

Planning & Environment COMMITTEE A G E N D A

**For a Meeting to be held on Tuesday 26th March 2024
at 7.30pm
at Champions Manor Hall, Hullbridge Road,
South Woodham Ferrers**

**Membership:
Councillor A Shearring Chairman
Councillor S Wilson Vice-Chairman**

| | | |
|--------------------------|-----------------------|-----------------------|
| Councillor T Perham Lake | Councillor D Eley | Councillor D Thompson |
| Councillor M Sismey | Councillor A Humphrey | Councillor A John |
| Councillor P Ferry | Councillor J Birch | Councillor M O Brien |
| Councillor G Piesse | | |

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
20 March 2024**



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 27th February 2024 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 as at 20/03/2024 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.

8. Planning Applications

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

9. Items to Note

To **NOTE**

- Fenn Report – Update March 2024 attached to agenda.
- Rural Payments Agency RPA – The Town Council land is now registered and looking to investigate the process to apply for grant funding.
- Town Council litter pick dates are scheduled for Tuesday 16th April and Sunday 28th April 2024.
- Litter pick with Trinity St Marys school supported by Chelmsford City Council at 10.30am on 17/4/2024. Environment Officer to attend.
- The tree works recommended by the arboricultural expert on the recent completed tree survey have been scheduled for work as soon as possible. The Town Council must be compliant with Health & Safety and a duty of care to residents.
- To note a proposed development is to be located on either side of the A12 at the Howe Green junction. South Woodham Ferrers Town Council were not consulted on the application.
[23/01930/OUT | Outline application with all matters reserved for the commercial development of up to 120,000sqm of logistics/warehousing development \(Use class B8 with ancillary offices\) along with servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works . | Land North And East Of Junction 17 Of The A12 Chelmsford Essex](#)
- Love Your Parish days have been requested with Chelmsford City Council for June and August 2024. Dates to be confirmed. This will involve sweeping, litter picking and graffiti removal.
- On 14 March, Chelmsford Policy Board considered the Preferred Options Local Plan, this was agreed to go to consultation in early May. Information will be sent at a later date.

10. SWF Green Week

Environment officer to update committee on SWF Green Week incentives.

11. John Cox

Committee to discuss the John Cox Project and agree actions going forward.
Town Clerk to provide a financial report.

12. Report to Council

To note items for report to the next Council on 14th May 2024.

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 30th April 2024 at 7.30pm.

Any member who is unable to attend the meeting should send their apologies and reason to the Town Clerk prior to the meeting.

Detailed Income & Expenditure by Budget Heading 20/03/2024

Month No: 12

Cost Centre Report

| | Actual Year To Date | Current Annual | Variance Annual | Committed Expenditure | Funds Available | % Spent | Transfer to/from EMR |
|---|------------------------|-------------------|--------------------|--------------------------|--------------------|--------------|-------------------------|
| 300 Environment General | | | | | | | |
| 4325 Litter Control | 736 | 500 | (236) | | (236) | 147.2% | |
| 4328 Tree Works | 5,910 | 3,500 | (2,410) | | (2,410) | 168.9% | 3,450 |
| 4700 Street Furniture & Signage | 0 | 4,000 | 4,000 | | 4,000 | 0.0% | |
| 4705 Hanging Baskets | 13,167 | 13,000 | (167) | | (167) | 101.3% | |
| 4710 Roundabout Sponsorship | 1,837 | 2,000 | 163 | | 163 | 91.9% | |
| 4720 Fenn Maintenance | 3,794 | 4,500 | 706 | | 706 | 84.3% | |
| Environment General :- Indirect Expenditure | 25,445 | 27,500 | 2,055 | 0 | 2,055 | 92.5% | 3,450 |
| Net Expenditure | (25,445) | (27,500) | (2,055) | | | | |
| 6000 plus Transfer from EMR | 3,450 | | | | | | |
| Movement to/(from) Gen Reserve | (21,995) | | | | | | |
| 310 Garden of Remembrance | | | | | | | |
| 1300 Garden of Remembrance Income | 9,021 | 14,300 | 5,279 | | | 63.1% | |
| Garden of Remembrance :- Income | 9,021 | 14,300 | 5,279 | | | 63.1% | 0 |
| 4010 Water | 83 | 150 | 67 | | 67 | 55.1% | |
| 4760 GoR Supplies | 3,883 | 5,000 | 1,117 | 102 | 1,015 | 79.7% | |
| 4765 GoR Maintenance | 4,452 | 6,200 | 1,749 | | 1,749 | 71.8% | |
| 4770 GoR Security | 4,754 | 5,221 | 467 | | 467 | 91.0% | |
| Garden of Remembrance :- Indirect Expenditure | 13,171 | 16,571 | 3,400 | 102 | 3,298 | 80.1% | 0 |
| Net Income over Expenditure | (4,150) | (2,271) | 1,879 | | | | |
| Grand Totals:- Income | 9,021 | 14,300 | 5,279 | | | 63.1% | |
| Expenditure | 38,616 | 44,071 | 5,455 | 102 | 5,353 | 87.9% | |
| Net Income over Expenditure | (29,595) | (29,771) | (176) | | | | |
| plus Transfer from EMR | 3,450 | | | | | | |
| Movement to/(from) Gen Reserve | (26,145) | | | | | | |

