



Planning Committee
3rd December 2024

Application No	:	22/00721/FUL Full Application
Location	:	Land Adjacent 14 Creekview Road South Woodham Ferrers Chelmsford Essex CM3 5GU
Proposal	:	Construction of 6 dwellings. Alterations to the existing pond with new aerator and a new playground area.
Applicant	:	C/O Immofin
Agent	:	Mrs Emily Benedek
Date Valid	:	17th May 2022

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1. Executive summary

- 1.1. This application has been referred to the Planning Committee at the request of a local ward member. The reasons for the referral to Committee are:
 - concerns that the development would be harmful to biodiversity;
 - would result in a loss of trees and that there would be conflict between trees on the site and the proposed development;
 - the impact of the pond changes on wildlife; and
 - concern that the site was originally left development free in the original planning of South Woodham Ferrers by Essex County Council.
- 1.2. The site is located within the South Woodham Ferrers Urban Area and forms part of the garden to no. 14 Creekview Road.
- 1.3. The proposal relates to the construction of 6 x two-storey dwellings with associated parking provision.
- 1.4. The proposal is acceptable in principle.
- 1.5. The development would retain protected and non-protected trees while also enabling replacement tree planting.
- 1.6. The design of the proposed dwellings is acceptable.
- 1.7. The relationship between the proposed dwellings and neighbouring properties would be acceptable.
- 1.8. The development would provide acceptable living conditions for future occupiers.
- 1.9. There would not be any ecological harm from the proposals and a 10% Biodiversity Net Gain would be achieved.
- 1.10. The access and parking arrangements for the proposed development would be acceptable.

2. Description of site

- 2.1. The site is located within the South Woodham Ferrers Urban Area. It is a substantial domestic garden positioned to the side of no. 14 Creekview Road and covers an area of 0.3ha. The two-storey property at 14 Creekview Road together with an area of garden area to the south and west side of the house is not located within the application site.
- 2.2. The site is bounded on three sides by residential development and by Creekview Road to the North. Creekview Road effectively forms the edge of built development in South Woodham Ferrers with housing to one side and public open space to the other.
- 2.3. There is a substantial boundary hedge to Creekview Road which prevents views into the garden from the street. There are a number of trees within the site, many of which are visible above the hedge. Tree Preservation Order ref. TPO/2003/046 protects a number of the trees within the site.
- 2.4. An existing vehicular access leads to the site from Creekview Road.

3. Details of the proposal

- 3.1. This application relates to the proposed construction of six dwellings with associated landscaping and parking provision.
- 3.2. The dwellings would be two-storey in height and arranged across the site as two pairs of semi-detached houses and two detached houses.
- 3.3. Access to the site would be taken from the existing access from Creekview Road.
- 3.4. Parking provision for the development would be provided adjacent to the dwellings and in a central parking area. The proposed parking would include two visitor spaces.
- 3.5. The proposals include the provision of a communal play area with play equipment for shared use by the occupants of the proposed houses.

4. Other relevant applications

- 4.1. 20/02055/FUL – Refused 6th August 2021
Construction of 8 new dwellings with associated infrastructure and parking facilities and two ponds.

Appeal dismissed 7th September 2023

The Inspector raised no issues with the principle of residential development at the site. The Inspector however determined that the proposals would result in a loss of protected and non-protected trees within the site which would result in harm to the character and appearance of the area, contrary to Chelmsford Local Plan Policy DM17.

- 4.2. 18/05938/DD - No objection 3rd July 2018

Dead Willow – remove

- 4.3. 19/05182/TPO - Approved 11th November 2019

Willow x 3 (forming part of G1TPO/2003/46 and referred to in attached Tree Report as T1, T2 and T3)

- Willow (T1) - north of pond - Fell and remove stump - Reason: extensive cavities throughout stem. Large cavity 1.8 metres from ground level on southern side of main stem. Replant with one Weeping Willow.
- Willow (T2) - adjacent to pond - Fell and remove stump - Reason: woodpecker holes up main stem. Replant with one Weeping Willow.
- Willow (T3) - adjacent to pond - Fell and remove stump - Reason: fungal fruiting bodies located at base of tree on south east side. Extensive cavities throughout stem. Hanging branch from pollard failure point on northern side. Replant with one Weeping Willow.

- 4.4. Conditions attached to both applications approving works to trees within the site (refs. 18/05938/DD & 19/05182/TPO) require replacement planting to be undertaken within the site. The approved tree works have been undertaken on the site and the required replacement planting has been incorporated into the proposals contained within the current planning application.

5. Summary of consultations

- Public Health & Protection Services –
 - The proposed development is situated on the site of an infilled former clay pit/tileworks and is also adjacent to a site identified on the Environment Agency mapping as having been subject to landfilling/land raising. The exact age and material used for both sites is unknown and therefore, as a precautionary measure, the construction of the ground floor must incorporate a proprietary gas-impermeable membrane (methane & carbon dioxide) instead of the usual damp proof membrane. The membrane should be installed as per manufacturer's instructions, fully lapped to the damp proof course and sealed around any service entries.

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).
- Environment Agency –
 - No objection.
- Recycling & Waste Collection Services –
 - No response received.
- Essex Wildlife Trust Ltd –
 - No response received.
- South Woodham Ferrers Town Council –
 - The Town Council Objects to this application based on the comments of the 31 July 2022 and 1 June 2022, in addition that this area is not marked for development in the Chelmsford Local Plan, Adopted Neighbourhood Plan or MasterPlan and is shown in all cases as being green space. We also believe that it fails to meet the vehicular standards for Essex in layout of roads and design. Concerns over the reduction in the size of the existing pond which has had uncontrolled reduction in size over time. We do not believe it meets the 10% gain in biodiversity even with the additional proposed planting areas.
- ECC Historic Environment Branch –
 - The Essex Historic Environment Record (HER) shows that the proposed development site lies in an area likely to contain archaeological remains. Specifically, the development area is located within the site of a historic brickworks associated with The Woodham Ferris Brick Company.
 - The pond present on the proposed development site is in the location of a backfilled clay pit.
 - Archaeological remains relating to the industrial activity on the site may survive below-ground, in the form of kilns or building remains, and would be negatively impacted by the groundworks associated with the proposed development.
 - In view of this, it is recommended that Archaeological Evaluation is undertaken in accordance with Para 205 of the National Planning Policy Framework.
- Essex County Council Highways –
 - This application for 6no. dwellings follows the previous application 20/02055/FUL for 8no. dwellings.
 - The proposed residential development would be served by a private drive.

- This Highway Authority recommendation is consistent with the previous recommendation for approval having special regard to accommodate the Inspectors comments regarding the site layout, made at Appeal.
 - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of conditions.
- Local residents -
Representations received from 27 individuals. 23 raising objections and 4 in support of the proposals.
Objections received:
 - Dwelling designs out of character with existing properties
 - Likely to increase traffic and parking along Creekview Road
 - Loss of privacy to neighbouring properties
 - Noise disturbance to neighbouring properties
 - Loss of light to neighbouring properties
 - Over development of the plot
 - Harm to protected species and wildlife
 - Harm to trees including protected trees and the existing landscape
 - Potential flooding due to loss of trees and alterations to pond
 - Devaluation of properties surrounding the site
 - Would not deliver biodiversity net gain
 - Views will be ruined by this development
 - Loss of green public space to development
 - Tree protection orders have been ignored
 - Proposal does not align with corporate plan 'Our Chelmsford, Our Plan' or the Essex Joint Health & Wellbeing Strategy
 - Covenant requiring the land to be open space and not be developed
 - Amendments to the scheme do not overcome objections

Comments made in support:

- Ideal plot for development
- Contribution to housing demand
- Nature reserve close by for wildlife
- Privately owned land no accessible to public therefore no loss of public space
- Ample parking, including visitor parking, EV charging facilities
- No justification as to how 6 properties would increase the congestions / parking on Creekview Road
- Not out of character in terms of density

6. Planning considerations

Main Issues

- 6.1. Whether the development is acceptable in principle.
- 6.2. The effect of the proposed development on the character and appearance of the area with particular regard to trees.
- 6.3. Whether the development would have an acceptable design.
- 6.4. Whether the relationship between the proposed development and neighbouring properties would be acceptable.

