEX LARGE REFUSE VEHICLE
Overall length (m): 10.342
Overall width (m): 2.450
Maximum track width (m): 2.450
Kerb to kerb radius (m): 9.500

— DENOTES HIGHWAY BOUNDARY
— TAKEN FROM ECC HIGHWAYS
INFORMATION MAP

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Richard Jackson
Engineering Consultants

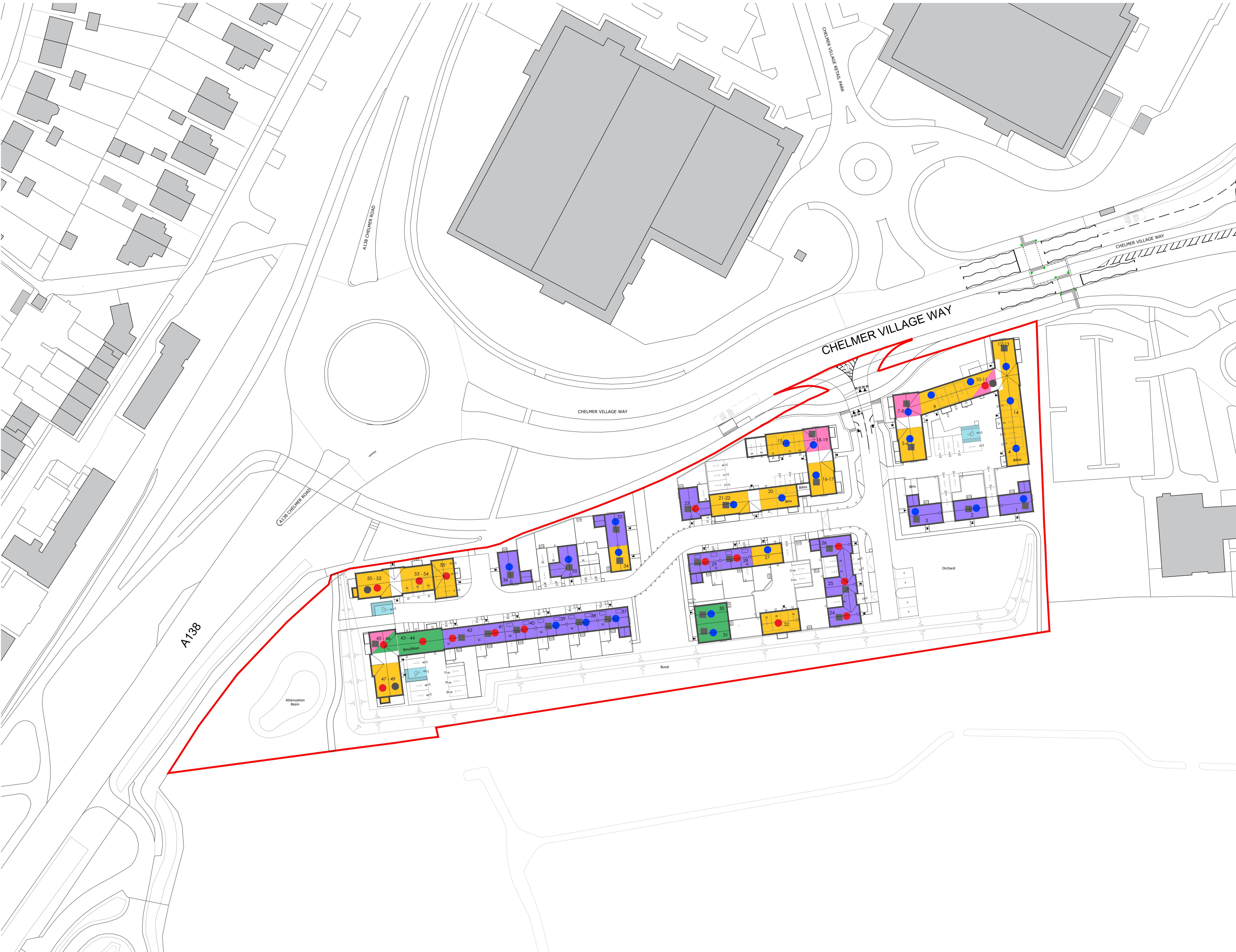
847 The Crescent, Colchester, Essex CO4 9YQ Tel: 01206 228800
Unit 06C130, 6th Floor, 1 St. Katherine's Way, London, E1W 1UN Tel: 020 7448 9910
5 Queen House, Mill Court, Great Shelford, Cambs CB22 5LD Tel: 01223 314794
4 The Old Church, St. Matthews Road, Norwich, Norfolk NR1 1SP Tel: 01603 230240
The 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
61845-PP-018	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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- 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 14 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 Issue	NB	NB

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 90 100 110 120 130 140 150 160 170 180 190 200

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- Key**
- Application boundary (1.67Ha/ 4.13Ac)
 - 1 All modes access from Chelmer Village Way
 - 2 Existing line of trees to be retained
 - 3 Existing hawthorne to be retained
 - 4 Other existing trees along northern edge retained
 - 5 Proposed buffer planting to the west of the site
 - 6 Proposed Size 3 turning head
 - 7 3 storey buildings creating gateway frontage
 - 8 2 storey frontage responding to listed building
 - 9 Proposed pedestrian and cycle access
 - 10 Proposed pedestrian pathways
 - 11 Proposed bus stop
 - 12 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

Rev	Date	Description	Drawn	Chkd
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

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



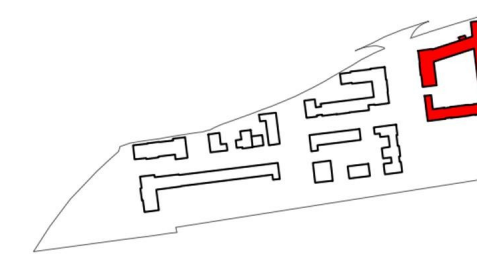
Plots 12 & 13 Plots 10 & 11 Plots 9 & Car Port Plots 7 & 8
North Elevation



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: 0m 5m 10m

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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