

Planning & Environment COMMITTEE A G E N D A

**For a Meeting to be held on Tuesday 27th May 2025
at 7.30pm
at Champions Manor Hall, Hullbridge Road,
South Woodham Ferrers**

**Membership:
Councillor M O Brien Chairman
Councillor S Wilson Vice-Chairman**

Councillor M Sismey
Councillor P Ferry
Councillor A Shearring

Councillor G Piesse
Councillor J Birch
Councillor I Roberts

Councillor A John
Councillor D Thompson
Councillor P Price

Local residents are welcome to attend this meeting. At the meeting, your elected Councillors will take decisions affecting YOU, the Community, and the Town. At the beginning of the meeting there is an opportunity for you to make representations, answer questions and give evidence in respect of any item of business on the agenda. The public may participate for up to 15 minutes for this purpose. If you have any queries, please telephone the Town Clerk on 01245 321 817. Please join us.

**Karen Atkins
Town Clerk
21st May 2025**



1. Apologies if Absence

To RECEIVE apologies for absence.

2. Dispensation considerations

To consider any dispensations, as required. Standing Order 12. Dispensation requests shall be in writing and submitted to the Town Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

3. Declarations of Interest

Any Member declaring an interest is asked to state whether this is a pecuniary registerable or non-registerable interest. Clarification, if required, can be sought prior to the meeting with the Chairman or the Town Clerk.

4. Confirmation of Minutes

To APPROVE the minutes of the meeting held on 29th April 2025 as a true record.

5. Public Questions

In accordance with Standing Order 3.e to allow up to 15 minutes for members of the public to make representations, answer questions and give evidence in respect of any item of business covered by the Committees terms of reference. At the close of this item members of the public will no longer be permitted to address the Committee; Members with pecuniary interests will also not be permitted to speak, address the Committee on those interests and must leave the meeting when the item in relation to their interest is being discussed.

6. Budgetary Position

The budgetary position on 21/05/2025 is attached to the agenda.

7. Previous Planning Decisions and Appeals

- To note the City Council planning decisions which differ from the Town Council recommendations will be circulated prior to the meeting.
- Chelmsford City Council did not send a consultation invite for Planning Application 25/00419/FUL at Nootka Old Wickford Road South Woodham Ferrers Chelmsford Essex CM3 5QU for a single storey rear and side extension. A decision was made and the application was permitted. An explanation from Chelmsford City Council has been requested.

8. Planning Applications

To consider and agree comments on the planning applications as detailed on the list circulated and displayed on the Town Council noticeboards and website.

9. Items to Note

- The Town Clerk has contacted Cllr Rose Moore regarding attending a future Planning & Environment meeting to discuss concerns over the management of trees and green spaces in the town. Awaiting a reply.
- The Town Clerk has contacted McCarthy Stone to request a resident/community meeting at Champions Manor Hall to provide a briefing on proposals and more detailed plans and imagery. McCarthy Stone have confirmed on 21/5/25 that they will be confirming a date shortly.

10. Fen

Committee to consider the Fen report. Environment Officer to update.

11. Woodland Trust

Committee to discuss an initiative by Woodland Trust for free trees for schools and communities.

Delivery in November 2025 and accepting applications and closing date August 2025.

www.woodlandtrust.org.uk/plant-trees/schools-and-communities/

12. Report to Council

To note items for report to the next Council meeting is on 17th June 2025.

13. Media Coverage

To consider whether any items on this agenda warrant a media release and if applicable agree a Councillor to comment.

14. Next Meeting

The next meeting of the Planning and Environment Committee will be on 24th June 2025 at 7.30pm.