- 6.5. Whether the proposed development would provide acceptable living conditions for future occupiers (Design Standards).
- 6.6. Consideration is also given as to whether there would be any harmful impacts in respect of ecology on the site.
- 6.7. It is necessary to consider whether the proposed development would have an acceptable vehicular access and parking provision within the site.

Principle of development

- 6.8. The application site is located within South Woodham Ferrers Urban Area where the principle of development is acceptable. The construction of six new dwellings on this site would be acceptable in principle provided that they meet all other policy requirements including compatibility with the character of the area, design, ecology and trees, parking and neighbour relationships.
- 6.9. The application site comprises the garden to no. 14 Creekview Road. It is part of a residential parcel of land and does not have any public right of access.

The effect of the proposed development on the character and appearance of the area with particular regard to trees

- 6.10. Part A of Chelmsford Local Plan Policy DM17 relating to Protected Trees and Woodland states: "Planning permission will be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Consideration will also be given to the impact of a development on aged or veteran trees found outside ancient woodlands."
- 6.11. The application site is located to the north of the Cornwallis Road residential development. It is a relatively large site measuring 0.3 hectares in size and forms part of the large garden area of No. 14 Creekview Road. The site contains a manmade pond to the rear, which appears to have been created following an historic use of the site as a brickworks, plus large trees some of which are covered by a tree preservation order. It is accessed via an existing access point off Creekview Road.
- 6.12. The application site, as a large garden, is an open feature which provides an amenity value within the estate. However, the land is not a community recreational site and is privately owned, forming part of the garden of No. 14 Creekview Road. It is also noted that the pond cannot be readily seen from the surrounding estate due to the high evergreen hedge which surrounds the site.
- 6.13. The Inspector when dismissing the previous appeal considered that the scheme for 8 dwellings would have an adverse impact on the character and appearance of the area, with particular reference to the unacceptable loss of trees within the site.
- 6.14. The appeal decision does not indicate that the development of the site is unacceptable in principle however it was determined that the amount of trees, both protected and non-protected, which would have been removed to facilitate the 8 dwelling development would result in harm to the character and appearance of the area.

- 6.15. This scheme for 6 dwellings has been revised since the dismissal of the 8 dwelling appeal. Additional and revised arboricultural information has also been received in respect of the revised scheme.
- 6.16. The amended plans have accounted for prior comments regarding liveability concerns between the proposed dwellings and trees on the site, nuisance from leaf drop and other detritus, encroachment of the Root Protection Area (RPA) and replacement planting. These revisions include the addition of a roof to the car port, relocating the playground from under the canopy of trees, slight movement of plots away from RPAs and previously conditioned replacement planting now indicated on the plans.
- 6.17. To facilitate the proposed development the application now only proposes the removal of 3 category C trees (T14, T15 and T41) as well as the partial removal of hedges H01, H02, immediately adjacent to the access to the site, and crown lifting of T48 Willow. The works proposed are acceptable and the proposed loss of trees and vegetation would not be visible beyond the immediate area. The majority of the trees within the site would now be retained which is a significant change from the appeal scheme and the original drawings for 6 dwellings on this site.
- 6.18. The site retains the majority of the mature and semi-mature trees with some incursion into the RPA proposed. These areas are predominantly no dig with a multi-dimensional confinement systems. It is noted within table 4 of the Arb. Impact Statement (p.7) that an incursion of 42.3 % would impact T43, but when comparing this to the arboricultural impact assessment plan this appears to be an error and is a lesser incursion than has been documented and therefore acceptable.
- 6.19. The proposals also include the reshaping of the pond on the site. The pond has a broadly round shape and it is proposed to infill the northernmost area but extend the pond further to the south. It would have an irregular shape and be extended into the area around the trees at the south of the site.
- 6.20. Although the new area of pond would be near to existing and newly planted trees it would be outside the RPA of the trees. The area to be infilled would also be outside the RPA of existing trees adjacent to the pond. It is therefore not necessary for the impact of the structural change and difference in water availability to be addressed within the report. The reshaping of the pond would not impact the trees on the site.
- 6.21. The plans have now been updated to include four trees to be planted to comply with conditions from applications and notification of works to preserved trees refs. 18/05938/DD & 19/05182/TPO. Details of the tree works permitted by these applications are set out in the Planning History section earlier in this report.
- 6.22. The proposals would not result in harm to the protected trees on the site and also provides for replacement planting for trees which have previously been granted consent to be removed. The character of the area would be maintained through the retention of protected and non-protected trees within the site in accordance with the requirements of Chelmsford Local Plan Policies DM17 and DM23.

Design

- 6.23. Chapter 12 of the National Planning Policy Framework (NPPF) sets out the objectives towards achieving well-designed places. Point a) of para 135 identifies that planning policies and decisions should ensure that development will function well and add to the overall quality of the area. Points b) and c) continue that developments should be visually attractive as a result of good architecture and layout as well as being sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 139 states that development that is not well designed should be refused.
- 6.24. Policy DM23 relating to design requires new development to respect “the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.” Part B of this policy requires all new buildings to be of a high quality design and compatible with the character and appearance of the area.
- 6.25. The South Woodham Ferrers Neighbourhood Plan (SWF NP) states that “Development proposals which will deliver high quality design in the built form and the surrounding landscape and in keeping with the Essex vernacular” which meet the two identified criteria in the policy, will be supported.
- 6.26. The proposed houses would all have the same design and appearance and would be arranged as two pairs of semi-detached, staggered properties and two detached properties. They would have rectangular footprints and would be two and a half storeys with a maximum height of 9.5m. They would have a narrow span and pitched roofs over which run from front to back. This reflects the form and scale of a number of dwellings in the vicinity of the site which are generally vernacular with a rectangular footprint with span across the narrow dimension.
- 6.27. Whilst the proposed dwellings would have a modern appearance, in part as a result of the external materials that are proposed, the design approach takes its cues from the design of the houses within the surrounding estate. As a result, the design and appearance of the dwellings is compatible with the existing built form in the wider area and is acceptable and complies with both National and Local Planning Policies in respect of good design.

Neighbour relationship

- 6.28. Policy DM29 requires development proposals to safeguard the living environment of occupiers of nearby residential property. Appendix B of the Local Plan sets out distance standards for new development in relation to existing, neighbouring properties. These standards are designed so that where proposed development has a parallel relationship with the front or rear of existing properties, sufficient distance is achieved between them to avoid overlooking, overshadowing or overbearing impacts occurring to existing properties.
- 6.29. If proposed development does not have a parallel relationship with existing properties, depending on the specific site conditions and development proposed, the distances between the existing and proposed properties can be reduced as direct views between windows would not occur.
- 6.30. The design and position of the proposed dwellings take into account the existing properties which are located adjacent to the boundaries of the application site.

