

# Planning Committee Agenda

**6 October 2020 at 6pm**

**Remote Meeting**

**Membership**

Councillor J A Sosin (Chair)

**and Councillors**

L Ashley, H Ayres, S Dobson, J Frasca, P Hughes, R J Hyland,  
R Lee, G H J Pooley, R J Poulter, T E Roper, E Sampson, C Shaw,  
R J Shepherd and I Wright

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 email [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk)

# PLANNING COMMITTEE

6 October 2020

## AGENDA

1. CHAIR'S ANNOUNCEMENTS
2. ATTENDANCE AND APOLOGIES FOR ABSENCE
3. DECLARATIONS OF INTEREST

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

4. MINUTES

To consider the minutes of the meeting on 1 September 2020

5. PUBLIC QUESTION TIME

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have been invited to participate in this meeting and have submitted their question or statement in writing and in advance. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Where an application is returning to the Committee that has been deferred for a site visit, for further information or to consider detailed reasons for refusal, those who spoke under public questions at the previous meeting may not repeat their questions or statements.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.



6. 22 SOUTH HANNINGFIELD WAY, RUNWELL, CHELMSFORD – 20/00758/FUL
7. SITE AT FORMER KIDS AND KOFFEE, HALL STREET, CHELMSFORD – 20/00349/FUL
8. SITE AT PLAY AREA, WOODHALL ROAD, CHELMSFORD - 19/01579/FUL
9. 37 GOODWIN CLOSE, GREAT BADDOW, CHELMSFORD - 19/01050/FUL
10. PLANNING APPEALS

MINUTES  
of the  
PLANNING COMMITTEE  
held on 1 September 2020 at 6:00 pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, P Clark, S Dobson, J Frasca, P Hughes,  
J Lardge, R Lee, T E Roper, E Sampson, C Shaw and I Wright

Also present: Councillor N Dudley

### 1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

### 2. Attendance and Apologies for Absence

The attendance of those present was confirmed. Apologies for absence had been received from Councillors R J Hyland, and G H J Pooley, who had appointed Councillors P Clark and J Lardge respectively as their substitutes, and from Councillor R J Poulter.

### 3. Declarations of Interest

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

#### 4. Minutes

The minutes of the meeting on 14 July 2020 were confirmed as a correct record.

#### 5. Public Question Time

Members of the public made statements on items 7, 8 and 9 on the agenda. Details are recorded under the relevant minute numbers below.

#### 6. Land South West of Broadacres, Lodge Road, Bicknacre, Chelmsford – 19/01800/FUL

(M7, PL29, 2020) The Committee considered an application for the construction of six bungalows and three vehicular accesses with associated additional landscaping on land to the south west of Broadacres, Lodge Road, Bicknacre. It had agreed to defer the application at its meeting on 11 February 2020 to give the applicant or others the opportunity to produce evidence that there was a demand for accommodation in the area that would be restricted in perpetuity to those of 55 years of age or over with a connection to the Woodham Ferrers and Bicknacre area. The applicant had since submitted a draft Unilateral Undertaking to that effect.

The Committee was told that provided one qualifying occupier of a property was over 55 and on the electoral register for the Woodham Ferrers and Bicknacre Ward, any other occupiers need not meet those requirements.

RESOLVED that the Director of Sustainable Communities be authorised to grant application 19/01800/FUL in respect of land to the south west of Broadacres, Lodge Road, Bicknacre subject to the planning conditions set out within the main body of the report to the meeting, once the legal agreement regarding the restriction of the occupation of the dwellings has been signed.

(6.07pm to 6.18pm)

#### 7. Site at Former Kids and Koffee, Hall Road, Chelmsford – 20/00349/FUL

An application was considered for the demolition of the building formerly occupied by Kids and Koffee in Hall Road, Chelmsford and its replacement with two semi-detached dwellings with integral garages.