Detailed Income & Expenditure by Budget Heading 21/05/2025

Month No: 2

Cost Centre Report

	Actual Year To Date	Current Annual	Variance Annual	Committed Expenditure	Funds Available	% Spent
300 Environment General						
4325 Litter Control	81	3,500	3,419		3,419	2.3%
4328 Tree Works	450	8,000	7,550		7,550	5.6%
4505 Open Spaces Maintenance	159	2,500	2,341		2,341	6.3%
4506 Open Spaces Maint. (John Cox)	1,054	13,000	11,946		11,946	8.1%
4700 Street Furniture & Signage	0	4,000	4,000		4,000	0.0%
4705 Hanging Baskets	0	13,000	13,000		13,000	0.0%
4710 Roundabout Sponsorship	0	2,000	2,000		2,000	0.0%
4715 Road Safety	0	1,800	1,800		1,800	0.0%
4720 Fenn Maintenance	170	10,000	9,830		9,830	1.7%
Environment General :- Indirect Expenditure	1,913	57,800	55,887	0	55,887	3.3%
Net Expenditure	(1,913)	(57,800)	(55,887)			
310 Garden of Remembrance						
1300 Garden of Remembrance Income	8,308	14,300	5,992			58.1%
Garden of Remembrance :- Income	8,308	14,300	5,992			58.1%
4010 Water	0	150	150		150	0.0%
4760 GoR Supplies	500	5,000	4,500		4,500	10.0%
4765 GoR Maintenance	369	6,000	5,631		5,631	6.1%
4770 GoR Security	0	5,200	5,200		5,200	0.0%
Garden of Remembrance :- Indirect Expenditure	869	16,350	15,481	0	15,481	5.3%
Net Income over Expenditure	7,440	(2,050)	(9,490)			
Grand Totals:- Income	8,308	14,300	5,992			58.1%
Expenditure	2,782	74,150	71,368	0	71,368	3.8%
Net Income over Expenditure	5,526	(59,850)	(65,376)			
Movement to/(from) Gen Reserve	5,526	(59,850)	(65,376)			

Planning Differences for Meeting 27th May 2025

25/00498/FUL 32 Manor Road

Proposed two storey front and rear extensions.

SWFTC Cllr.: DT

SWFTC Minute: PE-25-216

"The Planning and Environment Committee OBJECTS to this application on the grounds of over development, lack of green space and existing outbuilding without planning permission.

Policy DM29

- i. safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing

Policy DM23

- A. Development must be compatible with its surroundings having regard to scale,

- ii. ... are compatible with the character and appearance of the area, and also where relevant the host building, in terms of their siting, scale..."

Chelmsford City Council: Application Permitted

See attached Officer Report and Decision Notice from Chelmsford City Council.

25/05066/TPO 24 The Spinnaker

T7 - Reduce branches by 3.0m - Reason: Tree close to house and has been used by squirrels to enter loft;

T8 - Reduce branches by 2.5m - Reason: To reduce shading to neighbouring property and maintain uniform.

SWFTC Cllr.: AS

SWFTC Minute: PE-25-216

"No Objection"

Chelmsford City Council: Split Decision

See attached Officer Report and Decision Notice from Chelmsford City Council.

25/00369/FUL 6 Warwick Parade, Clements Green Lane

Extraction flue to the rear to use unit as fish and chips restaurant.

SWFTC Cllr.: GP

SWFTC Minute: PE-25-216

"The Planning and Environment Committee OBJECTS to this application. Extraction flue to the rear to use unit as fish and chips restaurant.

The proposal to install an extraction flue at 6 Warwick Parade, South Woodham Ferrers, enabling the operation of a Fish and Chip restaurant with seating for 24, raises significant concerns due to its impact on the surrounding residential area.

Noise: The restaurant's proposed hours (11 am–11 pm) will likely cause disturbances, including noise from diners, queues, and delivery drivers. These issues, compounded by potential anti-social behaviour if alcohol is served, were not fully considered in the noise report. This contravenes DM29 (ii).

Smells: While the flue aims to reduce odours, fish aromas will likely still affect nearby residents, especially during breezy weather. Furthermore, practices such as leaving doors open on hot days will exacerbate the problem, breaching DM29 and DM30 by impacting air quality and residents' wellbeing.

Parking: Warwick Parade's 25 parking spaces are already insufficient, often leading to overflow parking on pavements and blocking driveways. The restaurant's customers, takeaway drivers, and delivery services will exacerbate this congestion, creating additional safety and accessibility issues.

Economic and Safety Concerns: The claim of job creation is questionable, given the area is already well-served by similar food outlets. Increased competition may harm existing businesses. Additionally, the restaurant's higher fire risk could elevate insurance premiums for neighbouring properties, particularly the residential flats above."

Chelmsford City Council: Application Permitted.

See attached Officer Report and Decision Notice from Chelmsford City Council.



