

## QUESTIONS AND STATEMENTS FROM THE PUBLIC TO THE PLANNING COMMITTEE ON 8 FEBRUARY 2022

### Item 6 – 268 Springfield Road

Simon Mansfield – to be put in person

Please see the statement and questions below. Mr Mansfield has been asked to summarise at the meeting his submission and questions so that they can be put within the two minute time limit.

Marcia Perkins – agent for the applicant, to be put in person

Please see the statement below

### Item 7, Dawson Field, Danbury Recreation Ground

Councillor Mandy Hessing – on behalf of Danbury Parish Council, to be put in person

I am Cllr Mandy Hessing and I am here on behalf of Danbury Parish Council in support of planning application 21/02076/FUL, installation of a Jungle Dome. I am Chairman of our Planning Committee and Vice Chair of our dedicated Health and Wellbeing Committee.

During the pandemic, it was evident that Danbury had very few facilities to offer our young people (aged 6-16+) as they were too old and big to use the children's playground that is situated on Dawson Memorial Field.

The Parish Council has a vision to provide more facilities in the future, not just for our young people but for people of all ages. The Jungle Dome is part of a larger play project which is being funded by a public works loan over 25 years. It is not increasing our residents' precept or taxes as it replaces an earlier loan and is part of our investment for the future of our community.

Our aim is to improve the social, mental and physical health and wellbeing of our young people. As CCC identified in their open space study 2016-2036 Danbury has a shortfall of youth play space.

The Play equipment installation will make optimum use of leased land that is available for our community.

By increasing footfall for recreational purposes in parts of the field that are not used so often we hope to deter any antisocial behaviour. The Parish Council has funded extra policing for the last 2 years over on the Dawson Fields to help minimise and stop antisocial behaviour and will continue to do so.

The Parish Council has conducted a number of consultations:

All 3 primary schools in the village were consulted to identify what type of equipment they would like to see – and what type of scheme. Children expressed a preference for equipment that is challenging, adventurous and suitable for children to use together. The Jungle Dome meets this criterion.

Further public consultations were held throughout 2021. These being:

- Advertised within our local village magazines – the Danbury Times and Focus hand delivered to every household and Contact magazine. They were also displayed on our local notice boards, and advertised across social media.
- A public exhibition was held in the Danbury Sports and Social Centre on 10th July 21. Throughout 2021, there were several published articles across all media platforms.

The location allocated for the Jungle Dome was due to the desire to increase footfall in that area, the space available to accommodate it and the topography of the land. It is screened well by trees and hedges and having an open net design, it will keep the sense of space and openness of the area with no impact on views. The Jungle Dome will not encroach on the path between the Sports and Social Centre and the Glebe (which is not a PROW).

Other locations have either been allocated to additional items of play equipment, identified for phase two of our vision to provide facilities or would encroach on football pitches and the cricket wicket. The jungle dome will not encroach on the path between the Sports and Social Centre and the Glebe (which is not a PROW).

Members, please support this application to enable us to improve the Health and Wellbeing of our young people.

Thank you.

Planning Committee 8<sup>th</sup> February 2022

Application No : 19/02109/S73/1 Section 73

268 Springfield Road Chelmsford CM2 6AS

Variation of condition 2 to approved permission 19/02109/S73 - (Demolition of existing garage. Proposed replacement dwelling, with detached pool house and tennis court - Demolition of existing cart lodge. Construction of single storey extension to side elevation. Alterations to fenestration. Alteration to gymnasium layout and fenestration). Alteration of the height of the gymnasium.

### Response to Planning Considerations

The Chelmsford City Council (CCC) Planning Office raised 4 pivotal aspects in regard to the consideration of the above application;

#### **1. The physical height of the outbuilding relevant to permitted planning policy**

The new application ostensibly looks to obtain the original outbuilding specification given in **application 18/01509/FUL, which the CCC “Refused”**, based on the **3.5m height** of this substantial garden bar/ gymnasium.