- 6.31. In respect of development for this application, the proposals show that dwellings would be side-on to, at an angle to, or positioned in locations which are not parallel to, the existing dwellings around the site. Therefore, while some of the distances between the proposed dwellings and their rear boundary or to the neighbouring properties may not meet the distances set out in Appendix B, the relationship between the existing and proposed development would nonetheless be acceptable.
- 6.32. Unit 3 has no first floor windows facing the properties to the south and only a window serving the staircase at second floor level. A distance of approximately 17m would exist between the staircase window and the existing property to the east, no. 22 Creekview Road.
- 6.33. The rear elevations of Units 5 and 4 would face towards the parking/turning area which forms a gap between nos. 26 and 28 Cornwallis Drive. The proposed units would not have a direct front to back relationship with the existing dwellings. The first-floor window to Unit 5 serves a bathroom. It is expected that bathroom windows would be obscure glazed for privacy and this can be achieved by way of a planning condition on any approval. The first-floor bedroom window to Unit 4 would also face towards the parking and turning area between 26 & 28 Cornwallis Drive. As such it would not have a direct line of sight towards the windows of the existing properties.
- 6.34. The distances which would exist between the proposed dwellings and the existing properties, would be sufficient to prevent materially adverse overshadowing or overbearing impacts occurring to the occupants of existing neighbouring properties. The proposals therefore comply with the requirements of Policy DM29.

Whether the proposed development would provide acceptable living conditions for future occupiers (Design Standards)

- 6.35. Policy DM26 requires all new dwellings to comply with criteria in respect of achieving suitable privacy and living environment for residential occupiers, achieving sufficient private amenity space, meeting appropriate internal space and providing appropriate and well designed recycling and waste storage. Standards are set out Appendix B to the Local Plan and the above criteria must be in accordance with those standards.
- 6.36. The submitted plans indicate that all habitable rooms would have windows in walls which would provide both natural light to the rooms and adequate outlook for future occupants.
- 6.37. The Nationally Described Space Standards (NDSS) have been incorporated into the adopted Local Plan and all new dwellings are required to comply with these standards. A schedule of areas is provided on the proposed drawings which identifies that each property would have a gross internal floor (GIA) area of 126sqm.
- 6.38. The proposed dwellings would each be a four-bedroom, seven-person property with accommodation over three storeys. The NDSS standards require a minimum GIA of 121sqm for such a property and the proposed dwellings would comply with this.
- 6.39. An area of private garden would be provided for each proposed dwelling. The garden areas would exceed the minimum standard of 80sqm for the provision of amenity space for a property of the size proposed.
- 6.40. The proposed block plan indicates an area within the garden to each property for the storage of refuse and recycling. This would be large enough to accommodate the required bins etc and

would be in an appropriate location to enable future occupants to place the bins adjacent to the highway for collection.

- 6.41. The proposed dwellings would comply with the standards set out in Appendix B and Policy DM26.

Ecology

- 6.42. The Preliminary Ecological Appraisal (PEA) submitted with this application found that the site is not likely to support protected or notable species and habitats, and no further surveys are recommended. In the time since the PEA was undertaken, the land has continued to be maintained as residential garden with the grass regularly mown. The condition of the site has therefore been maintained as it was at the time the PEA was undertaken and there is no evidence to suggest that there would be any change to the ecological status of the site since that time.
- 6.43. The current proposals would result in only three category C trees and a relatively short length of hedge being removed. The remainder of the trees within the site would be retained with previously required replacement planting also being incorporated within the site. Areas of wildflower planting are also proposed.
- 6.44. The application pre-dates the national requirement for planning applications to achieve a Biodiversity Net Gain (BNG) however the application was submitted with proposals which indicate that a 10% BNG would occur. The most recently received information which has been updated in light of the revised plans for the development still indicates that a 10% BNG would be obtained within the site.
- 6.45. The proposals would not result in any detrimental impact to protected species or their habitat and would achieve a 10% Biodiversity Net Gain. The development would comply with the requirements of Policy DM16.

Access and Parking provision

- 6.46. Para 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
b) safe and suitable access to the site can be achieved for all users;
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.47. Para 115 continues that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 6.48. Policy DM27 – Parking Standards states "The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009), or as subsequently amended, when determining planning applications."
- 6.49. The SWF NP Policy DC3 states that parking should be unobtrusive and in locations that benefit from natural surveillance. Key principles for integrating parking are set out in the policy.

- 6.50. Essex County Council as the Local Highway Authority (LHA) has been consulted on the proposals. Following revisions to the access arrangements with Creekview Road, the LHA has indicated that subject to the imposition of conditions, the proposal is acceptable from a highway transportation perspective. There would not be any highway safety issues arising from the proposed development.
- 6.51. In respect of the proposed parking provision, there would be a sufficient number of parking spaces provided within the site for each of the new dwellings in addition to two visitor spaces. The parking spaces would either be located adjacent to the proposed dwellings or in the centre of the site. The spaces would be appropriately located for the properties that they would serve and in positions which would enable natural surveillance to occur from the dwellings.
- 6.52. The parking provision would comply with the adopted parking standards and Policy DM27.

Other Matters

Play Area

- 6.53. The application includes a proposed children's play area. This has been indicated to be located to the rear of Unit 3. The play area would be for communal use by the occupants of this six-property development, and it is not proposed that it would be a public play area.
- 6.54. No details of the equipment have been provided with the application and it would be necessary to impose a condition on any approval for details of the play equipment to be approved by the Council prior to its installation. This would ensure that the play equipment would be acceptable with regard to its size and position in relation to both proposed and neighbouring properties.

Flood Zones

- 6.55. In common with some other areas of South Woodham Ferrers the application site is located within Flood Zones 2 and 3. Policy DM 18 relating to Flooding/SUDS specifies in Parts A & B that:
- A) Planning permission for all types of development will only be granted where:
- i. it can be demonstrated that the site is safe from all types of flooding, either because of existing site conditions or through flood risk management from the development, now and for the lifetime of the development; and
 - ii. it does not worsen flood risk elsewhere.
- B) In addition to above Part A) development within areas of flood risk will be required to:
- i. provide a safe means of escape or suitably manage risk through some other means; and
 - ii. manage surface water run-off so that the run-off rate is no greater than the run-off prior to development taking place or, if the site is previously developed, development reduces run-off rates and volumes as far as is reasonably practical;
- and
- iii. locate the most vulnerable development in areas of lowest flood risk unless there are overriding reasons for not doing so.
- 6.56. A Flood Risk Assessment (FRA) has been submitted with the application and the Environment Agency (EA) has been consulted on this. The EA have no objections to the proposals. It is noted that South Woodham Ferrers benefits from flood defences.

- 6.57. The FRA contains details of a completed sequential test and exception test. Sufficient information has been provided within the FRA to demonstrate that the sequential and exception tests have been met.
- 6.58. The FRA also includes details of the proposed building design for flood resilience and the height of finished floor levels to ensure that the ground floor would be higher than the undefended flood level. Subject to conditions requiring that the internal floor levels and the building construction are in accordance with these details, the development would have sufficient resilience in the event of a flood event.
- 6.59. The FRA concludes that the proposals should provide a safe place to live over its lifetime and should not increase the risk of flooding elsewhere.
- 6.60. The application documents therefore demonstrate that the development would be acceptable within the flood zones and would not result in flooding of land outside of the site. The proposals comply with the requirements of Policy DM18.