DECISION MADE BY THE DIRECTOR OF SUSTAINABLE COMMUNITIES

Application No	:	25/00498/FUL Full Application
Location	:	32 Manor Road South Woodham Ferrers Chelmsford Essex CM3 5PT
Proposal	:	Proposed part single, part two storey rear extension and a part two part first floor extension to the front.
Applicant	:	Mr Dave Collier
Agent	:	Julie Woolman
Date Valid	:	26th March 2025
Development Type	:	HH Extn, alt & improve (DM21A)
Drawing No(s)	:	J753/01; J753/02;
Target Date	:	20th May 2025
Consult Expiry	:	7th May 2025

Description of the site

- End of terrace property
- Staggered built form with connecting terrace
- Shallow rear gardens, the rear garden faces onto the side of the neighbour, No.3 Poplar Close.
- Parking to frontage
- Existing single storey flat roof projection to frontage.
- Public footpath and greensward to the West of site.

Details of the proposal

- This application seeks planning permission for the construction of a part first floor, part two storey extension to the front, and a part single, part two storey rear extension.

Other relevant applications

24/00843/FUL - Refused 31st July 2024

Proposed single storey rear extension. Part first floor, part two storey front extension. Alterations to fenestration.

24/00286/FUL - Refused 18th April 2024

Proposed part single, part two storey rear extension. Part first floor, part two storey front extension. Alterations to fenestration.

Consultations

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The following were consulted as part of the application:

- South Woodham Ferrers Town Council: Objects on the ground of over development, lack of green space and existing outbuilding without planning permission.
- Public Health & Protection Services: No comments with regards to this application.
- Local residents: No comments received.

Planning considerations

This application follows two previously refused applications under references: 24/00286/FUL and 24/00843/FUL. The previous applications were refused for reasons of poor design and impact on the attached neighbouring property.

The main differences between the previously refused schemes and this proposal is the reduced form, the introduction of different materials and the additional first floor side facing windows.

Design

Policy DM23 of Chelmsford local plan states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.

The two storey extensions would have gable projections half the width of the original property to the front and rear. Whilst the terrace properties have a relatively uniform appearance, there are other large dwellings within the street scene of different designs. The extensions to the frontage would mean that the house would no longer match the rest of the terrace. However, it would suitably relate to the overall street scene and would not result in harm to the character of the area.

The reduced form of the extensions, the use of cladding and installation of fenestration within the first-floor side elevation, would provide visual breaks to the proposed massing. The extensions, therefore, would not harm the overall character and appearance of the dwelling. Therefore, the proposal would comply with Local Plan Policy DM23.

Neighbouring impact

The connecting terrace is staggered in form, with the application site set back from frontage of the neighbouring property No.30. The adjacent window to the rear of No.30 serves living room habitable space, which is also served by another window to the rear. The two-storey rear element of the extension would be set away from this neighbour and the single storey rear extension would have a height of 2.9m and depth of 3m along the boundary. The neighbour has not objected to the proposal and therefore it is a relevant fall-back position that a similar single storey element could be constructed under the householder prior approval process. On balance, the single storey element is considered to have an acceptable relationship with this neighbour.

The two-storey rear projection would include a first-floor rear window to serve the additional bedroom. This would face towards No.3 Poplar Close. No.3 has a first-floor side facing window however, this serves a landing not a habitable room. Therefore, the new window would not result in unacceptable overlooking to this neighbour.

Overall, the proposal would maintain an acceptable relationship with all neighbouring properties.

Parking

As existing, the frontage of the property is used for the parking of vehicles. The space is shaped by the existing single storey projection which varies the depth of the frontage. The parking area is currently 7.2m wide. The depth of the parking area is 7m with a reduced depth forward of the extension of 5.3m. Local Plan Policy DM27 requires parking standards to meet Essex Parking Standards for size and number of spaces. Essex Parking Standards require at least 2 parking spaces for a dwelling of 2+ bedrooms. The recommended bay size is 5.5m x 2.9m and the minimum bay size is 5m x 2m.

The front extension would bring the front elevation in line with the single storey projection leaving a 5.3m deep parking area for the whole of the frontage. This would result in both parking spaces being substandard in depth. Whilst this is below the recommended bay size of 5.5m deep the parking spaces available would be above the minimum bay sizes. Given one of the spaces would remain unchanged with the second to have the same depth and dimensions, the works would not result unacceptable parking arrangements to justify a refusal reason.

Other matters

The proposed extension would remove some of the rear garden however, sufficient would remain.

There is a single storey outbuilding within the rear garden, this does not form part of the proposal.

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

Biodiversity Net Gain

Exemption: Householder application.