#### **Extract from 18/01509/FUL – REFUSED 3.5m**

As a result of the proposed built form, the proposed pool outbuilding would reduce the light into the rear facing windows and rear garden to this neighbour. Given the orientation, size and location of the proposed outbuilding and difference in site levels it is considered that the proposed swimming pool building would be an unduly prominent, overbearing and oppressive structure and would be harmful to the living environment of this neighbouring property and would be harmful to the amenities of the occupiers of this dwelling, No. 270 Springfield Road, increasing the sense of enclosure and significantly reducing the outlook. Considering the relationship, the proposed swimming pool outbuilding would fail to comply with Policy DC4 of the Core Strategy and Development Control Policies DPD and Emerging Policy PA1.

**The present construction stands at 3.48m being indiscernible from the refused policy position.**

However, the CCC now make a proposal that whilst the existing height of the outbuilding is essentially at the same level which determined Refusal, they now move to contradict their own decision, by proposing that this new application ignores the defined breaches and is approved.

**Extract from 19/02109/FUL – GRANTED 3.18m**

**The proposed outbuilding would have a depth of 16.6m, height of 3.2m (3.18m) (with a flat roof design) and width of 7.7m.**

The salient aspect of the harmful impact (as already confirmed by the planning office in their refusal shown above) is the height of the construction at 3.5m. Presently standing at 3.48m and yet to have the roof installed, this issue is unchanged and therefore the planning office provides no legitimate grounds to now contradict the previously stated conviction that at 3.5m high, this building **does not in any way meet the policy conditions of DM29** nor that as defined on the original application **Policy DC4 of the Core Strategy and Development Control Policies DPD and new Policy PA1.**

The committee should be aware of the subjective omission in the report of the CCC, which fails to remark on the fact that their own Planning Enforcement Team attended the site at 268 and found the height of the outbuilding to be in breach of the planning condition. They also returned to the site a second time to appease the consternation of the architect, only for the enforcement officer to once again determine that the outbuilding was in breach of the granted planning condition.

The committee should also be aware in their considerations of this reversal of opinion, that the CCC planning report misrepresents the title boundaries of 270 and that the entire rear garden will now be bordered by this overbearing and overshadowing structure.

The siting of the present structure is also in breach of the original planning as it has been constructed closer than the granted permission to the boundary wall of 270.

#### Question

- **In view of the completely conflicting opinions between the refusal at the height of 3.5 m and the now proposed acceptance at 3.48m rather than the granted 3.18m, and without any change in the fundamental terms of policy wording or directive; on what legitimate grounds do the accountable planning officers justify their reversal in opinion to favour the applicant?**

#### Proposal

- At this stage, the corrective work to remove the level of block/brick to reduce the outbuilding to the granted height will be a simple task and without need for any remedial work.

#### **NOTE:**

**Photograph attached shows the impact of this overdevelopment from the perspective of our dwelling since construction, but to fairly assess the impact of this substantial overbearing wall, members of the committee are invited to visit the site.**

## 2. Land Levels

The CCC have, without validation in their last inspection, conceded to accept a newly fabricated and fundamentally flawed claim from the applicant, that the land height has been physically reduced before construction of the outbuilding. This is not the case and can be easily dispatched by inspecting the site in its present condition. The ground level used in the granted application is still in evidence including aspects of the original patio. (See Photo) This is the same level used by the CCC Planning Enforcement officer in concluding their opinion, that the outbuilding has been constructed in breach of planning and is based on two visits to confirm that the correct ground level is being used to calculate the height.



The planning committee should disregard any reference by the applicant to unsubstantiated land height adjustments which have not been undertaken, given the evidence below.

Claims based on spurious freehand lines now drawn on the application, which misdirect opinion on the true position, have no technical evidence and do not refer to any datum point agreed or accepted by the planning office or a topographical survey.

The opportunity for the Planning office to validate the land levels and outbuilding height was available to CCC planning Officer Alex Sadowski when he visited 270 to prepare his report as now submitted. However, the planning committee must be made aware of the fact that that he advised “he would not be visiting or recording any measurement of the outbuilding from the site at 268, but instead would just make an estimate of the heights from the garden at 270”. As Alex prepared all previous documentation for the planning applications related to this development at 268, he would also have noticed immediately on entering the rear garden at 270 that the ground levels have not been reduced from when he made his first assessment of this site in 2018 and with this information could then have accurately contested the Agents submission and Refused planning.