RAMS

- 6.61. Chapter 15 of the National Planning Policy Framework (NPPF) requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided adequate mitigation, or, as a last resort, compensation for, then planning permission should be refused.
- 6.62. Chelmsford Local Plan Policy DM16 requires that Developments that are likely to have an adverse impact (either individually or in combination with other developments) on European Designated Sites must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoiding or mitigating against impacts where identified.
- 6.63. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Prior to RAMS completion, the authority will seek contributions, where appropriate, from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitats Regulations and Habitats Directive.
- 6.64. The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to a European designated site, in this case specifically the Blackwater and the Crouch & Roach Estuary Special Protection Areas and RAMSAR sites. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development. A RAMS payment has been made by the Applicant to address the need for mitigation for the dwellings which would be created by the proposal.
- 6.65. The proposal development complies with the objectives of Chapter 15 of the NPPF and Chelmsford Local Plan Policy DM16.

Sustainable Buildings

- 6.66. Chelmsford Local Plan Policy DM25 requires all new dwellings to incorporate sustainable design features. These are that the dwellings shall meet the Building Regulations optional requirement

for water efficiency of 110litres/person/day and that Electric Vehicle charging point infrastructure of 1 charging point per unit shall be provided. This requirement can be secured by the imposition of a condition on any approval.

7. Community Infrastructure Levy (CIL)

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

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site.

Condition 3

a) No demolition, development or preliminary ground works shall take place within the site until a written scheme of investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.

b) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation and a copy of the final report of findings has been submitted to and approved in writing by the local planning authority.

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 4

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

- (i) completed metric calculation tool;
- (ii) pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale);

- (iii) biodiversity net gain register reference numbers (if purchasing off-site units); and
- (iv) proof of purchase if purchasing statutory biodiversity credits.

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

Reason:

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

Condition 5

Prior to any construction works, details of the building construction design for flood resilience shall have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure that the development is constructed in accordance with Building Design for flood safety to comply with Policy DM18 of the Chelmsford Local Plan.

Condition 6

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; and
- The finished ground floor levels in relation to the required levels set out in the Flood Risk Assessment

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 and in accordance with Building Design for flood safety in accordance with Policies DM23 and DM18 of the Chelmsford Local Plan.

Condition 7

An updated copy of the Flood Warning and Evacuation Plan shall be provided to each dwelling prior to the first occupation of the development.

Reason:

To ensure that the occupants are aware of the Flood Warning and Evacuation Plan details in accordance with Policy DM18 of the Chelmsford Local Plan.

Condition 8

The development hereby permitted shall be constructed using a proprietary gas-impermeable membrane under any ground-bearing floor slabs. The membrane shall be installed as per manufacturer's instructions, lapped to the damp-proof course and fully sealed around any service entries. Alternatively, a beam and block suspended floor with a ventilated under-floor void shall be used.

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 9

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

Reason:

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

Condition 10

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

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

Reason:

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

Condition 11

Details of the proposed pond aerator (including manufacturer's details and proposed location) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and operation. The development shall then be carried out in accordance with the approved details and retained as such thereafter.

Reason:

The application does not contain details of the aerator and to ensure that the equipment is acceptable in proximity to residential properties in accordance with Policy DM29 of the Chelmsford Local Plan.

Condition 12

Prior to installation, details of the play equipment to be installed on the site 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 in the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policies DM23 and DM29 of the Chelmsford Local Plan.

Condition 13

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;

- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- e) Management details and a five year maintenance plan.

Reason:

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

Condition 14

In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled “Arboricultural Method Statement” and dated 18 June 2024.

Reason:

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

Condition 15

The trees as shown on the approved drawing U-J11760-A-6.3 Arbtech TPP -5 shall be protected by a barrier erected in accordance with BS 5837: 2012 - Trees in relation to design, demolition and construction - Recommendations Figure 2. The fence shall be erected before the commencement of any clearing, demolition and building operations. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area.

Reason:

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

Condition 16

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

Reason:

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

Condition 17

Notwithstanding the details shown on the approved plans, prior to the first occupation of the dwellings hereby permitted, electric vehicle charging points shall be installed and retained at a rate of one charging point per dwelling in accordance with details that shall have been previously submitted to and agreed in writing by the local planning authority.

Reason:

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

Condition 18

The internal site access shown on the approved drawing shall be constructed to a standard capable of carrying a 26 tonne vehicle.

Reason:

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

Condition 19

No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. U-J11760-A-6.0 rev 11 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

Reason:

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

Condition 20

Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and the access road within the development site shall have been constructed, as shown in principle on drawing no. U-J11760-A-10.7.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner and for the additional pedestrian traffic generated within the highway as a result of the proposed development in the interest of highway safety.

Condition 21

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 22

The areas of hardsurfacing hereby permitted shall be constructed using a permeable surface or shall include drainage to prevent discharge of surface water onto the Highway.

Reason:

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

Condition 23

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

Reason:

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

Condition 24

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:

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

Condition 25

The first-floor windows serving the first-floor bathrooms to each dwelling shall be:

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

Reason:

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

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 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 4 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.

- 5 The site lies within an area of archaeological interest. Accordingly, the applicant is requested to contact the Essex County Council Historic Environment Management Team (Waste, Recycling and Environment) at County Hall, Duke Street, Chelmsford, on 01245 437632 prior to any works commencing on site, to agree a watching brief and afford the Council reasonable facilities to inspect the proposed excavation works.
- 6 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.
- 7 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 8 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at www.chelmsford.gov.uk/streetnaming. Enquires can also be made to the Address Management Officer by emailing Address.Management@chelmsford.gov.uk

Positive and Proactive Statement

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:

U-J11760-A-6.1/11
U-J11760-A-1.1/11
U-J11760-A-2.1/11
U-J11760-A-6.0/11
U-J11760-A-6.3/11
U-J11760-A-6.4/11
U-J11760-A-6.7/11
U-J11760-A-6.5/11
U-J11760-A-6.6/11
U-J11760-A-8.1/11
U-J11760-A-8.2/11
U-J11760-A-9.8/11
U-J11760-A-9.1/11
U-J11760-A-9.2/11
U-J11760-A-9.3/11
U-J11760-A-9.7/11
U-J11760-A-9.4/11
U-J11760-A-9.5/11
U-J11760-A-9.6/11
U-J11760-A-10.1/11
U-J11760-A-10.2/11
U-J11760-A-10.3/11
U-J11760-A-10.4/11
U-J11760-A-10.5/11
U-J11760-A-10.6/11
Biodiversity Net Gain Assessment/10 October 2024
Stage 1 Road Safety Audit
U-J11760-A-10.7
TRK07/C
Flood Risk Assessment/Revision 2
Flood Warning and Evacuation Plan

Public Health & Protection Services

Comments
<p>25.05.2022 - The proposed development is situated on the site of an infilled former clay pit/tileworks and is also adjacent to a site identified on the Environment Agency mapping as having been subject to landfilling/land raising. The exact age and material used for both sites is unknown and therefore, as a precautionary measure, the construction of the ground floor must incorporate a proprietary gas-impermeable membrane (methane & carbon dioxide) instead of the usual damp proof membrane. The membrane should be installed as per manufacturers instructions, fully lapped to the damp proof course and sealed around any service entries.</p> <p>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).</p>