Community Infrastructure Levy (CIL)

This application is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

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In order to achieve satisfactory development of the site

Notes to Applicant

1 Hours of work during construction

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

Noisy work:

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

Light work:

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

In some circumstance further restrictions may be necessary.

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

Party Wall Act

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

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

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

Positive and Proactive Statement

The Local Planning Authority 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.

SUMMARY OF RELEVANT ADOPTED PLANNING POLICIES:

DM23

Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.

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DM27

Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.

DM29

Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.

NHP

The Neighbourhood Plan sets out the local community's aspirations for the area and establishes policies for development and land use in the area. It is a material planning consideration.

Background Papers

Case File



TOWN AND COUNTRY PLANNING ACT 1990

Agent:

Julie Woolman
Munday + Cramer
39 Knight Street
South Woodham Ferrers
Chelmsford
CM3 5ZL

Applicant:

Mr Dave Collier
32 Manor Road
South Woodham Ferrers
Chelmsford
Essex
CM3 5PT

PLANNING PERMISSION

LOCATION: **32 Manor Road South Woodham Ferrers Chelmsford Essex CM3 5PT**
PROPOSAL: **Proposed part single, part two storey rear extension and a part two part first floor extension to the front.**
APPLICATION NO: **25/00498/FUL**
DATE RECEIVED: **26 March 2025**
DRAWING NO(s): **J753/01; J753/02;**

The Council has given consideration to the application and plans as specified above, and hereby gives notice of its decision to **GRANT PLANNING PERMISSION** subject to the following: -

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

Notes to Applicant

- 1 Hours of work during construction

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

Noisy work:

- Can be carried out between 0800 and 1800 Monday to Friday
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An explanatory booklet is available on the Department for Communities and Local Government website at

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

Positive and Proactive Statement

The Local Planning Authority 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.

Date: 19 May 2025

Signed:

Keith Holmes

KEITH HOLMES

Planning Development Services Manager

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED

Important Note: This Planning permission does not override the need to obtain any necessary approvals under the Building Regulations, Party Wall Act or any other relevant legislation. Separate approval may also be required in other areas, for example, restrictive covenants, shared agreements, easements, rights of way etc.

The provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this development and will be determined at Building Regulation Stage.

NOTICE TO APPLICANT WHERE PERMISSION IS SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to impose conditions on your permission for the proposed development then you can appeal to the Secretary of State for the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within six months of the Council's decision.
- **However if the development as described in your application is the same or substantially the same as development that is currently the subject of an enforcement notice then you must appeal within 28 days of the date of this decision notice.**
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Notification of Appeals to the Council

- You must send a copy of your appeal to the local authority. In accordance with appeal procedures, when forwarding copies of appeal forms and additional information, plans or drawings direct to the local authority, please send electronic copies to planning.appeals@chelmsford.gov.uk or address to the Director of Sustainable Communities, Chelmsford City Council, P.O. Box 7544, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1XP.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Department for Communities and Local Government grant permission to develop land subject to conditions, the owner can claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related to provisions of the Town and Country Planning Act 1990.



DECISION MADE BY THE DIRECTOR OF SUSTAINABLE COMMUNITIES

Application No	:	25/05066/TPO Works to trees subject to a TPO
Location	:	24 The Spinnaker South Woodham Ferrers Chelmsford Essex CM3 5GL
Proposal	:	T7 - Reduce branches by 3.0m - Reason: Tree close to house and has been used by squirrels to enter loft; T8 - Reduce branches by 2.5m - Reason: To reduce shading to neighbouring property and maintain uniform.
TPO Reference	:	TPO/2003/018
Applicant	:	Mr Kelvin Hennis
Agent	:	
Date Valid	:	13th March 2025
Development Type	:	Works to trees subject to a TPO (T01)
Drawing No(s)	:	Site Location Plan;
Target Date	:	7th May 2025
Consult Expiry	:	30th April 2025

Site description

- Situated off The Spinnaker
- Detached dwelling
- Within South Woodham Ferrers Urban Area

Officer's report

The trees are situated within the rear garden to the southeast of the dwelling. There are multiple mature preserved specimens scattered throughout the residential estate, of which the trees in the proposal form two. The trees are visible from aspects of The Spinnaker and contribute to the verdant character of the cul-de-sac.