The absence of necessary fieldwork validation by the CCC of the information submitted by the Agent, renders the report incomplete and inadmissible for the purpose of an independent perspective and should be withdrawn.

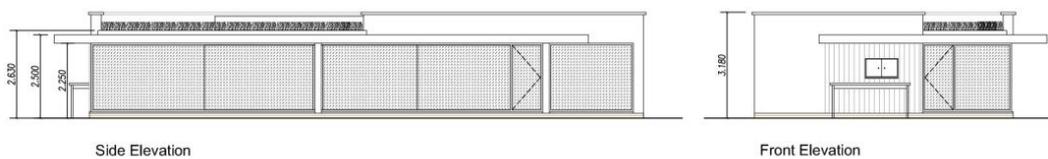
**6.9 and 6.10 contain entirely inaccurate claims which have not been validated by the CCC**

6.9. The outbuilding is located adjacent to the side boundary with No. 270. The constructed building measures 16.5m in depth, 7.7m in width and 3.4m **when measured from the ground level of the of the application site**. The drawings show that the height of the patio would be reinstated following the completion of the works.

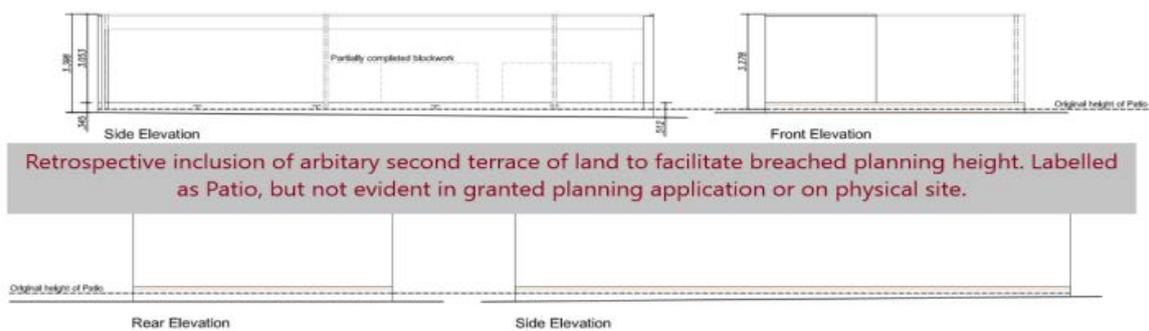
6.10. The discrepancy between the approved and constructed heights is a result of the approved drawings showing that the outbuilding would be 3.18m in height measured from the previous patio, which has since been removed from the site.

As shown below, the approved planning makes no reference to a change in ground levels for any additional patio - as only one level was in existence. Nor does the original application contain a free form land level as given in the latest submission.

As Approved



As-Built



It would be detrimental to construction and fail Building Regulations to reinstate 200mm of land height, above the already existing untouched land level, without breaching the damp proof course level of the outbuilding and would sit above the finished internal floor level.

Based on the statement in 6:10 the site would have had to have been excavated down by 200 mm across the entire rear garden, which would mean removing tonnes of soil across the width of the garden, whereas in fact any site visit and existing photos provides evidence that the garden level has not changed- albeit areas have increased in height where rubble has been redistributed from the demolition of the old house.

The engineering blocks usually positioned below ground level are clearly visible and been placed to commence at existing ground level, therefore pushing the building above the permitted height by the given 200mm.

This fundamentally dismantles the claim that ground levels have in any way reduced.

With a detailed knowledge of the site at 268 for more than 15 years, there is no doubt that the lately contrived submission regarding land heights is entirely inaccurate and would misdirect the Planning Committee.

### **Summary Information**

- The decision on this application pivots on the true height of the outbuilding in relation to the physical land heights and agreed datum points as approved in the granted plans.
- It remains uncontested that the physical height of the building presently stands in breach of planning at approx. 3.48m metres before installation of the roof, as formally validated by the CCC Enforcement Team.
- Critically, the measurements taken by the CCC Enforcement Officer are from the existing built floor level, which can be seen in the photograph included, to the top of the block and brick wall. Roof level still to be installed.
- The claim from the architect, maintains that they reduced the height of the land, although we can clearly identify in the photo that the historical land level is still in situ, showing the original patio and also an increment in land level from the spread of hard core, distributed from demolition of the original property.