Environment Agency

Comments
<p>01.08.2022 -</p> <p>CONSTRUCTION OF 6 DWELLINGS. ALTERATIONS TO THE EXISTING POND AND NEW PLAYGROUND AREA.</p> <p>LAND ADJACENT 14 CREEKVIEW ROAD SOUTH WOODHAM FERRERS CHELMSFORD ESSEX CM3 5GU</p> <p>Thank you for your consultation dated 24 May 2022. We have inspected the application as submitted and have no objection, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below. Flood Risk</p> <p>Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for 6 three-storey dwellings, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).</p> <p>Flood Risk Assessment To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced S19-513/FRA - Revision 2 and dated December 2020, are: Actual Risk</p> <ul style="list-style-type: none"> o The site lies outside the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.

o The site does benefit from the presence of defences. The defences have an effective crest level of 4.66m AOD which is below the defended 0.5% (1 in 200) annual probability flood level including climate change. However floodwater does not reach the site and therefore the site is not at actual risk of flooding in this event.

o Finished ground floor levels have been proposed at 5.20m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change and therefore is dry of flooding in this event.

o Flood resilience/resistance measures have been proposed up to 5.31m AOD.

o Finished first floor levels have been proposed at an unknown height. By adding 2.5 metres to the finished ground floor level, we can estimate the finished first floor levels to roughly be 7.70m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level including climate change.

o The site level is 4.70m AOD and therefore flood depths on site are 0m in the 0.5% (1 in 200) annual probability flood event including climate change.

o Therefore assuming a velocity of 0.5m/s the flood hazard is very low hazard in the 0.5% (1 in 200) annual probability flood event including climate change.

o Therefore this 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 0.5% (1 in 200) annual probability including climate change flood event. A Flood

Evacuation Plan has been proposed.

o Compensatory storage is not required.

Residual Risk

o The FRA does not explore the risk of a breach of the defences. Our data shows that in a worst-case scenario the site could experience undefended flood depths of up to 0.65 metres during the 0.5% (1 in 200) annual probability including upper end allowance for climate change (up to 2122) breach flood event and up to 0.86 metres during the 0.1% (1 in 1000) annual probability including upper end allowance for climate change (up to 2122) breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

o Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including upper end allowance for climate change (up to 2122).

o Finished ground floor levels have been proposed at 5.20m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including upper end allowance for climate change (up to 2122) of 5.35m AOD and therefore at risk of flooding by 0.15m depth in this event.

o Flood resilience/resistance measures have been proposed up to 5.31m AOD which is 0.04m below the 0.5% (1 in 200) annual probability breach flood level including upper end allowance for climate change (up to 2122).

o Finished first floor levels have been proposed at an unknown height. By adding 2.5 metres to the finished ground floor level, we can estimate the finished first floor levels to roughly be 7.70m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including upper end allowance for climate change (up to 2122) of 5.56m AOD.

o A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.

o This application site is at risk from reservoir flooding. Reservoir flooding is extremely unlikely to happen providing the reservoir is appropriately managed and maintained. All large raised reservoirs designated as 'high-risk' and those where the risk is still to be determined must be inspected and supervised by reservoir panel engineers. The Environment Agency are the enforcement authority for the Reservoirs Act 1975 and under this Act it is a requirement that reservoirs are inspected regularly and essential safety work is carried out. However, the failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water with little or no warning. The local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir. The Planning Practice Guidance states that Local planning authorities are advised to consult with their emergency planning officers as early as possible regarding any planning applications which have implications for emergency planning. Where issues affecting emergency services are identified it may be relevant to contact the local resilience forum which prepare for local incidents and catastrophic emergencies. Or in some cases, it may be appropriate for the local planning authority to consult the emergency services on specific emergency planning issues related to new developments. Local planning authorities are also advised to consult with the owners/operators of raised reservoirs, to establish constraints upon safe development.

Guidance for Local Council

Safety of Building - Flood Resilient Construction

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

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

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding> Safety of inhabitants - Safety of Building

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

buildings will be constructed to withstand these water pressures. Safety of Inhabitants - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG). We have considered the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. This indicates that there will be: - A danger to most people (e.g. there will be danger of loss of life for the general public) This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services on the evacuation proposals.

Partnership funding for new/upgraded defences

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application. Sequential and Exception Tests The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance. Other Sources of Flooding

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

We trust this information is useful

23.06.2022

CONSTRUCTION OF 6 DWELLINGS. ALTERATIONS TO THE EXISTING POND AND NEW PLAYGROUND AREA.

LAND ADJACENT 14 CREEKVIEW ROAD SOUTH WOODHAM FERRERS CHELMSFORD ESSEX CM3 5GU

Thank you for your consultation dated 24 May 2022. We have inspected the application as submitted and have no objection, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below. Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for 6 three-storey dwellings, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

Flood Risk Assessment To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced S19-513/FRA - Revision 2 and dated December 2020, are: Actual Risk

- o The site lies outside the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- o The site does benefit from the presence of defences. The defences have an effective crest level of 4.66m AOD which is below the defended 0.5% (1 in 200) annual probability flood level including climate change. However floodwater does not reach the site and therefore the site is not at actual risk of flooding in this event.
- o Finished ground floor levels have been proposed at 5.20m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change and therefore is dry of flooding in this event.
- o Flood resilience/resistance measures have been proposed up to 5.31m AOD.
- o Finished first floor levels have been proposed at an unknown height. By adding 2.5 metres to the finished ground floor level, we can estimate the finished first floor levels to roughly be 7.70m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level including climate change.
- o The site level is 4.70m AOD and therefore flood depths on site are 0m in the 0.5% (1 in 200) annual probability flood event including climate change.
- o Therefore assuming a velocity of 0.5m/s the flood hazard is very low hazard in the 0.5% (1 in 200) annual probability flood event including climate change.
- o Therefore this 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 0.5% (1 in 200) annual probability including climate change flood event. A Flood Evacuation Plan has been proposed.
- o Compensatory storage is not required.

Residual Risk

o The FRA does not explore the risk of a breach of the defences. Our data shows that in a worst-case scenario the site could experience undefended flood depths of up to 0.65 metres during the 0.5% (1 in 200) annual probability including upper end allowance for climate change (up to 2122) breach flood event and up to 0.86 metres during the 0.1% (1 in 1000) annual probability including upper end allowance for climate change (up to 2122) breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

o Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including upper end allowance for climate change (up to 2122).

o Finished ground floor levels have been proposed at 5.20m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including upper end allowance for climate change (up to 2122) of 5.35m AOD and therefore at risk of flooding by 0.15m depth in this event.

o Flood resilience/resistance measures have been proposed up to 5.31m AOD which is 0.04m below the 0.5% (1 in 200) annual probability breach flood level including upper end allowance for climate change (up to 2122).

o Finished first floor levels have been proposed at an unknown height. By adding 2.5 metres to the finished ground floor level, we can estimate the finished first floor levels to roughly be 7.70m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including upper end allowance for climate change (up to 2122) of 5.56m AOD.

o A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.

o This application site is at risk from reservoir flooding. Reservoir flooding is extremely unlikely to happen providing the reservoir is appropriately managed and maintained. All large raised reservoirs designated as 'high-risk' and those where the risk is still to be determined must be inspected and supervised by reservoir panel engineers. The Environment Agency are the enforcement authority for the Reservoirs Act 1975 and under this Act it is a requirement that reservoirs are inspected regularly and essential safety work is carried out. However, the failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water with little or no warning. The local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir. The Planning Practice Guidance states that Local planning authorities are advised to consult with their emergency planning officers as early as possible regarding any planning applications which have implications for emergency planning. Where issues affecting emergency services are identified it may be relevant to contact the local resilience forum which prepare for local incidents and catastrophic emergencies. Or in some cases, it may be appropriate for the local planning authority to consult the emergency services on specific emergency planning issues related to new developments. Local planning authorities are also advised to consult with the owners/operators of raised reservoirs, to establish constraints upon safe development.