TOWN AND COUNTRY PLANNING ACT 1990

Agent:

Mr Steve Walker
Parkers Design
3 The Peak
Rowlands Castle
PO9 6AH

Applicant:

Steven Blake
23 Bickerton Point
South Woodham Ferrers
Chelmsford
Essex
CM3 5YG

PLANNING PERMISSION

LOCATION: **23 Bickerton Point South Woodham Ferrers Chelmsford CM3 5YG**
PROPOSAL: **Retrospective planning permission for change of use from garage to lash and beauty business.**
APPLICATION NO: **24/00025/FUL**
DATE RECEIVED: **15 January 2024**
DRAWING NO(s): **P0 - EXISTING; P0 - PROPOSED; P1; P2; P3; P4; P5; P6; P7; P8; P9; P10;**

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 use hereby permitted shall only take place between the following hours:

0900 – 1500 Mondays - Fridays;

1800 – 2100 Two evenings a week in any seven day period excluding Sundays and Bank Holidays

0900 – 1600 Saturdays

and not at any time on Sundays or on Bank or Public Holidays.

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 2

a) The use hereby permitted shall only be operated by out Mr or Mrs Blake

b) When the premises ceases to be occupied by both Mr and Mrs Blake, the use hereby permitted shall cease.

Reason:

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

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 March 2024

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 | : | 24/00025/FUL Full Application |
| Location | : | 23 Bickerton Point South Woodham Ferrers Chelmsford CM3 5YG |
| Proposal | : | Retrospective planning permission for change of use from garage to lash and beauty business. |
| Applicant | : | Steven Blake |
| Agent | : | Mr Steve Walker |
| Date Valid | : | 15th January 2024 |
| Development Type | : | Change Of Use (D20) |
| Drawing No(s) | : | P0 - EXISTING; P0 - PROPOSED; P1; P2; P3; P4; P5; P6; P7; P8; P9; P10; |
| Target Date | : | 10th March 2024 |
| Consult Expiry | : | 12th February 2024 |

Description of the site

- Two storey detached dwelling with detached single storey garage
- Located in the South Woodham Ferrers Urban Area
- Garage is currently being used as a beauty salon
- Two off-street parking spaces to front of garage

Details of the proposal

This proposal seeks permission retrospectively for the change of use from a garage to a lash and beauty business. The opening times are: -

Monday - Friday – 0900 – 1500
Two evenings a week – 1800 - 2100
Saturday – 0900 – 1600

There are currently two employees working part time at the salon, the owner and an apprentice.

Other relevant applications

None

Consultations

The following were consulted as part of the application (summarised):

- South Woodham Ferrers Town Council – Object to the application on the effect to local neighbours in terms of parking and hours of business
- Public Health & Protection Services – the operation hours proposed by the applicant should be imposed by planning condition
- Economic Development & Implementation – no response received
- Essex County Council Highways – The business is small scale where clients are seen one at a time and by appointment, its impact on the local highway network would be low. The impact of the proposal is acceptable subject to conditions
- Local residents:

Two representations received objecting to the development for the following reasons:

- The use of the garage as a business has an adverse impact with two people being treated and others waiting leading to an increase in traffic and parking in the the cul-de-sac and some cars are parked inconsiderately
- Delivery lorries turn round outside the neighbouring residents creating inconvenience and loss of amenity
- There are two, not one, treatment tables, so more than one client visiting at a time
- It is located a long walk from town and people will drive
- The business has two or three staff and along with customers it creates a parking problem
- What if the owners sell, would the use expand?