The trees have previously been pruned resulting in relatively narrow canopies. T7 oak is situated near to the dwelling, due to T8 being situated south, and the competition, T7 has developed a northern crown bias. The tree appears to have displayed very little new growth since previous pruning operations (which were last approved in 2019, reference 19/05067/TPO) with an approximate 0.5 m of growth noted during the site visit. It had also been noted in 2019 that gall wasps were present, none were noted during the site visit this time, however their presence and impacts are not known to be harmful. Multiple limbs within the crown did not display new growth and there were signs that previous pruning wounds that had not occluded.

The proposal seeks a 3 m crown reduction, this would not only surpass the previous pruning framework, creating a large pathway for pests and disease, but would also remove a high level of photosynthetic material that in turn would stress and shock the tree. Given the tree already displayed signs of stress, substantial works would harm the health of the tree which would be unacceptable.

The applicant claims that squirrels have previously used the tree to enter the loft. There was sufficient clearance between the tree and the dwelling noted during the site visit so as not to cause abrasions. A more sympathetic and proportionate reduction was proposed to reduce the tree back to previous pruning points and increase clearance between the tree and dwelling, however this was not accepted by the applicant.

T8 displayed signs of fair physiological health, during the visit it was noted that there were signs of stunted regrowth to lateral limbs, in some cases there was no growth and again the wounds had not occluded. Growth has generally been concentrated to the apical sections of the tree. There is however sufficient growth here that a 2.5 m crown reduction would reduce the tree back to previous pruning points and as such would not cause unacceptable physiological harm and would be acceptable.

For the reasons given above and having regard to all other relevant matters, the 2.5 m crown reduction of T8 is acceptable, however the 3m crown reduction of T7 is excessive and should be refused.

Consultations

South Woodham Ferrers Town Council – No objections

CONSULTATION EXPIRY DATE

30th April 2025

RECOMMENDATION

The Application be PART APPROVED for: T8 Oak – 2.5 m crown reduction, subject to the following conditions:

Condition 1

The tree surgery hereby permitted shall be carried out within two years from the date of this permission.

Reason: As required under the Town and Country Planning Regulations 2012.

Condition 2

The tree surgery shall be undertaken in accordance with British Standard 3998:2010 Tree Work - Recommendations.

Reason: To promote good arboricultural practice and safeguard the existing trees.

The Application be PART REFUSED for: T7 Oak – 3 m crown reduction for the following reason:

Reason 1

T7 Oak displayed some signs of physiological stress with a low level of re-growth from previous pruning framework. Some limbs displayed no new growth at all and there were pruning wounds that had not occluded. The tree is within a residential garden and situated southeast of the dwelling, visible from The Spinnaker. The tree currently has a sufficient clearance between the tree and the dwelling so as to not cause

abrasions. The 3 m crown reduction proposed would reduce the tree past previous pruning points, creating large pathways for the ingress of pests and pathogens. The works would also remove a high level of photosynthetic material that would shock the tree and cause further stress, ultimately this may result in irreparable harm and could lead to the premature loss of the specimen, harming amenity value of the locality.

Background Papers

Case File

TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012**Applicant:**

Mr Kelvin Hennis
24 The Spinnaker
South Woodham Ferrers
Chelmsford
Essex
CM3 5GL

PERMISSION TO CARRY OUT WORK TO PRESERVED TREE(S)

LOCATION: **24 The Spinnaker South Woodham Ferrers Chelmsford Essex CM3 5GL**
PROPOSAL : **T7 - Reduce branches by 3.0m - Reason: Tree close to house and has been used by squirrels to enter loft; T8 - Reduce branches by 2.5m - Reason: To reduce shading to neighbouring property and maintain uniform.**
TPO REF: **TPO/2003/018**
APPLICATION NO: **25/05066/TPO**
DATE RECEIVED: **13th March 2025**
DRAWING NO(s): **Site Location Plan;**

The Council has given consideration to the application specified above, and hereby gives notice of its decision for:

The Application be PART APPROVED for: T8 Oak – 2.5 m crown reduction, subject to the following conditions:

Condition 1

The tree surgery hereby permitted shall be carried out within two years from the date of this permission.

Reason: As required under the Town and Country Planning Regulations 2012.

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cause abrasions. The 3 m crown reduction proposed would reduce the tree past previous pruning points, creating large pathways for the ingress of pests and pathogens. The works would also remove a high level of photosynthetic material that would shock the tree and cause further stress, ultimately this may result in irreparable harm and could lead to the premature loss of the specimen, harming amenity value of the locality.