Guidance for Local Council

Safety of Building - Flood Resilient Construction

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

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

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding> Safety of inhabitants - Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures. Safety of Inhabitants - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG). We have considered the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. This indicates that there will be: - A danger to most people (e.g. there will be danger of loss of life for the general public) This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services on the evacuation proposals.

Partnership funding for new/upgraded defences

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

The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance. Other Sources of Flooding

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

We trust this information is useful

14.10.2022 -

CONSTRUCTION OF 6 DWELLINGS. ALTERATIONS TO THE EXISTING POND AND NEW PLAYGROUND AREA.

LAND ADJACENT 14 CREEKVIEW ROAD SOUTH WOODHAM FERRERS CHELMSFORD ESSEX CM3 5GU

Thank you for your consultation dated 20 September 2022. We have reviewed the new information as submitted and have no further comments. The information provided in our response dated 1 August 2022, referenced AE/2022/127137/01.

We trust this information is useful.

Recycling & Waste Collection Services

Comments

No response received

Essex Wildlife Trust Ltd

Comments

No response received

South Woodham Ferrers Town Council

Comments

31.07.2022 - The Planning Committee of South Woodham Ferrers Town Council still OBJECTS to this application on the all the previous grounds with the additional points

1.The addition of an aerator to the pond is materially changing the pond from a natural feature to a more ornamental one and should not be allowed.

2. The pond is being moved to try accommodate the development and as a natural pond it should stay where it is naturally located.

3. The placing of a play area next to the pond is unsafe for young children and should not be allowed.

4. The pond needs to remain in its natural setting.

01.06.2022 - The Planning Committee of South Woodham Ferrers Town Council OBJECTS to this application. The key reasons for the refusal of the previous application 20/02055 (for 8 houses) still apply for this application :

The proposed application would result in a 45% net loss in biodiversity across the site. This can only be mitigated by off site compensation which goes against the principles of the mitigation hierarchy. The off site compensation would not overcome the significant harm to biodiversity that would be caused by the proposal.

The layout of the proposed development would result in significant harm to biodiversity. This harm could not be avoided through any of the mitigation options as set out in the mitigation hierarchy which has not been correctly followed. The proposal would therefore fail to comply with the requirements of Policy DM16 of the Local Plan and the NPPF.

The proposal would remove protected and non-protected trees from the site. It proposes to plant some new trees in their place. The replacement planting is based numerically and would not compensate for the value provided by the existing trees, which will take many years to replace. Fourteen of the trees are proposed in rear gardens. There is no guarantee of successful tree retention when planting occurs within private amenity spaces. The trees also have the potential to impact future liveability for future residents which could result in pressure to remove them. The additional requirement for replacement planting for the protected trees which has also not been addressed adequately.

The proposed development of the site results in conflicts and creates a poor relationship with retained, mature trees. The tree loss cannot be adequately compensated for either. The development therefore would be contrary to DM17 of the Chelmsford Local Plan and the aims of the NPPF to retain existing trees.

The changes to the pond would have a drastic effect on existing wildlife.

The area is a green space of importance to local residents.

There is considerable opposition from local residents.

The area was specifically left free of building in the design brief for the area by the then planning authority Essex County Council because of its value as open space and wildlife benefit.

31.07.2024 - The Town Council Objects to this application based on the comments of the 31 July 2022 and 1 June 2022, in addition that this area is not marked for development in the Chelmsford Local Plan, Adopted Neighbourhood Plan or MasterPlan and is shown in all cases as being green space. We also believe that it

fails to meet the vehicular standards for Essex in layout of roads and design. Concerns over the reduction in the size of the existing pond which has had uncontrolled reduction in size over time. We do not believe it meets the 10% gain in biodiversity even with the additional proposed planting areas.

ECC Historic Environment Branch

Comments

20.09.2022 - Specialist Archaeological Advice

Dear Sir/Madam,

RE: 22/00721/FUL ' Construction of 6 dwellings. Alterations to the existing pond with new aerator and a new playground area.

Land Adjacent 14 Creekview Road, South Woodham Ferrers

Thank you for reconsulting the Historic Environment Advisor for Chelmsford City Council on the above application.

Our recommendation remains the same as our previous letter, dated 8th June 2022.

08.06.2022 - Dear Sir/Madam,

RE: 22/00721/FUL - Construction of 6 dwellings. Alterations to the existing pond and new playground area.

Land Adjacent 14 Creekview Road South Woodham Ferrers

The above application has been identified on the weekly list by the Historic Environment Advisor for Chelmsford City Council as having archaeological implications.

The Essex Historic Environment Record (HER) shows that the proposed development site lies in an area likely to contain archaeological remains. Specifically, the development area is located within the site of a historic brickworks associated with The Woodham Ferris Brick Company. The brickworks were established in 1898 but were short-lived; by the time of the 1920 OS map they are labelled as "disused".

The brickworks had an associated landing creek and the majority of the bricks were transported by barge to locations such as Battlesbridge, as well as further afield. The bricks are recorded as having been fired in clamps, although there may also have been a kiln for firing tiles. The pond present on the proposed development site is in the location of a backfilled clay pit.

Archaeological remains relating to the industrial activity on the site may survive below-ground, in the form of kilns or building remains, and would be negatively impacted by the groundworks associated with the proposed development.

In view of this, the following recommendation is made in line with the National Planning Policy Framework, paragraph 205:

RECOMMENDATION: Archaeological Evaluation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. 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.

The required work comprises an archaeological trial-trenching evaluation, to be carried out prior to the commencement of the development, focusing on the footprints of the proposed dwellings. If this evaluation exposes significant archaeological remains then a further stage of archaeological excavation and/or monitoring may then be necessary. The City Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief will be produced from this office detailing the work required on request, and must be acquired prior to the production of a Written Scheme of Investigation.

Essex County Council Highways

Comments
<p>13.11.2024 - Your Ref: 22/00721/FUL</p> <p>Our Ref: CO/EGD/SD/RM/CHL/22/721/48038</p> <p>Date:- 13th November 2024</p> <p>' This application for 6no. dwellings follows the previous application 20/02055/FUL for 8no. dwellings.</p> <p>' The proposed residential development would be served by a private drive.</p> <p>' This Highway Authority recommendation is consistent with the previous recommendation for approval having special regard to accommodate the Inspectors comments regarding the site layout, made at Appeal.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none">1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities.
- v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary, ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

Note - MUD / DEBRIS ON HIGHWAY

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

. Prior to occupation of the development the principle vehicular access and access road to the development, shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the shown in the Amended Block Plan, drawing no. U-J11760-A-10.7 and to include:

i. Provision of dropped kerb vehicular crossing at the vehicular access shown in principle Amended Block Plan drawing:

' To facilitate improved the vehicular swept path for refuse vehicles and other similar heavy goods vehicles entering/leaving the development, and to achieve the same swept path conditions as drawing no. TRK07 Revision B, Vehicle Swept Path Analysis, submitted with planning application 20/02055/FUL:

o The dropped kerb width shall be increased accordingly, details to be agreed with the Development Management Team prior to reconstruction of the vehicular access.

ii. The developer to pay the costs of all necessary traffic regulation orders and legal processes associated with the highway works.