Four representations received in support of the development for the following reasons:

- No significant issues have been noticed since the business has been operating
- The walk to town is short (5 minutes, if that)
- There are car parks only 0.2 miles away
- There has been no negative impact on parking since the small business started
- There are regularly delivery drivers on the road with nothing to do with the business
- Cars are parked in that area but it is not a problem and there is no proof they are client's vehicles
- No objection to the business being run at this property if the owners, staff and clients abided by the protocol in the application
- The owner is ready to listen and act on any concerns that residents may have
- The fact that a local young person is being trained should be encouraged

Planning considerations

The garage connected to the host dwelling has been converted to a beauty salon with two part time employees, one of which is the occupier of the dwelling.

The conversion has replaced the garage door with a window and it has been clad with blue weatherboard. It is a small building set back from the highway. The alterations do not harm the character and appearance of the area.

Policy DM29 of the Chelmsford Local Plan (Local Plan) seeks to protect the living environments of the occupiers of nearby residential properties and Policy DM27 states that the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards.

The use of the garage as a beauty business is considered to be compatible with the residential area and does not create unacceptable levels of polluting emissions such as noise, smell or fumes.

There are conflicting submissions from local residents regarding vehicle movements and parking within Bickerton Point as a result of the business. The host dwelling provides two parking spaces and Bickerton Point has no parking restrictions.

The site was visited in the morning during opening hours. The two parking spaces to the front of the garage were being used and a car was parked in front of the dwelling. There were other cars parked on the road, but these were not impeding the flow of traffic and additional cars could park down the road without causing problems with traffic flow. The site was subsequently visited during opening hours in the afternoon and there was no parking that impeded the flow of traffic. There was ample on street parking available.

Essex County Council Highways were consulted on the application and consider that the impact of the business to the local highway network would be low. The Highway Authority therefore consider that the proposal is acceptable subject to conditions regarding the retention of the existing car parking spaces and to limit the proposed use to a personal permission.

Taking into account the above, it is considered that the impact of the business is acceptable in terms of the hours it is run and the volume of clients. However, it is considered necessary to condition the hours and ensure the permission is personal to this occupier to protect the future amenity of the area.

Sufficient private amenity space and car parking space remains to the property.

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.

Community Infrastructure Levy (CIL)

This application is not CIL liable.

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

The use hereby permitted shall only take place between the following hours:

0900 – 1500 Mondays - Fridays;

1800 – 2100 Two evenings a week in any seven day period excluding Sundays and Bank Holidays

0900 – 1600 Saturdays

and not at any time on Sundays or on Bank or Public Holidays.

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 2

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Reason:

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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.

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

Planning Applications To Be Considered at Meeting 26th March 2024

| | | | | |
|--------------|----|---------------------|---|----|
| 24/00286/FUL | 32 | Manor Road | Proposed part single, part two storey rear extension. Part first floor, part two storey front extension. Alterations to fenestration. | DT |
| 24/00361/FUL | 13 | Bressingham Gardens | Demolition of existing conservatory and erection of a single storey rear extension. | PF |

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.

Fen Report

Nothing to report from Essex Wildlife, they will report if anything new for March.

Cllr Shearring has offered to join the Environment and Leisure officer to do a Fen Walk for Trinity St Marys School. Essex Wildlife were approached to assist, but this would be chargeable at £80.00 per half hour, plus £5.00 per pupil, stating "*Understandably we don't know the site at all... Alternatively we can welcome them to our Hanningfield site*". Our own Fen warden for Essex Wildlife has informed us that she "*does not have the capacity to lead the walk*". Date to be confirmed, when the weather has improved and more nature is back for spring, other councillors are welcome to come along to help.

The footpath sign at the entrance to the roundabout at Ferrers Rd Burnham Road junction is broken and laying in the grass and has been reported for ECC to either re-install or replace.

The Tree works should result in a new area to be used as a bug/bee hotel by pling up logs. A laminated sign will be installed to ask residents not to disturb the pile, as it is habitat. This is to comply with the rules regarding logging on SSSI land areas.

Fen Fencing application still ongoing

Our SSO and Chelmsford City both dealt with a fly tipping issue on John Cox/Fen area.

Rural Payments Agency RPA



Further land – top part of Victoria Fields and possibly Collingwood Pond registration being investigated.