Statements from two local residents and one on behalf of the applicant were made at the meeting in support of the application. They argued that although the development would be contrary to policy DM21 which sought to preserve or replace existing community facilities, such facilities were provided elsewhere in the area and the proposed use of the site would

improve its appearance. Most members of the Committee had sympathy for that view, adding that the site lacked the adequate parking that was important to the success of any community use, the design of the proposed dwellings was acceptable, and there was strong local support for the development. Another member was of the view that no evidence had been provided to support the argument that there was no demand for a community use of the site and that it would not be economically viable. The majority of members on the Committee, however, were minded to approve the application and requested that the Director of Sustainable Communities bring it back to the Committee with suggested conditions that could be attached to any approval.

RESOLVED that application 20/00349/FUL in respect of the former site of Kids and Koffee in Hall Road, Chelmsford be deferred and that the Director of Sustainable Communities report to a future meeting with suggested conditions that could be attached to any approval of it, including one that would require that the garages associated with the proposed dwellings only be used for the parking of vehicles.

(6.18pm to 6.52pm)

#### 8. 38 Bodmin Road, Chelmsford – 20/00748/FUL

The application in respect of 38 Bodmin Road, Chelmsford was for the construction of a single storey side extension and two storey rear extension to the property. The proposal included a new first floor window in the southern (side) elevation.

A statement from the occupier of a neighbouring property was read out at the meeting objecting to the application on the grounds that the development would be detrimental to the amenity of 36 Bodmin Road as a result of loss of light to a large side window of that property and the impact on its character and appearance. A ward councillor for the area also attended the meeting and objected to the application on similar grounds.

The Committee was of the view that whilst there would be some loss of light to the side window of 36 Bodmin Road, that window served a stairwell and not an inhabited room and accordingly less weight should be given to that aspect of the development. In all other respects, the application was considered to be acceptable.

RESOLVED that application 20/00748/FUL in respect of 38 Bodmin Road, Chelmsford be approved, subject to the conditions set out in the report to the meeting.

(6.52pm to 7.11pm)

#### 9. 22 South Hanningfield Way, Runwell, Chelmsford – 20/00758/FUL

Councillor P Clark spoke as a ward councillor against the application and took no part in the discussion of and voting on it.

The Committee considered an application for single storey front and rear extensions to 22 South Hanningfield Way, Runwell and a raised patio to the rear of the property.

A statement was read out at the meeting from the occupier of a neighbouring property who objected to the development. The objections of both the occupier and ward councillor centred on alleged discrepancies between the dimensions of the existing extension and patio on the drawings and what had already been built and was planned. The development would have an overbearing effect and would result in overlooking of neighbouring properties, contrary to policy DM29.

The Committee felt that it would not be possible to assess the accuracy of the claims about discrepancies and gain a firm understanding of the effect of the development on neighbouring properties without a site visit.

RESOLVED that application 20/00758/FUL in respect of 22 South Hanningfield Way, Runwell, Chelmsford be deferred for a site visit.

(7.11pm to 7.30pm)

## 10. Beaulieu Outline Planning Permission 09/01314/EIA Section 106 Agreement – First Viability Review

The Section 106 Agreement associated with planning permission 09/01314/EIA for Great Beaulieu Park committed the developer to providing at least 27% of the dwellings as affordable housing. The agreement required the applicant, Countryside Zest, to review the viability of the development at two defined points (the First and Second Viability Reviews). The mechanism was put in place to determine whether an improved economic climate might allow for the delivery of a greater quantum of affordable housing. The Non-Technical Summary provided at Appendix 1 to the report to the meeting showed that the scheme would continue to deliver 27% affordable housing provision until the time of the Second Viability Review.

RESOLVED that the results of the first viability review for the Greater Beaulieu Park development be noted.

(7.30pm to 7.32pm)

## 11. Planning Appeals

RESOLVED that the information on appeal decisions between 1 July and 18 August 2020 be noted.

The meeting closed at 7.33pm

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27<sup>th</sup> May 2020. The Local Plan guides growth and development across Chelmsford City Council's area as well as containing policies for determining planning applications. The policies are prefixed by 'S' for a Strategic Policy or 'DM' for a Development Management policy and are applied across the whole of the Chelmsford City Council Area where they are relevant. The Chelmsford Local Plan 2013-3036 carries full weight in the consideration of planning applications.

