



**Planning Committee**  
**7<sup>th</sup> November 2023**

<b>Application No</b>	:	23/01277/FUL Full Application
<b>Location</b>	:	Essex Stays, 49 Maldon Road, Great Baddow, Chelmsford, Essex, CM2 7DN
<b>Proposal</b>	:	<b>Retrospective change of use to exclusive use self catering accommodation</b>
<b>Applicant</b>	:	Essex Stays Limited Essex Stays Limited
<b>Agent</b>	:	Miss Kiran Maher
<b>Date Valid</b>	:	31st August 2023

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## 1. Executive summary

- 1.1. The application is referred to the Planning Committee at the request of a local ward member so that the impacts of the proposal on highway safety and neighbouring amenity can be considered by the Planning Committee.
- 1.2. The site is a (former) public house (The Kings Head) located on the north side of Maldon Road in the village of Great Baddow, within the Chelmsford Urban Area and Great Baddow Conservation Area. Listed buildings lie adjacent to the west and the venue itself is locally listed. The surrounding area is predominantly residential, with an array of amenities within walking distance. Six parking spaces are located to the front of the venue.
- 1.3. Planning permission was granted in 2019 for a '*Change of use from A4 (drinking establishment) to C3 (self-catering holiday accommodation) and internal alterations.*' It has since come to light that the use envisaged by the applicant was in fact a Sui Generis use, which is currently ongoing. Planning permission is now sought for a '*Retrospective change of use to exclusive use self catering accommodation*' to regularise the current use.
- 1.4. As planning permission 19/00677/FUL does not appear to have been implemented, the 'existing' or current lawful use of the property is still considered to be as a public house.
- 1.5. The business caters for families, friends, and corporate groups on a short stay basis. The venue can accommodate up to 17 people within the building (or an addition 6 as part of an overnight glamping experience), up to 45 for a sit-down meal, or up to 70 for a daytime/evening social event. The proposal includes an internal reconfiguration of rooms, as well as minor external alterations.
- 1.6. The main issues relate to harm to heritage assets, impacts on highway safety, and impacts on neighbouring amenity.
- 1.7. As regards heritage impacts, the proposal would not result in harm to the Conservation Area or neighbouring listed buildings. Public benefits also exist in the ongoing maintenance of the locally listed building arising from its stable, long-term occupation.
- 1.8. Impacts on highway safety are considered to be acceptable in the context of the previous and longstanding use of the venue as a public house. Pre-existing parking pressures are not exacerbated by the proposal. The number of potential guests exceeds the number of available parking spaces, however the nature of the business is such that a proportion would likely car-share or use other modes of transport (buses or taxis). There is no objection to the application from the Local Highway Authority.
- 1.9. Similarly, impacts on neighbouring amenity are considered to be acceptable in the context of the previous and longstanding use of the venue as a public house. The Council's Public Health and Protection Services (PHPS) have received several complaints from nearby residents regarding noise nuisance, however officers have not been able to substantiate these complaints. In contrast, complaints during the venue's use as a public house were substantiated and formal action was taken. Adjacent dwellings would have been occupied with consideration to their proximity to a public house. Additionally, the applicant has taken steps to mitigate the impacts, such as installing outdoor CCTV, noise monitoring equipment, and amplified sound system limiters.
- 1.10. The business also provides local economic benefits, three employment opportunities, and hosts seasonal community events.

- 1.11. The proposal is considered acceptable, in accordance with the Local Plan, subject to the imposition of conditions relating to the retention of parking provision, the submission and approval of a management plan, and limitations on the use of the rear garden and external lighting.
- 1.12. The application is recommended for approval.

