



Appeal Decisions

Site visit made on 10 October 2007

by **Mike Moore BA(Hons) MRTPI MCIT MIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
31 October 2007

Appeal A: APP/W1525/A/07/2047525

Land adjacent 122 Arbour Lane, Chelmsford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by BRB (Residuary) Ltd against the decision of Chelmsford Borough Council.
- The application Ref 03/00078/FUL, dated 30 December 2002, was refused by notice dated 16 January 2007.
- The development proposed is residential development of 7 No 3, 4 and 5 bed houses, associated car parking and infrastructure works.

Appeal B: APP/W1525/A/07/2047564

Land adjacent 122 Arbour Lane, Chelmsford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by BRB (Residuary) Ltd against Chelmsford Borough Council.
- The application Ref 03/00077/FUL, is dated 30 December 2002.
- The development proposed is residential development of 25 No 2-bed flats, associated car parking and infrastructure works.

Decisions

1. I allow Appeal A, and grant planning permission for residential development of 7 No 3, 4 and 5 bed houses, associated car parking and infrastructure works at Land adjacent 122 Arbour Lane, Chelmsford in accordance with the terms of the application, Ref 03/00078/FUL, dated 30 December 2002, and the plans Ref. ZG-01.P1, ZG-02.P1, ZG-04.P1, ZG-05.P1, ZG-06.P1, ZG-08.P1, ZG-09.P1 and 6849/T/01-01, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until details of the finished ground floor levels of the buildings hereby permitted in relation to the existing and

finished ground levels of the site have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.

- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include tree planting; retained trees, shrubs and hedges; hard surfacing materials; boundary treatment (including drawings of any gates, fences, walls, railings and piers); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); and a programme of implementation.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No dwelling shall be occupied until the boundary treatment submitted under condition 3 relating to that dwelling has been carried out in accordance with the approved details.
- 7) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved details of landscaping; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the completion of the development.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 8) All the trees, shrubs and hedges shown to be retained in the approved details of landscaping and any adjacent to the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.