## **SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA**

- DC4** Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.
- DC45** Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.
- DM13** Policy DM13 - Designated Heritage Assets - The impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- DM15** Policy DM15 - Archeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
- DM18** Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.
- DM21** Policy DM21 - Protecting Community Facilities - The change of use of premises or redevelopment of sites that provide valued community facilities will only be permitted where the site cannot be used for an alternative community facility or where there is already an adequate supply of that type of facility in the locality or settlement concerned. Existing open spaces, sports and recreational buildings and land will also be protected.

- 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.
- DM25** Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- 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.
- LPMP1** Local Policy MP1 High Quality Design - Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.
- LPPA1** Local Policy PA1 Protecting Amenity - 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
- SPS3** Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.
- SPS5** Strategic Policy S5 Protecting & Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.
- SPS9** Strategic Policy S9 Infrastructure Requirements - New development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. New development must be supported by sustainable means of transport, safe from all types of flooding, provide a range of community infrastructure, provide green infrastructure and utilities. Necessary infrastructure must seek to preserve or enhance the historic environment.

## **VILLAGE DESIGN STATEMENTS**

VDS: Sets out the local community's view on the character and design of the local area. New development should respect its setting and contribute to its environment.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) was published in February 2019. It replaces the first NPPF published in March 2012 and almost all previous national Planning Policy Statements and Planning Policy Guidance, as well as other documents.

Paragraph 1 of the NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 2 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and should be read as a whole.

Paragraph 7 says that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development meant that the planning system has three overarching objectives; an economic objective; a social objective; and an environmental objective. A presumption in favour of sustainable development is at the heart of the Framework.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.





**Planning Committee**  
**6<sup>th</sup> October 2020**

<b>Application No</b>	:	20/00758/FUL Full Application
<b>Location</b>	:	22 South Hanningfield Way Runwell Wickford SS11 7DR
<b>Proposal</b>	:	<b>Proposed single storey front and rear extensions with raised patio to rear.</b>
<b>Applicant</b>	:	Mr Quirke
<b>Agent</b>	:	Mr Mark Halliday
<b>Date Valid</b>	:	19th May 2020

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## Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1 The application is referred back to the Planning Committee following it being deferred for a site visit at the meeting on 2nd September 2020.
- 1.2 The application has been referred to planning committee at the request of a local ward Councillor because of concerns raised by neighbours relating to the loss of their amenity.
- 1.3 The site is located within the defined settlement of Runwell where the principle of constructing extensions to residential dwellings is acceptable.
- 1.4 The application is retrospective as the construction of the patio has begun.
- 1.5 The rear of the application site slopes down from the rear of the house. A single storey extension has recently been constructed which matches the size of a rear addition approved under the householder prior approval process (see below). The raised patio provides a level platform when exiting the rear extension. The patio matches the width of the rear extension (7.9m) and extends by 5m. The height of the patio is approximately 0.96m from the lower ground level. It contains steps leading to the lower patio which measures approximately 0.3m in height from ground level.
- 1.6 Given the sloping ground level rear raised patios are common within this area.
- 1.7 To prevent overlooking of the neighbouring property No 24, a taller fence, not exceeding 2m in height, has been erected along the common boundary between the application site and No 24. This fence does not form part of this proposal as a 2m height fence in the rear garden would not normally require planning permission.
- 1.8 A privacy screen on the southern edge of the raised patio is proposed to prevent overlooking towards the rear of No 20.
- 1.9 The proposal would not materially differ from the existing development within the vicinity. The proposed privacy screen would prevent any intrusive overlooking towards the rear of No 20. The replacement fence on the boundary with No 24 provides effective privacy for No 24.
- 1.10 Approval is recommended.

## **2 Description of site**

- 2.1 The site lies within the Defined Settlement of Runwell where the principle of development is acceptable.
- 2.2 The property is a detached bungalow, recently extended with a single storey rear extension.
- 2.3 The street scene contains mixed scale and form properties, many enlarged and altered with various extensions.
- 2.4 Properties on the east side of the road feature single storey front projections and single storey or one and a half storey rear additions. Due to the sloping rear ground level, many properties have raised patios with steps leading to the lower garden levels. Garages and various single storey outbuildings are also a common addition within the rear gardens. The frontages are open and provide off-road parking with side driveways leading to the rear. The rear boundary treatments vary from 2m tall timber boarded panels with concrete bases to low ever-green hedges and picket fences.