## **2. Preliminary matters**

- 2.1. On 8 August 2019, planning permission 19/00677/FUL was granted for a *'Change of use from A4 (drinking establishment) to C3 (self-catering holiday accommodation) and internal alterations.'*
- 2.2. Planning permission for a *'Retrospective change of use to exclusive use self catering accommodation'* is now sought in response to an ongoing enforcement investigation into the current use of the property, following reports that it goes above and beyond the use granted planning permission under 19/00677/FUL.
- 2.3. The applicant contends that the current use of the property is in accordance with the information supplied in support of application 19/00677/FUL. Both the Council and applicant agree that the conflict has arisen due to the use class stated in the description of permission 19/00677/FUL. This use class was originally described as *'Sui Generis (exclusive use holiday accommodation)'* in the submission documents but was amended, with agreement from the applicant, during the lifetime of the application to *'C3 (self-catering holiday accommodation)'*.
- 2.4. It has since come to light, following the approval of 19/00677/FUL and ongoing use of the property, that the use is a Sui Generis use, beyond the scope of Use Class C3. Accordingly, retrospective permission is now sought for a change of use of the property.
- 2.5. In view of the above, the starting point for considering the planning merits of this application is to determine the current lawful or 'existing' use of the property. Application 19/00677/FUL sought permission for a change of use from a drinking establishment (Use Class A4). As the proposed use as envisaged by the applicant is identical to the use now proposed (a Sui Generis use as opposed to a C3 use), it is logical to conclude that permission 19/00677/FUL was never implemented. Accordingly, the impacts of the proposal now put forward must be considered in the context of the impacts of the previous (and long-standing) use of the property as a public house.
- 2.6. Notwithstanding the apparent non-implementation of permission 19/00677/FUL, it remains a fact and material consideration that the principle of the change of use of the public house (and consequential loss of a community facility) was considered and accepted during the determination of 19/00677/FUL. It is therefore not necessary to now reconsider this principle in the course of assessing the planning merits of the scheme here proposed.

## **3. Description of site**

- 3.1. The site is a former public house (The Kings Head) located on the north side of Maldon Road in the village of Great Baddow.
- 3.2. The site is within the Chelmsford Urban Area, Great Baddow Conservation Area, and Great Baddow Principal Neighbourhood Centre.

- 3.3. No. 49 is included on the Council's Register of Buildings of Local Value and is situated adjacent to Grade II listed 43 – 47 Maldon Road.
- 3.4. The surrounding area is predominantly residential, with an array of amenities within walking distance.
- 3.5. Six parking spaces are located to the front of the property.

#### **4. Details of the proposal**

- 4.1. The application seeks permission for a retrospective change of use of the property to 'exclusive use self-catering accommodation' for families, friends, and corporate groups on a short stay basis. The planning statement provides limited detail on the nature and scale of the use, however it indicates that permission is sought for the current and ongoing use of the venue, and the Council is in possession of a sufficient amount of information detailing this use.
- 4.2. The venue is available is to be booked year-round, with a 2-night minimum booking policy over the weekend. The venue can accommodate 14 overnight guests if laid out as a 5-bedroom property (with the additional bedroom utilised as a vanity room) or 17 guests if laid out as a 6-bedroom property. The Council also understands that provisions are available to host an additional 6 guests as part of an overnight glamping experience, up to 45 for a sit-down meal, or up to 70 for a daytime/evening social event.
- 4.3. The planning statement asserts that while internal alterations have been made since the use of the property as a public house, none are proposed as a part of the application. It also states that no external alterations are proposed. However, the Council understands the internal alterations to have been undertaken as part of parcel, and to facilitate, the proposed change of use. Additionally, it appears that minor external alterations have in fact taken place. As the application is retrospective, these works are taken into account in the assessment the proposal.
- 4.4. Specifically, as regards internal alterations, the ground floor has been reconfigured to replace the bar area, kitchen, bathrooms, and storerooms with an open plan dining, kitchen, and lounge area, bedroom with en suite, toilet and utility room, sound insulated bar, and sound insulated karaoke room. The entrance lobby has also been converted into an external storage room and, to the rear, a hot tub has been installed. The first floor has been reconfigured to replace the lounge/kitchen diner, bathroom and toilet, office, with three bedrooms (including one usable as a vanity area), two shower rooms, and a bathroom. A roof space has also been utilised as a storeroom. The use of all other spaces remains unchanged. A total of six bedrooms are provided (inclusive of the bedroom usable as a vanity area).
- 4.5. As regards external alterations, minor changes have been made to fenestration in the front elevation, comprising the blocking-up of the door to the lobby and the construction of a new courtyard entrance.

#### **5. Other relevant applications**

- 5.1. 23/00170/FUL – pending consideration  
*Proposed 'dining igloo'.*
- 5.2. 19/00677/FUL – Approved 8 August 2019



*Change of use from A4 (drinking establishment) to C3 (self-catering holiday accommodation) and internal alterations.*