Each parcel has been mapped in detail as regards the make up of the land. It gives us detailed information on the areas. John Cox has been recognised as being part of the natured area.



| Land covers | Total area (ha) |
|---------------------------|-----------------|
| Structure | < 0.01 |
| Structure | < 0.01 |
| Rivers and streams type 2 | 0.01 |
| Scrub - Ungrazeable | 0.02 |
| Rivers and streams type 2 | 0.03 |
| Track - Natural Surface | 0.07 |
| Pond | 0.11 |
| Permanent Grassland | 0.49 |
| Scrub - Ungrazeable | 0.54 |
| Permanent Grassland | 0.75 |
| Scrub - Ungrazeable | 0.84 |
| Permanent Grassland | 1.07 |
| Scrub - Ungrazeable | 1.52 |
| Total area | 5.45 |

Summary

| | |
|--------------------------|-------|
| Number of parcels | 7 |
| Total area (ha) | 24.26 |
| Permanent Grassland (ha) | 13.31 |

Land parcels

| Parcel ID ▲ | Total area (ha) | Eligible covers | BPS eligible area (ha) |
|-----------------------------|---------------------------------|---------------------|------------------------|
| TQ7997 4660 | 1.11 | Other | - |
| TQ7997 8367 | 5.45 | Permanent Grassland | 2.31 |
| TQ8096 0097 | 0.69 | Other | - |
| TQ8097 0126 | 7.87 | Permanent Grassland | 7.09 |
| TQ8097 1145 | 3.84 | Permanent Grassland | 3.56 |
| TQ8097 1911 | 4.49 | Other | - |
| TQ8097 3222 | 0.83 | Permanent Grassland | 0.36 |

This both records our land, and offers additional protection against illegal land registration claims.

Next Steps have been to see how we can make claims for the various different grants, and payments. The staff at the RPA have been very helpful and have discussed how we can apply for payments and grants. In this case applying for Countryside Stewardship grants for our land. We need to look at what grants we can claim for.

<https://www.gov.uk/countryside-stewardship-grants>

Example Grant : WT8

How much will be paid

£920 per hectare (ha)

With conditions to eligibility

Example WT4: Pond management (less than 100 square metres)

How much will be paid

£424 per pond.

Where to use this option

on priority ponds (these are defined on the Freshwater Habitats Trust website)

on other ponds with flora and fauna of nature conservation importance, good quality water and natural water levels when the neighbouring land is under a management option that restricts fertilisers, manures and pesticides.

John Cox

Council agreed a £10,000.00 budget from EMR Project Fund at Council on 22/8/2023 C523.

The John Cox tree work for £384 will be allocated from the agreed budget of £10,000 project spend. Council 19/3/24 C596.

To fund phase one of the John Cox site from the EMR Project Fund.

Maintenance work for safety, removal of signage and additional costs for the area.

Budget & Allocation

Budget allocation to date:

1/12/2023 JW Davis day 1 & 2 John Cox Project £1,300.00

31/12/2023 JW Davis day 3 John Cox Project £650.00

31/1/2024 JW Davis day 4 John Cox Project £650.00

Total spend including £384.00 for agreed tree works is £2,984.00.

Remaining budget allocation for work is £7,016.00.

Quote A

| <u>Works Specification</u> | <u>Quote</u> |
|---|-----------------|
| To attend site, set up safe working area, supply and install as follows: | |
| <u>Clearing</u> | |
| Take down and remove off site existing damaged post & rail fencing | £220.00 |
| <u>New Fencing</u> | |
| Supply and install 12 bays of post & 3 rail fencing in 3 sections to close up gaps and replace damaged fence along boundary of parking area as discussed. | |
| 1 of 1.2m 7 rail galvanised gate hung on metal gate post to match with anti lift hooks. 2 of post & rail sections to create kissing gate function. | £1620.00 |
| | £1840.00 |

Quote B

QUOTATION

Site: John Cox Park

Task: To supply and install a wheelchair access kissing **gate** and a 12 foot galvanised field **gate**

Method: Mobilise to site
Remove brambles and scrub
Excavate area for **gate** and dispose of topsoil
Bore holes and install posts with dry mix concrete
Supply, level and compact Type 1 aggregate 150mm in depth on Geotextile membrane
Fix timber rails to posts and hang gates
Tidy site and demobilise

COST £3320.25 (excl VAT)