2.5 On the west side of the road are two storey, semi-detached and detached houses. Many have been extended in various ways with off-road parking to the front. These properties sit at a slightly higher ground level to the properties on the eastern side of the road.

### **3 Details of the proposal**

3.1 The proposal includes:

- i. A single storey front extension which would measure 3.6m in depth and 3.8m in width and would have a pitched roof measuring 3.6m in height.
- ii. A single storey rear extension which has been already constructed and measures 4m in height including the lantern, 2.8m in height eaves and 5m in depth. The width matches the width of the house.
- iii. A raised patio to the rear of the constructed rear extension. The raised patio would be 0.96m in height from the ground level. The depth of this patio would be 5m and it would feature steps on both sides leading onto a lower patio, 0.3m in height from ground level.
- iv. A 1.8m high privacy screen on the southern side of the higher patio. It would project by 3.6m from the rear wall of the single storey rear extension.

### **4 Other relevant applications**

4.1 20/00019/HHPA - Prior Approval Not Required 17th April 2020

The construction of a single storey rear extension, which would extend beyond the rear wall of the original house by a maximum depth of 5m, for which the maximum height would be 4m, and for which the height of the eaves would be 3.5m.

### **5 Summary of consultations**

5.1 The following were consulted as part of this application:

- Runwell Parish Council
- Public Health & Protection Services
- Ramblers Association
- Essex County Council Highways
- Local residents

5.2 Runwell Parish Council strongly objected to the planning application due to the overlooking from the raised patio onto the neighbouring sites, which impacts the privacy of the neighbours. The Parish also objects to the proposed 1.8m privacy screen on top of the raised patio as this would make the scale of the rear addition unacceptable to the neighbours. Moreover, the Council considers that the submitted plans are a misrepresentation of the ground level within the rear garden of the application site. Moreover, it was noted that a new fence has been installed on the boundary with No 24 exceeded the permitted height, but this is not mentioned on the application.

5.3 Public Health and Protection Services made no comments.

5.4 Essex County Council raised no objections to the proposal as the existing vehicular access would be utilised. The proposal retains adequate off-street parking for a minimum of two vehicles.

5.5 Ramblers Association made no comments.

5.6 Several letters of objection were received from two neighbours. These raised the following concerns:

- the submitted plans are inaccurate;
- the raised patio will result in overlooking of the neighbouring properties and will impact the privacy of the adjacent neighbours;
- the rear extension is an eyesore;
- the rear patios are oversized and will result in flooding of the rear gardens;
- the protective screen will look hideous;
- the extension has been constructed not in accordance with submitted plans;
- alterations to the front yard has been made which are not shown on the drawings;
- other submitted comments relate the fence erected on the boundary with No24 and a base for an outbuilding that will be constructed in the rear garden.

5.7 Full details of consultation responses are set out in appendix 1.

## **6 Planning considerations**

### ***Main Issues***

6.1 The main issues are whether:

- The extended property would cause harm to the neighbouring properties through overlooking from the raised patio and overbearing impacts due to the proposed privacy screen.

### ***Character of the Street Scene***

6.2 The single storey front extension would be modest in scale and similar to other existing front projections within the vicinity. It would relate well to the bungalow. The front driveway would retain sufficient space to provide off-road parking for at least two vehicles. The front area of the house would be reinstated once the building works will be finished. Conditions are attached requiring the front driveway to be reinstated with appropriate materials.

6.3 The single storey rear extension is completed and matches the size and scale of an addition permitted under the householder prior approval application (see above). There are numerous examples of similar rear additions on the neighbouring bungalows, including No 24 and No 26. The proposed rear enlargement is considered to satisfactory complement the form and appearance of the host dwelling and result in no harm to the visual amenities of the area.

6.4 The rear raised patio has been almost completed. It is attached to the single storey rear extension. Given that similar raised patios are present in the vicinity (including Nos 24 and 26), there is no harm to the overall character of the area.