## **6. Summary of consultations**

- 6.1. Essex County Council Fire and Rescue Service: Comments received; no objections raised.
- 6.2. Public Health & Protection Services (PHPS): Comments received, summarised as follows:
- PHPS have received several noise complaints from nearby residents.
  - Officers have not substantiated any noise complaints.
  - Mitigation measures such as house rules for guests and a 10pm curfew on the garden area have been implemented to minimise any disturbance.
  - If approved, conditions are recommended to reflect the first two house rules (of Appendix 3 of the planning statement) as well as requiring the garden area to be vacated by 10pm on any given night.
- 6.3. Essex County Council Highways: Comments received, summarised as follows:
- The proposal, with at least 5no. parking spaces for 5no. bedrooms, is considered to comply with the adopted Parking Standards.
  - The previous and long-standing use of the venue as a public house would have generated many patrons and attendees of events.
  - The proposed use is not dissimilar from the previous use. Parking and highway impacts are likely to be comparable.
  - People often car share or use other modes of transport to attend celebration or party events. There exist travel options other than private motor vehicles in this location.
  - The requirement for a traffic regulation order contribution would be unreasonable in view of the previous use of the venue.
- 6.4. Economic Development & Implementation: Comments received, summarised as follows:
- The reuse of the Kings Head as a viable commercial business is supported from an economic development and tourism standpoint.
  - The building has been converted to a very high standard and the business provides a high-level quality of visitor accommodation in a sustainable location.
  - The business utilises technology to add to the quality of the offer as well as assist in the monitoring of the property.
  - The business adds to the commercial mix of businesses in Great Baddow, brings economic and community benefits to the wider area, and supports the wider tourism and hospitality sector within the city.
- 6.5. Great Baddow Parish Council: Objection made; comments summarised as follows:
- The business gives rise to excessive noise pollution on a regular basis, exacerbated by the hot tub, dining igloo, and amplified sound system.
  - The business caters to stag and hen party groups and operates as a party venue.
  - The property is advertised as catering to groups of up to 70 people, beyond the scope of the planning application.
  - House rules cannot be enforced as nobody is on site 24/7.
  - There is insufficient parking to accommodate the scale of the use.

- Insufficient information has been submitted relating to fire safety regulations, sanitation, maintenance, parking, waste management, and noise mitigation.
- 6.6. Local residents: Objections received from 15 local residents; concerns raised mainly focus on noise, parking and the use of the property. Responses are summarised in Appendix 2.

## **7. Planning considerations**

- 7.1. The site is located in the Chelmsford Urban Area, where the principle of development is acceptable, and within the Vineyards Principal Neighbourhood Centre, where localised retail, commercial, and community facilities and services are focused.
- 7.2. While the business functions as an exclusive use venue, it has replaced a facility that was redundant and unviable, providing a commercial facility where otherwise there would likely be none. It is situated in a sustainable location, within proximity to an array of amenities and services, and is well-served by public transport. Local businesses in the vicinity of the venue, including shops, public houses, caterers, events organisers, photographers, cleaners, and tradespeople benefit from its presence, which in turn supports the local economy. The business also provides three local employment opportunities and organises community initiatives and activities in the village. The applicants have submitted evidence to substantiate the local economic benefits and organisation of community events.
- 7.3. More widely, the venue supports the wider tourism and hospitality sector within Chelmsford. It has brought into reuse the former King's Head public house, which has been at heart of Great Baddow village for centuries, and is partnered with a number of important hospitality and wedding businesses. The venue offers a wide range of services to guests and utilises technology to add to the quality of the offer.
- 7.4. The main issues are:
- a) Whether the proposal gives rise to harm to heritage assets – namely, the Great Baddow Conservation Area, 43 – 47 Maldon Road to the west (Grade II listed), and the venue itself (locally listed).
  - b) Whether the proposal gives rise to unacceptable impacts on highway safety, and whether sufficient parking provision exists at the venue.
  - c) Whether the proposal gives rise to unacceptable impacts on neighbouring amenity.

### ***Main Issues***

#### **(a) Heritage Assets**

- 7.5. Policy SPS3 states that the Council will place great weight on the preservation or enhancement of designated heritage assets and their settings. Applicants will be encouraged to put heritage assets to viable and appropriate use to secure their future preservation and, where appropriate, enhancement, as appropriate to their significance.
- 7.6. Policy DM13 states that the Council will take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that the conservation of heritage assets can make to sustainable communities, local character, and distinctiveness.

Listed buildings will be preserved and the character and appearance of Conservation Areas preserved or enhanced.

- 7.7. Policy DM14 requires new developments to retain the significance of non-designated heritage assets, including their settings.
- 7.8. The property is a non-designated heritage asset, included on the Council's Register of Buildings of Local Value, and is situated immediately east of Grade II listed 43 – 47 Maldon Road. The site also lies within the Great Baddow Conservation Area.
- 7.9. The venue is of eighteenth-century origin, and its previous, long-standing use as a public house forms part of its history. The decline of the venue's viability and use as a public house – and the attendant decline in its maintenance – adversely impacted upon its significance as a locally listed building as well as upon the character, appearance, and significance of the Conservation Area.
- 7.10. The works undertaken to facilitate the proposed change of use have restored and enhanced the building, and its occupation by a successful commercial business provides an opportunity for its long-term maintenance. In view of the venue's location at the edge of the village centre and its historic use as a public house, the social activity arising from the proposed use is also not necessarily out of context.
- 7.11. With consideration to the above, the proposal would result in no harm to the Conservation Area, the building as a non-designated heritage asset, or the listed buildings adjacent. There also exist public benefits through the maintenance of the building arising from its stable, long-term occupation. Accordingly, the proposal conforms to Policies SPS3, DM13, and DM14 of the Chelmsford Local Plan.