Date: 2 May 2025

Signed:

Keith Holmes

KEITH HOLMES

Planning Development Services Manager

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED

Notes

- 1) Any person who has suffered damage or has incurred expenditure in consequence of a refusal of consent, or of any grant of consent subject to conditions or (in certain instances) of a direction for replanting a woodland area may claim compensation. Compensation is not payable in respect of any trees which are the subject of a certificate by the Chelmsford City Council when giving a decision upon an application; particulars of any such certificate are incorporated in this notice of decision.
- 2) If the applicant is aggrieved
 - i. by the decision of the authority to refuse to consent or to grant consent subject to conditions;
 - ii. by any certificate or directions given by the authority in pursuance of the provisions of the Tree Preservation Order;

He / she may by notice in writing served within 28 days of the receipt of this notice, appeal to:

Environment Appeals
Room 3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Email: treeandhedgeappeals@planninginspectorate.gov.uk

in accordance with Town and Country Planning (Tree Preservation) (England) Regulations 2012.



DECISION MADE BY THE DIRECTOR OF SUSTAINABLE COMMUNITIES

Application No	:	25/00369/FUL Full Application
Location	:	6 Warwick Parade Clements Green Lane South Woodham Ferrers Chelmsford Essex CM3 5JT
Proposal	:	Extraction flue to the rear to use unit as fish and chips restaurant.
Applicant	:	Mr. Mesut Sancaktutan
Agent	:	Mr. Ramazan Ganidagli
Date Valid	:	11th March 2025
Development Type	:	Minor All Other (D18)
Drawing No(s)	:	Noise Impact Assessment; 25.03-D1; 25.03.D2; ODOUR MANAGEMENT PLAN;
Target Date	:	5th May 2025
Consult Expiry	:	30th April 2025

Description of the site

- The site is currently a dry cleaners at the end of a terraced parade of shops
- There is a public car park to the front of the shops
- To the rear of the shops is an area for deliveries and other commercial units
- Above the shops are residential flats
- The dry cleaners has a single storey projection to the rear
- There are dwellinghouses to the east of the site

Details of the proposal

This application seeks permission for an extraction flue to the rear of a ground floor commercial unit, to use in association with the use of the unit as a fish and chip restaurant. The flue would serve an internal extraction system and exit from an existing outlet in a rear window. It would be sited on the roof of the rear flat roofed projection.

Other relevant applications

none

Consultations

The following were consulted as part of the application:

- *Public Health & Protection Services* – the noise and odour control schemes are acceptable
- *South Woodham Ferrers Town Council* – object to this application – summary below

Noise impact

Parking impact

Economic concerns with increased competition to existing businesses

A higher fire risk to nearby residents

Contrary to Policies DM29 and DM30

- *Local residents* – nine comments received and summarised below

There is no need for an additional fish and chip outlet

Concern about the smell

Concern about the loss of a dry cleaning service

Increase in delivery lorries

Increase in litter

Concern about the noise from customers and from the ventilation system

Concern about hygiene issues due to food waste

Concern about a loss in air quality due to smoke and oil residue

Concern about the amount of parking provided

Planning considerations

The flue would be sited on the roof of the projection at the rear of the building. It is within an area that receives commercial traffic for the parade of shops which also contains a commercial unit along the western boundary.

The proposal would not be incongruous within this area which is predominantly commercial at ground level. It does not harm the character and appearance of the area and is therefore, compliant with Chelmsford Local Plan (Local Plan) policy DM23.

The applicant has submitted details of the flue in terms of noise and odour mitigation. The Noise Impact Assessment Report concludes that the noise of the flue does not exceed the ambient noise within the site.

The Odour Management Plan identifies the level of odour the restaurant is likely to generate. It concludes that the flue has been designed with the highest risk level in mind, and meets or exceeds the technical requirement for “Very High Odour Impact Risk” scenarios.

The Councils Public Health and Protection Team have reviewed these details and found that the flue would be acceptable in terms of the control of noise and odour. Conditions have been included that ensure that the recommendations in both the Noise Impact Assessment Report and the Odour Management Plan are followed. This includes the recommendations made regarding a system maintenance and waste management programme.

Therefore, the flue would be compliant with Local Plan Policy DM29.

Other matters

This application is to consider the impact of the fitting of a flue and for no other proposal. The comments received in terms of the use of the retail unit as a fish and chip restaurant are not a material consideration within this application.