**The Committee should disregard the claim of any change in land levels.**

## **3. Amenity Impact – Noise Light**

### **Neighbour Amenity**

6.8. Chelmsford Local Plan Policy DM29 relates to protecting living and working environments (neighbour amenity). This Policy states that planning permission will be granted for development proposals provided the development amongst other matters safeguards the living environment of +the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements.

This is a capacious gym and bar area that has now been granted the addition of a serving hatch at the end less than 1m from or property. The excessive noise from a gym with an entire side with open sliding doors along with a bar and any accompanying music will, due to the scale of this building being equivalent to a commercial size unit and unacceptable under Policy DM29.

## **4. Design**

### **Description of site**

2.2. Number 268 is a two-storey early 20th Century villa style detached house located on the south eastern side of the Road. The house has a hipped roof with ornate detailing and features and brick chimneys. The site has an existing vehicular access and dropped kerb off the highway. There are

two protected Beech trees to the front (TPO/1996/006 refers).

The CCC make claims to the architectural interest of 268 but fail again to fairly and accurately define that 270 is of a high standard and notable architectural interest.

6.5. At a local level Chelmsford Local Plan Policy DM23 relates to high quality and inclusive design. This

The planning office have made sweeping and entirely unsupported statements that the outbuilding is in keeping with the house at 268. The outbuilding is the equivalent of brutalist 1970s block design attempting to sit aside two Edwardian properties and conflicts with DM23 requirement that they “are sympathetic to local character and history, including the surrounding built environment and landscape setting”.

#### Questions:

- As it would be impossible to miss on a site visit to 268, that the existing original land level is unchanged and that as given in the submitted photos it can be evidenced that the outbuilding floor level, was not as suggested by the applicant, installed 200mm below the original ground level, which renders the claim of any secondary land levels as redundant; how do the CCC justify their proposal to grant planning when this is evidentially in conflict with the findings as reported by their Planning Enforcement Officer and the physical evidence of land heights readily accessible on site?
- Could the CCC also respond to confirm how they were assessing any of these issues without reference to documented datum points or other heights recorded as an integral part of the granted planning, as nothing is given on your reporting and yet you appear to have made conclusions in line with the applicant without justification?

**19/02109/S73/1 - 268 Springfield Road**

**Barratt - Committee Speech**

Planning permission has already been granted for the outbuilding.

The reason for this application is due to a discrepancy between the approved and constructed heights.

The approved drawings show the outbuilding would be 3.2m measured from the previous patio. The proposed height would be 3.4m measured from the ground. The builder and architect thought they were building to plan based on the original patio height. We are talking about a difference of 20cm.

The Applicants wish to use this outbuilding as a home gym. The height is key to enabling its proper functioning as the Applicants want to lift free weight above their heads.

The approved finish of the elevations is of white render. The proposal seeks to soften this by using cedar wood cladding in a natural colour.

The fall back position should this application be refused, is that the outbuilding would be built to a height of 3.2m with white render.

The outbuilding would not breach the 45 degree rule from the closest ground floor window ensuring that levels of daylight reaching this room would be reasonable. This confirms compliance to technical standards.

Permitted development rights allow single storey rear extensions on detached dwellings of 4m in height.

The planning officer confirms acceptability of the proposal in all regards.

No. 270 has extant permission for two detached, two storey dwellings with detached garages in their rear garden. One dwelling and garage has already been built, with permission in place for a 8.2m high dwelling and a 5.7m high garage to be sited in close proximity to the outbuilding. It is noteworthy that the neighbours at No.270 did not consider these heights to be overbearing despite being of a considerably greater scale.

All other neighbours are supportive of the proposal and indeed welcome the use of the site as a family home rather than for new dwellings in the rear garden - a phenomenon endemic in the locality.

The proposal is considered acceptable by the planning officer and complies with technical standards, and no objections have been raised by the public health and protection team.

I urge you to approve this application in line with your officer's recommendation for approval.