**(b) Parking and Highway Safety**

- 7.12. Policy DM27 states that the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) when determining planning applications.
- 7.13. The venue is located on Maldon Road, a secondary distributor road. Parking provision, in the form of six full-sized spaces as well as a seventh truncated space, is laid out along the frontage, abutting the highway. The site is readily accessible via the bus network, including regular shuttles to and from the bus station, which lies in proximity to the train station.
- 7.14. Concerns have been expressed by residents during the lifetime of the application that parking provision is not sufficient for the scale of the use. It has been stated that guests' parked vehicles obstruct the footway, highway, and nearby residential streets, inconveniencing residents and impacting on local businesses. It is also the case that no parking restrictions exist along the frontage of the site, which fails to deter guests parking perpendicular to the existing spaces and encroaching into the highway. There also exist no parking restrictions further along Maldon Road to the north of the site, which fails to deter on-street parking in proximity of the venue.
- 7.15. As proposed, the number of potential guests attending bookings at the venue clearly exceeds the number of available parking spaces. That said, the nature of the use – as a social events venue – is such that a proportion of the guests would likely car-share or use other modes of transport (buses or taxis) – which are readily available – to attend.

- 7.16. The impact of the proposed use on the highway network must also be considered in the context of the previous and long-standing use of the venue as a public house. The use as such would have generated many regular visitors, and organised events could have been held such as quiz nights, birthday parties, and seasonal celebrations. The less-than-optimal parking situation and attendant on-street parking and potential highway obstruction is an issue pre-existing the current use of the venue. The potential number of guests visiting the venue in its current form is not considered to exceed the number that could have visited in previous years, during the venue's time operating as a public house. There are also no changes proposed to parking provision or access arrangements. As such, while the impacts of proposal are acknowledged, it would not be reasonable to place the burden of mitigating the pre-development parking pressures on the applicant by requiring a Traffic Regulation Order contribution. That said, a planning condition is imposed to ensure that the existing parking provision is retained in connection with the property.
- 7.17. With consideration to the above, the proposal accords with Policy DM27 of the Chelmsford Local Plan as well as Chapter 9 of the National Planning Policy Framework 2023.

(c) Amenity

- 7.18. Policy DM29 requires new developments to safeguard the living environment of the occupiers of any nearby residential property by not resulting in excessive noise, activity or vehicle movements. New developments must also be compatible with neighbouring uses by avoiding unacceptable levels of light, vibrations, or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.
- 7.19. The venue lies in close proximity to a number of residential dwellings, several of which overlook the venue's garden. Nos. 43 – 47 Maldon Road (odd) lie to the east of the host building, with a residential block on the opposite side of Maldon Road to the south. Nos. 92 – 102 Longmead Avenue (even) (constructed in the mid-to-late 2000s under permission 04/01240/FUL) lie to the north and west of the venue's garden, as well as 51 – 61 Maldon Road (odd) to its east.
- 7.20. Representations from 15 individual objectors have been made during the lifetime of the application. These raise a range of matters but are largely concentrated on the issues of parking and noise nuisance. Eight of these representations have been made by occupants of the 04/01240/FUL development, spread across land beyond the north and west boundaries of the venue's garden. One has been made by a nearby occupant of a dwelling pre-existing the 04/01240/FUL development. Six have been made by residents of Great Baddow not in the immediate locality.
- 7.21. As regards noise nuisance and impact on amenity more generally, objections focus on the nature and scale of the proposed (and ongoing) use, as well as the lack of mitigation measures established. It is contended that the description of the development does not accurately reflect the nature of the use – that the venue is in fact designed, marketed, and operated as a party house, and encourages the consumption of alcohol. Objections contend that, contrary to the venue's 'house rules', it is stated that the business caters to stag and hen parties. While the submission documents do not provide specific details on how many guests can be accommodated, evidence is provided indicating that the business advertises capacity for 14+ overnight guests (or 20+ as part of a glamping experience) and up to 45 lunch guests or 70 daytime/evening party guests. Noise nuisance and anti-social behaviour is said to be exacerbated by the facilities on offer, including an amplified sound system, hot tub, karaoke system, cocktail bar, dining igloo, and lighting and heating.