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

iv. The developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and for the additional pedestrian traffic generated within the highway as a result of the proposed development in the interest of highway safety in accordance with policy DM1.

3. Prior to first occupation of the development, the vehicular turning facility 30 metres south of the Creekview Road carriageway, shown in the Amended Block Plan, drawing no. U-J11760-A-10.7, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

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

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

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

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

6. Prior to first occupation of the development, the 12no. off-street vehicle parking spaces shown in the Amended Block Plan, drawing no. U-J11760-A-10.7, has been constructed and appropriately hard surfaced in accordance with EPOA Parking Standards ready for use. The vehicle parking areas shall be retained in this form at all times.

Reason: To encourage the off-street parking and to ensure adequate space for parking off the highway is provided and to avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policies DM8 and DM1.

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

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

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

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

General

I. Prior to any works taking place in public highway, the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.

II. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any

potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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

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

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

Please Include the Informatives:

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

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

Local Residents

Comments

Representations received from 27 individuals. Full details of all the comments are available on the Council's website. A summary of the points raised are included in the report.



0 12.5 25 50 Metres

1:1,250



Planning Committee
22/00721/FUL

Planning & Development Management
Directorate for Sustainable Communities

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

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Telephone: 01245 606826



Existing Block Plan



Proposed Block Plan

Rev No.	Date	Description
11	22/10/2024	Revision 11
10	08/10/2024	Revision 10
9	30/09/2024	Revision 9
8	20/05/2024	Revision 8
7	01/05/2024	Revision 7
6	20/11/2023	Updating Landscape and Master Plan
5	25/09/2023	Updating landscape and masterplan
4	13/09/2022	Car parking and landscaping

Notes:

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Dwg No
U-J11760-A-6.0

Drawn
MV

Drawing
Block Plan

Checked
UPP

Scale
1:500 @ A3

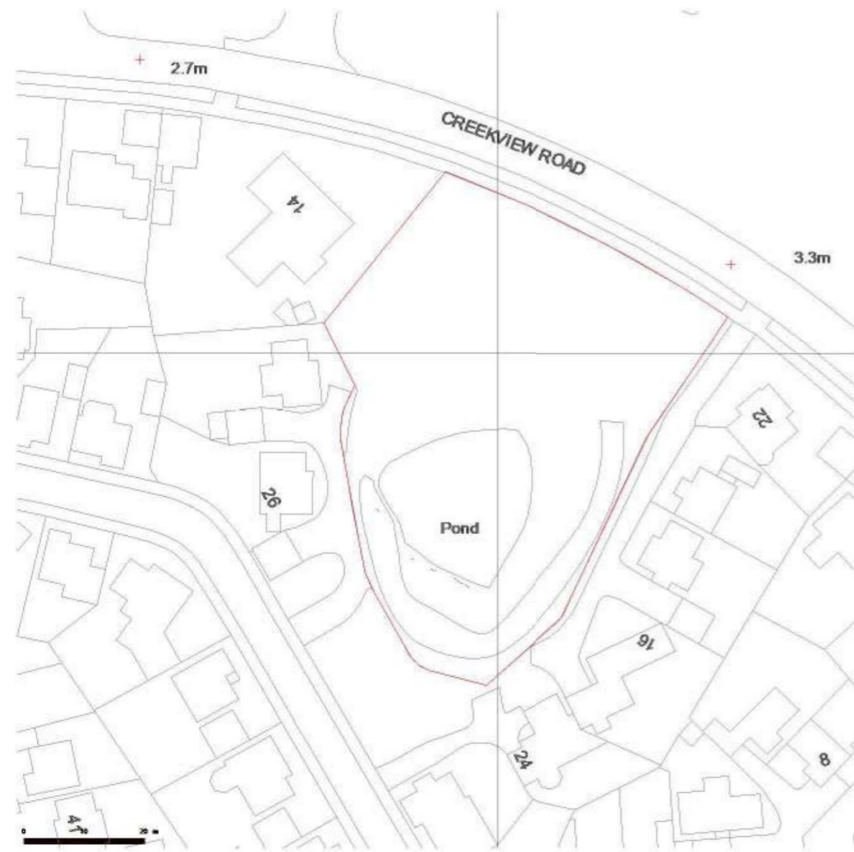
Issue Date
05.07.2024



Project Address
Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client
M&D Properties Investment Ltd

Status
Planning



Location Plan
1 : 1250



Site Plan
1 : 500

Rev No.	Date	Description
11	22/10/2024	Revision 11
10	08/10/2024	Revision 10
9	30/09/2024	Revision 9
8	20/05/2024	Revision 8
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Dwg No **U-J11760-A-1.1** Drawn **MV**

Drawing **Location Plan** Checked **UPP**

Scale **As indicated @ A3** Issue Date **05.072024**



Project Address
Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client **M&D Properties Investment Ltd** Status **Planning**



11	22/10/2024	Revision 11
10	08/10/2024	Revision 10
9	30/09/2024	Revision 9

Rev No.	Date	Description
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Dwg No
U-J11760-A-9.8 Drawn
MV

Drawing
Detailed Carport Checked
UPP

Scale
1:100 @ A3 Issue Date
05.072024

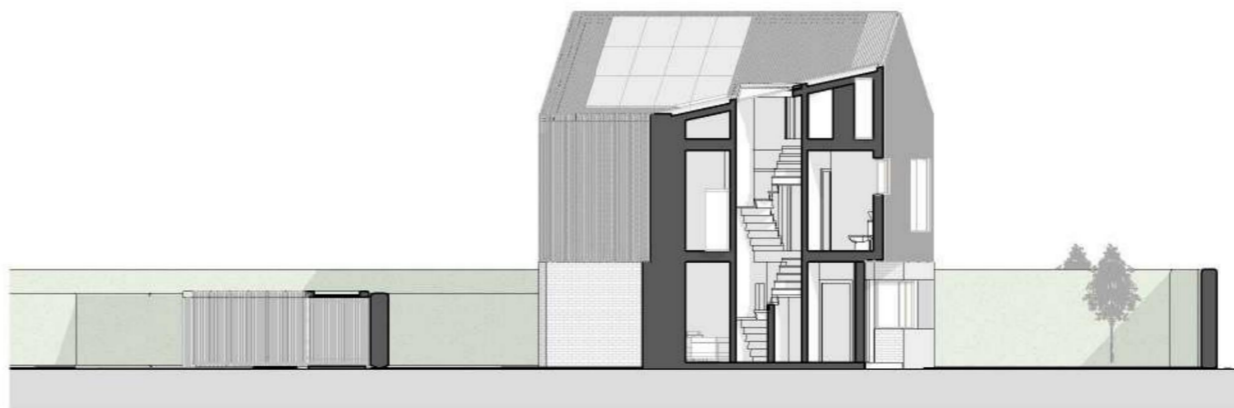


Project Address
Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client
M&D Properties Investment Ltd Status
Planning