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

Biodiversity Net Gain

Exemption: development impacting habitat of an area below a threshold of 25m²

Community Infrastructure Levy (CIL)

This application is not CIL liable

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

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

Reason:

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

Condition 2

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

Reason:

In order to achieve satisfactory development of the site

Condition 3

The development hereby permitted shall be carried out strictly in accordance with the system maintenance programme detailed within the approved odour management plan dated April 2025.

Reason:

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

Notes to Applicant

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

Noisy work

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays

- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work

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

In some circumstance further restrictions may be necessary.

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

Positive and Proactive Statement

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

SUMMARY OF RELEVANT ADOPTED PLANNING POLICIES:

DM23

Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.

DM29

Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.

NHP

The Neighbourhood Plan sets out the local community's aspirations for the area and establishes policies for development and land use in the area. It is a material planning consideration.

Background Papers

Case File



TOWN AND COUNTRY PLANNING ACT 1990

Agent:

Mr. Ramazan Ganidagli
Flat 20,
Clissold House,
Lordship Road,
London
N16 0PS

Applicant:

Mr. Mesut Sancaktutan
330 Bridgewater Drive,
West Cliff On Sea
Southend
SS0 0EZ

PLANNING PERMISSION

LOCATION: **6 Warwick Parade Clements Green Lane South Woodham Ferrers
Chelmsford Essex CM3 5JT**

PROPOSAL: **Extraction flue to the rear to use unit as fish and chips restaurant.**

APPLICATION NO: **25/00369/FUL**

DATE RECEIVED: **11 March 2025**

DRAWING NO(s): **Noise Impact Assessment; 25.03-D1; 25.03.D2; ODOUR MANAGEMENT
PLAN;**

The Council has given consideration to the application and plans as specified above, and hereby gives notice of its decision to **GRANT PLANNING PERMISSION** subject to the following: -

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.

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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

Positive and Proactive Statement

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

Date: 6 May 2025

Signed:

Keith Holmes

KEITH HOLMES

Planning Development Services Manager

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED

Important Note: This Planning permission does not override the need to obtain any necessary approvals under the Building Regulations, Party Wall Act or any other relevant legislation. Separate approval may also be required in other areas, for example, restrictive covenants, shared agreements, easements, rights of way etc.

The provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this development and will be determined at Building Regulation Stage.

NOTICE TO APPLICANT WHERE PERMISSION IS SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to impose conditions on your permission for the proposed development then you can appeal to the Secretary of State for the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within six months of the Council's decision.
- **However if the development as described in your application is the same or substantially the same as development that is currently the subject of an enforcement notice then you must appeal within 28 days of the date of this decision notice.**
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Notification of Appeals to the Council

- You must send a copy of your appeal to the local authority. In accordance with appeal procedures, when forwarding copies of appeal forms and additional information, plans or drawings direct to the local authority, please send electronic copies to planning.appeals@chelmsford.gov.uk or address to the Director of Sustainable Communities, Chelmsford City Council, P.O. Box 7544, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1XP.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Department for Communities and Local Government grant permission to develop land subject to conditions, the owner can claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related to provisions of the Town and Country Planning Act 1990.

Planning Applications To Be Considered at Meeting 27th May 2025

25/00481/FUL	Block 3-9	Bucklebury Heath	Replacement external cladding to match existing	PF
25/00473/FUL	Block 63 -71	Gandalfs Ride	Existing Timber Cladding to be replaced with Cedral Click Cladding System to match existing appearance	SW
25/00663/FUL	3	King Edwards Road	Proposed single storey ancillary outbuilding. Replacement pitched roof garage to front.	PP
25/00483/FUL	Block 11 To 21	Bucklebury Heath	Existing Timber Cladding to be replaced with Cedral Click Cladding system to match existing appearance.	PF
25/00699/FUL	31	Great Smials	Proposed first floor extension over existing garage.	MOB
25/00745/FUL	10	Starboard View	Single storey rear extension.	MS
25/00700/FUL	182	Littlecroft	Proposed loft conversion including new rear dormer with Juliet balcony raising the ridge height, and three new Velux style windows to front elevation.	DT/MOB
25/00701/FUL	7	Southview Close	Single-storey rear extension, infill of existing porch space, render to the exterior.	GP
25/00759/FUL	12	Standen Avenue	Proposed outbuilding / single storey extension to the rear of the existing garage.	JB

Please note that we are not the Planning Authority for these details please sign up for application alerts in your area from Chelmsford City Council.