- 7.22. As regards the lack of mitigation, it is contended that staff are not on-site during hours of operation, that no measures are in place to disable the outdoor lighting or time-restrict the use of the hot tub, and that the 'house rules' are not adhered to.
- 7.23. The Council's Public Health and Protection Services (PHPS) have received several complaints from nearby residents regarding noise nuisance, predominantly relating to loud music and shouting in the garden area. To date, PHPS officers have not taken any formal action as they have not been able to substantiate any noise complaints. That said, as part of the investigation process, contact has been made, and continues to be made, with the business owners to provide opportunities to mitigation nuisance when allegations arise. It is considered that if the noise nuisance was significant and excessive, officers would have been able to witness it and substantiate complaints. Current facts indicate that the noise nuisance is not long-lasting or is otherwise occurring sporadically.
- 7.24. As regards mitigation, the applicant has submitted an appendix of 'house rules' to support the application. Three rules are included: *No stag groups or similar parties; No under 25's, unless part of a mixed group (i.e. family); No use of the main venue garden during Night Hours (between 11pm and 6am)*. The Council also understands, while staff are not present on-site during events, that technology is utilised to assist with monitoring and safety. This includes CCTV (outdoors), noise monitoring equipment (where level exceedance is tackled by notification to guests), outdoor lighting timers, amplified sound limiters, and 24/7 electronic communication. It is also understood that guests are cautioned regarding disruptive behaviour and that large speakers in the venue's garden are prohibited during hours of its use.
- 7.25. The pre-existing and longstanding use of the venue as a public house must again be considered, here in the context of noise nuisance. The venue and its garden have, until recently, been in continuing use as a drinking establishment, with all the attendant noise and activity which would be expected of such a use. Aerial photographs dating back to 2005 show the rear garden of the venue in use, with tables, chairs, a bar/barbeque, and other structures and paraphernalia present, prior to the implementation of permission 04/01240/FUL. It is not considered that the use of the venue as 'exclusive use self-catering accommodation' would give rise to noise and activity beyond that which could have arisen from the venue's use as a public house. This pre-existing level of activity would have been factored into the decision to approve planning permission 04/01240/FUL and those dwellings approved would have been purchased and occupied in knowledge of their proximity to a public house. In this regard, complaints were also made when the venue operated as a public house and these complaints were in fact substantiated, with formal action taken against the licensee at the time.
- 7.26. Another material consideration relates to the use of the venue as a C3 dwelling, as approved under permission 19/00677/FUL. Hypothetically, had this permission been implemented, a large amount of the activity described in the representations – such as rental use for up to six people or more as a single household, the hosting of large daytime/evening parties, and the use of a hot tub, karaoke room, and bar – would have been permitted within the scope of the permission.
- 7.27. The timing of the application should also be noted. It appears the majority of the reported impacts on amenity are arising from the use of the venue's garden. The application was received at the beginning of August, during the summer months when use of the garden would likely have been at its peak. It would be expected that the use of the venue's garden would decline heading into the autumn and winter months, as temperatures drop.

- 7.28. Ultimately, the impacts described in the representations appear to arise not from the use of the venue proposed (which the Council considers to accurately reflect the actual and ongoing use) but rather from the specific individual users of the venue. Indeed, the proposal as described would also accurately represent the use of the venue by groups who would not be expected to produce any noise at all. Accordingly, these matters largely lie within the remit of PHPS, who have specific powers to tackle noise nuisances, and who continue to be involved in the monitoring of the site. That said, it would be expedient from a planning standpoint to impose conditions proportionate to the impacts insofar as they align with principally planning matters. Accordingly, conditions are imposed stipulating the submission of and compliance with a management plan (including such details as noise mitigation measures, house rules, and in-house enforcement policy), as well as limiting the use of the venue's garden and external lighting.
- 7.29. With consideration to the matters set out above and with the imposition of planning conditions, the proposal accords with Policy DM29 of the Chelmsford Local Plan.

### ***Other Matters***

#### *Design*

- 7.30. Minor external works have been undertaken to facilitate the proposed change of use. The alterations do not give rise to harm from a design standpoint and accord with Policy DM23.

#### *Flood Risk*

- 7.31. The proposed change of use does not represent a flood risk beyond the pre-existing use and does not exacerbate flood risk elsewhere.

#### *Contamination*

- 7.32. There exists a historic landfill site beneath a northern portion of the venue's garden. The proposed use does not pose a risk beyond that pre-existing, however, and the development is acceptable in this regard.