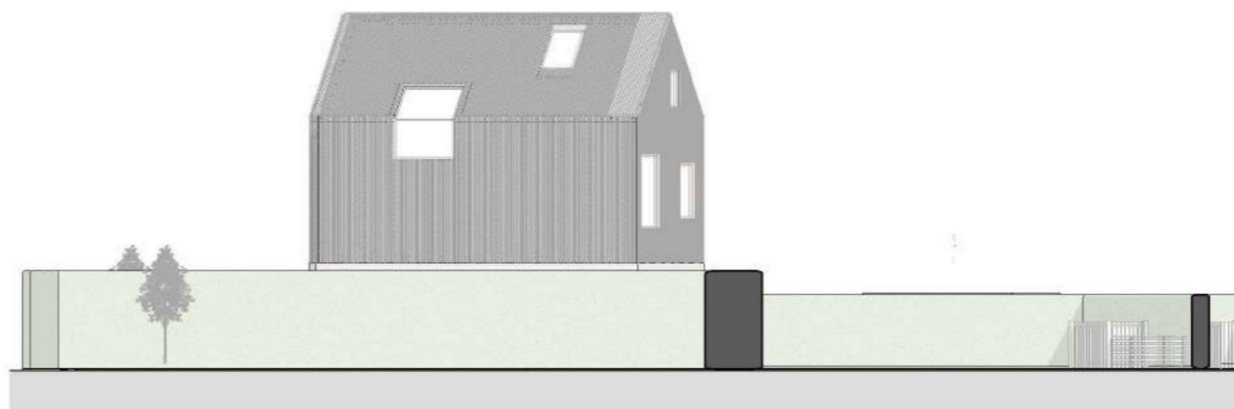
- Proposed North Elevation



- Proposed East Elevation



- Proposed South Elevation



- Proposed West Elevation

Rev No.	Date	Description
11	22/10/2024	Revision 11
10	08/10/2024	Revision 10
9	30/09/2024	Revision 9
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5	25/09/2023	Updating landscape and masterplan
4	13/09/2022	Car parking and landscaping

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Dwg No **U-J11760-A-9.3** Drawn **MV**

Drawing **Detailed Units Elevation and Visualization** Checked **UPP**

Scale **1:200 @ A3** Issue Date **05.072024**

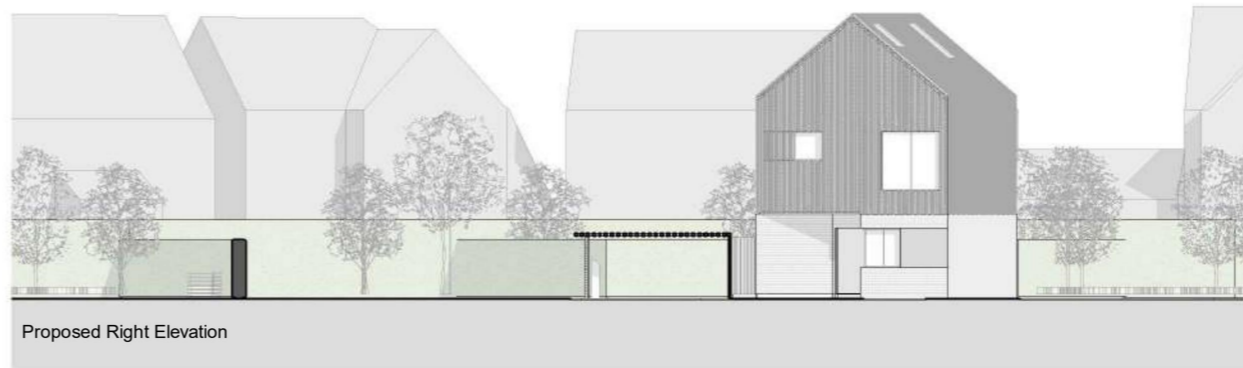


Project Address
Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client **M&D Properties Investment Ltd** Status **Planning**



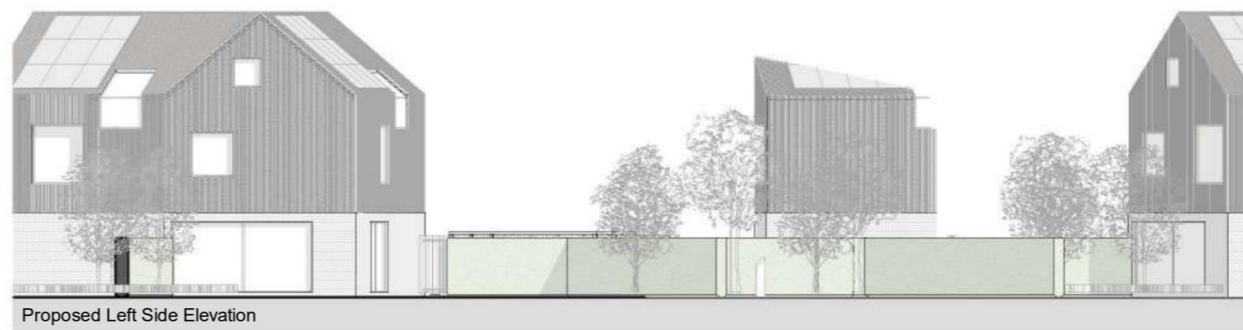
Proposed Front Elevation



Proposed Right Elevation



Proposed Rear Elevation



Proposed Left Side Elevation

Rev No.	Date	Description
11	22/10/2024	Revision 11
10	08/10/2024	Revision 10
9	30/09/2024	Revision 9
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Dwg No **U-J11760-A-9.6** Drawn **MV**

Drawing **Detailed Units Elevation and Visualization** Checked **UPP**

Scale **1:250 @ A3** Issue Date **05.072024**



Project Address
Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client **M&D Properties Investment Ltd** Status **Planning**



Rev No.	Date	Description
11	22/10/2024	Revision 11
10	08/10/2024	Revision 10
9	30/09/2024	Revision 9
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Dwg No U-J11760-A-10.1	Drawn MV
Drawing Proposed Visualization	Checked UPP
Scale @ A3	Issue Date 05.072024

Project Address
 Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client M&D Properties Investment Ltd	Status Planning
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Rev No.	Date	Description
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Dwg No U-J11760-A-10.2	Drawn MV
Drawing Proposed Visualization	Checked UPP
Scale @ A3	Issue Date 05.072024

Project Address
 Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client M&D Properties Investment Ltd	Status Planning
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11	22/10/2024	Revision 11
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Rev No.	Date	Description
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Dwg No	Drawn
U-J11760-A-10.6	MV

Drawing	Checked
Proposed Visualization	UPP

Scale	Issue Date
@ A3	05.072024

Project Address
Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client	Status
M&D Properties Investment Ltd	Planning

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 0208 202 9996
 Atrium, Stables Market,
 Chalk Farm Road, London,
 NW1 8AH





Cellweb System

SCHEDULE OF AREAS

UNIT 01	4B7P	126 sqm
UNIT 02	4B7P	126 sqm
UNIT 03	4B7P	126 sqm
UNIT 04	4B7P	126 sqm
UNIT 05	4B7P	126 sqm
UNIT 06	4B7P	126 sqm

11	22/10/2024	Revision 11
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Dwg No
U-J11760-A-6.3 Drawn
MV

Drawing
Proposed Ground Floor Checked
UPP

Scale
1:250 @ A3 Issue Date
05.072024



Project Address
Land adjacent to 14 Creekview Road, Chelmsford, CM3 5GU

Client
M&D Properties Investment Ltd Status
Planning