#### *Residual matters*

- 7.33. Comments below address matters not already addressed, and particularly those raised in public representations:
- The submission of further information relating to waste management will be stipulated as part of the condition requiring a management plan. Fire safety is governed by separate legislation.
  - The venue does not require a premises licence under the Licensing Act 2003. On occasions where such events as 'cocktail experiences' are hosted, a Temporary Event Notice (TEN) is applied for, which covers the 'sale' of alcohol. The venue is operating within licensing laws.
  - Guests parking at the Vineyards car park is a matter for agreement between the owners of the business and car park. The Council has not been supplied with such an agreement and so this does not form a material consideration in the determination of the application.
  - The proposal is not contrary to paragraph 8.30 of the Chelmsford Local Plan. This supporting paragraph relates to Policy DM4 and designated Employment Areas. The application site does not fall within a designated Employment Area.

- The applicant was not advised during the determination of 19/00677/FUL that a Sui Generis use was unlikely to be acceptable. Contrary to representations made, this does not appear to be detailed within FOI Request IR10671.
- The venue's making of national news during a visit to Chelmsford by the Prime Minister is not a material planning consideration. The Prime Minister on this occasion was also not supplied with any context around the matter, including the 'existing' use of the venue as a public house.
- The dining igloo proposed under 23/00170/FUL is currently being investigated by the Council's Planning Enforcement Team and does not form part of this application.

### **Conclusion**

- 7.34. The site is located within the Chelmsford Urban Area, where the principle of development is acceptable. The proposed (and ongoing) use of the venue provides economic benefits to the local area and supports the wider tourism and hospitality sector within Chelmsford. The proposal does not give rise to any harm to heritage assets and represents a public benefit in the ongoing maintenance of the former King's Head public house. Issues relating to parking and harm to amenity are pre-existing and not exacerbated by the proposal. Finally, the control noise nuisance lies largely within the remit of Public Health and Protection Services, who have specific powers to tackle such issues, and who continue to be involved in the monitoring of the site.
- 7.35. For the reasons given above and having regard to all other matters raised, it is concluded, with the imposition of planning conditions, that the proposed development is acceptable and in accordance with the adopted Local Plan Policies.

### **8. Community Infrastructure Levy (CIL)**

- 8.1. This application is not CIL liable.

### **9. Recommendation**

- 9.1. That the application be **APPROVED** subject to the following conditions:-

#### **Condition 1**

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 2**

The six existing vehicle parking spaces within the application site are and located to the east of the property shall be retained and shall only be used for the purposes of parking vehicles in association with the use hereby approved.

Reason:

To ensure that appropriate parking is provided and that the on-street parking of vehicles in the adjoining streets is minimised in the interests of highway safety.

**Condition 3**

Within one month of the date of this decision notice, a management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall subsequently be adhered to at all times.

The management plan shall include details relating to:

- a) Noise and nuisance mitigation measures;
- b) House rules;
- c) Enforcement policy;
- d) Complaints procedure, including points of contact;
- e) Waste management.

Reason:

In the interests of safeguarding the amenity of local residents in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 4**

The rear garden of the venue shall not be used in association with the use hereby permitted from 10pm to 6am.

Reason:

In the interests of safeguarding the amenity of local residents in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 5**

External lighting in the rear garden of the venue used in association with the use hereby permitted shall remain switched off from 10pm to 6am.

Reason:

In the interests of safeguarding the amenity of local residents in accordance with Policy DM29 of the Chelmsford Local Plan.

**Notes to Applicant**

- 1 Vehicles parked in association with the use hereby permitted should not be parked in such a manner as to obstruct footways or the highway.
- 2 The applicant is reminded that additional water supplies for firefighting may be necessary for this development. The applicant is urged to contact Essex Fire and Rescue Service's Water Section at Service Headquarters, 01376 576000.

**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.



## Appendix 1 – Consultation Responses

### Essex County Fire & Rescue Service

Comments (24.10.23)
<p><u>Access</u></p> <p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and appears to be acceptable subject to satisfactory compliance with Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p> <p><u>Building Regulations</u></p> <p>It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.</p> <p>Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called “the Authority”) in accordance with “Building Regulations and Fire Safety - Procedural Guidance”.</p> <p>Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).</p> <p><u>Water Supplies</u></p> <p>The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.</p> <p><u>Sprinkler Systems</u></p> <p>“There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire &amp; Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.</p> <p>Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.”</p>

### Public Health & Protection Services

Comments (19.9.23)
<p>19.09.2023 - Public Health and Protection Services have received several complaints from some nearby residents regarding noise from Essex Stays, predominantly in the garden area. The noise complaints relate to loud music and shouting from guests and have been made periodically since the premises opened in mid-2022. Officers have not substantiated any noise complaints and therefore no action has been taken by this Service. As part of the investigation process contact has been, and continues to be, made with the owners to notify them of the allegations when received to give them the opportunity to put measures in place as they see appropriate. I understand measures have been implemented over time to minimise any disturbance in terms of house rules for guest, including vacating the garden area by 10pm. I would suggest that, if permission is given that a condition is imposed that requires the garden area to be cleared by 10pm on any night. I would also recommend that the first two house rules proposed by the applicant in Appendix 3 of their submission are imposed as conditions.</p>

## Essex County Council Highways

Comments (20.10.23)
<p>The Highway Authority would wish to update their consultation response, with regards to the consideration and contexts of the previous use of the venue as a public house, and reasonableness of requesting the traffic regulation order contribution, for this retrospective planning application.</p> <p>The proposal, for exclusive use self-catering accommodation, is considered to comply with the adopted Parking Standards. Seven parking spaces are provided; 5no. parking spaces are provided for the 5no. bedroom-units, with an additional 2no. spaces, available for use.</p> <p>The previous and long-standing permitted planning use of the venue was a public house. A public house would have generated many visitors and the public house could have held regular events, such as pub quiz nights, birthday celebrations, Christmas parties etc. When the previous use of the venue as a public house is considered, the Essex Stays venue is not considered dissimilar, and any likely parking on the highway would likely to be comparable to the previous permitted use of the venue as a public house.</p> <p>It should be acknowledged that people often car share or use other modes of transport, to attend celebration or party events (such as taxi's), and that there are travel options other than private motor vehicles, available in this location, via the local and existing regular public transport services or to walk and cycle.</p> <p>It is considered unlikely that the change of use, to exclusive use self-catering accommodation, with consideration of the previous public house use, would result in a significant impact to the highway network. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. No contribution towards a traffic regulation order (TRO) would be sought, as this could be considered unreasonable, given the previous use as a public house, as outlined above.</p>

## Economic Development & Implementation

Comments (6.10.23)
<p>Essex Stays provides an important addition to the visitor and tourism offer in Chelmsford. It has brought into use the former Kings Head public house, which has been at heart of Great Baddow village for centuries. It's re-use into a viable commercial business, rather than its loss to residential is to be welcomed.</p>

The building has been converted to a very high standard and the business provides a high level quality of visitor accommodation in a sustainable location close to other facilities and amenities in the village. The business is utilising technology that not only adds to the quality of the offer, but also assists in the monitoring, safety and sustainability of the property.

Its presence adds to the commercial mix of businesses in Great Baddow and brings economic benefit to the wider area. Local businesses in the vicinity of Essex Stays, including local shops and pubs benefit from their presence which in turn supports the local economy. The business also organises community initiatives and activities in the village.

Essex Stays also supports the wider tourism and hospitality sector within the City and is partnered with a number of key important hospitality and wedding businesses, again supporting the wider hospitality sector.

From an economic development and tourism perspective the application is supported.

### Great Baddow Parish Council

#### Comments (19.9.23)

The Parish Council objects to this planning application for the following reasons:

Excessive noise pollution on a regular basis which is not in keeping with a residential dwelling house.

Having a hot-tub, dining Igloo and amplified sound system in the garden is contributing to the noise issues.

As there is no one on site 24/7 the owners are not able to enforce their own rules and regulations which seem to be continuously breached. Therefore, the Parish Council feels until these rules are able to be enforced, this application should not be approved.

The owners advertise that they can cater for large parties either sit down meal basis catering for roughly 45 people and standing 70 people which is not within keeping with what the venue is supposed to be for.

Number of parking spaces has increased from 6 to 7 but the parking area is very small, and the Parish Council questions this. It is felt that there is not enough parking for what the venue advises it can cater for. Parking in Great Baddow is already an issue, and this will make it even worse.

What the venue is advertised as is far beyond what the planning application is for.

The company says they are a venue for families but there seems to be more Hen and Stag bookings rather than small family gatherings.

It is felt it is a party venue in the middle of a village.

The Parish Council asks if their fire regulations take into account all the uses the venue advertise for and the number of people, they say they can cater for.

The management plan is not there for a Sue Generis. The Plan should contain detail on cleanliness, maintenance and how you plan to handle nuisance or anti-social behaviour from tenants, waste management and parking plan.

## Local Residents

### Comments

Representations received from 15 individual objectors. Comments are summarised as follows:

- The application does not accurately reflect the use. The venue is designed, marketed, and used as a party venue.
- Facilities include an amplified sound system, hot tub, karaoke system, cocktail bar, outdoor shelter, and lighting and heating. There are no measures in place to disable the outdoor lighting or time-restrict the use of the hot tub.
- The use gives rise to significant noise nuisance at all hours. The business owners have not taken steps to mitigate this, and staff are not on-site during hours of operation. The nature of the business encourages the consumption of alcohol. The venue caters to stag and hen party groups, as evidenced in Google Reviews. House Rules are not adhered to. The garden of the venue is overlooked by several residential dwellings.
- The business advertises capacity for 14+ overnight guests (or 20+ as part of a glamping experience) and for up to 45 lunch guests or 70 party guests.
- Parking provision is not sufficient for the scale of the use. Parked vehicles obstruct the footway, highway, and nearby residential streets. There are no mechanisms to control parking. The business has, in the past, advertised free parking at the Vineyards. The provision of seven parking spaces is incorrect as there are only six. Local businesses are already short on parking.
- The venue is not licenced, so avoids conditions which would be imposed on its use as a public house.
- Contrary to statements made in the submission documents, internal and external alterations have been made as part of the change of use.
- Local businesses have had little interaction with Essex Stays. Guests of the venue also do not leave for local tourism purposes.
- The proposal is contrary to paragraph 8.30 of the Chelmsford Local Plan.
- During determination of application 19/00677/FUL, the applicant was advised that a Sui Generis use was unlikely to be acceptable. This is detailed within FOI Request IR10671.
- The Sui Generis use classification is consistent with the findings of Court of Appeal judgement *Moore vs SSCLG 2012 (EWCA Civ 1202)*.
- The venue recently made national news during a visit to Chelmsford by the Prime Minister, who agreed that party houses should not be importing anti-social behaviour into neighbourhoods.
- The dining igloo proposed under 23/00170/FUL remains in situ despite not having planning permission.
- [Representations are supported by evidence in the form of photographs of the site, videos of activity, screenshots of advertisements, social media posts, and reviews.]

**Appendix 2 – Drawings**





0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**23/01277/FUL**

**Planning & Development Management**  
**Directorate for Sustainable Communities**

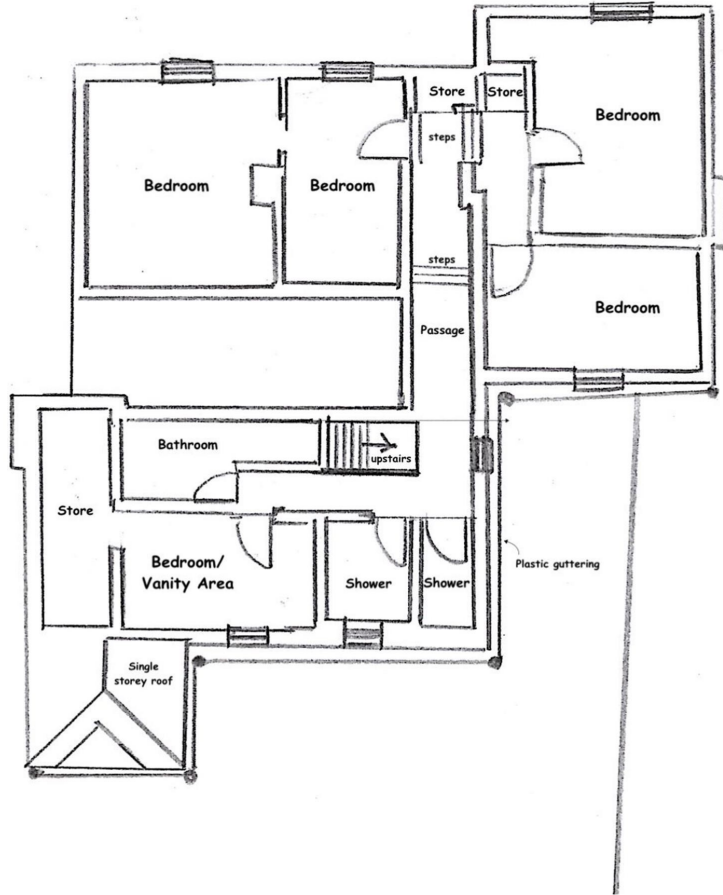
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826



# FIRST FLOOR PLAN

@1:50



Existing and proposed  
(no change)

# GROUND FLOOR PLAN

Existing and proposed  
(no change)



@1:50



# HM Land Registry

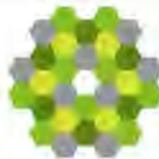
## Official copy of title plan

Title number **EX670121**

Ordnance Survey map reference **TL7305SW**

Scale **1:1250**

Administrative area **Essex : Chelmsford**



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