### ***Neighbour Relationship***

- 6.5 The application bungalow lies within the row of bungalows on the east side of the road where most bungalows have been extended to the rear and have raised patios. The extended properties are Nos 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 24, 26 and 28. These extensions vary from flat roofed to one and half storey gabled additions. The patio heights seem to vary too due to the difference in the slope of the rear ground level.
- 6.6 The height and the depth of the single storey rear extension matches the overall size of the approved rear addition under 19/00000/HHPA. It is noted, that both sides neighbours were consulted at the time of the prior approval application and did not submitted any comments. The constructed single storey rear extension is set away from both side boundary lines and reflects the size and scale of the addition allowed under the prior approval application. The moderate size of the addition does not result in an adverse impact on the amenities of the adjacent Nos 24 and 20.
- 6.7 The higher patio is partially constructed. The patio has steps leading onto a lower patio level which extends the full width of the application plot and once finished would be 0.3m in height (permitted development). Raised patios in this area are common given the naturally sloping ground level within the rear gardens of the application site and other properties.
- 6.8 The fence along the boundary with No 24 has been replaced with a taller fence, which now provides privacy for both No 24 and No 22. This replacement is not included as part of the proposal as the height does not exceeds 2m, which is considered to be permitted development. Given that No 24 has an existing single storey rear extension and a raised patio similar to the submitted proposal and that the replaced fence provides effective screening, there would be no adverse overlooking into the private amenity space of No 24 from the raised patio.
- 6.9 The existing fence along the boundary of the application site and No 20 is low and currently provides unobscured views from the application site towards No 20 and vice versa. Given the low boundary treatment there is already mutual overlooking between No 20 and the application site. It is however acknowledged that the new raised patio at No 22 is now further down the garden and would allow for different views towards No 20, which can be interpreted as more intrusive. To avoid the views towards the rear of No 20 a privacy screen is proposed to be positioned along the southern edge of the raised patio. With the privacy screen in place no intrusive views towards No 20 from the level of the raised patio would be possible. It is considered that the patio with the added privacy screen would retain a satisfactory relationship with No 20.
- 6.10 The rear extension and the raised patio are visible from the rear patio of No 20. The development is located about 3.7m away from the main private outdoor area of No 20 and is positioned on the north side of the neighbour. The extension itself projects by about 3.6m beyond the rear of this neighbour, the proposed privacy screen would be 1.8m in height and project 3.6m beyond the existing extension. The screen would be fairly modest in scale and set away from the boundary. The raised patio with the privacy screen are not considered unduly overbearing on the main outdoor private area of No 20. It is not considered that the raised patio and the privacy screen would result in such a harm to the amenities of No 20 to justify a refusal.

## **7 Other Matters**

Comments have been made regarding an outbuilding that might be constructed in the garden of the application site. This development does not form part of this application. Also, the replacement of the fence panels on the shared boundary with No 24 is not included within the current submission. A replacement of a rear garden fence, as long as the fence does not exceed 2m, is permitted development and does not normally require planning permission.

## 8 Community Infrastructure Levy (CIL)

This application is not CIL liable.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

The development hereby permitted shall 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**

Within two months of the date of this decision the privacy fence comprising solid fencing panels as shown on drawing No 20/228/02 B shall be constructed in accordance with drawing No 20/228/02 B and thereafter permanently retained.

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 3**

No unbound material within 6 metres of the highway boundary shall be used in the surface treatment of the front vehicular access and parking area.

Reason:

To avoid displacement of loose material onto the highway in the interests of highway safety.

#### **Condition 4**

There shall be no discharge of surface water from the development site onto the Highway.

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

### **Notes to Applicant**

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

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## Essex County Council Highways

Comments
<p>Recommendation</p> <p>The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal retains adequate off-street parking for a minimum of two vehicles, therefore:</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:</p> <p>1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.</p> <p>Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.</p> <p>The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.</p> <p>Informative:</p> <p>' All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.</p> <p>' The applicants should be advised to contact the Development Management Team by email at <a href="mailto:development.management@essexhighways.org">development.management@essexhighways.org</a> or by post to:</p> <p>SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.</p>



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#### Ramblers Association

Comments
No response received

#### Public Health & Protection Services

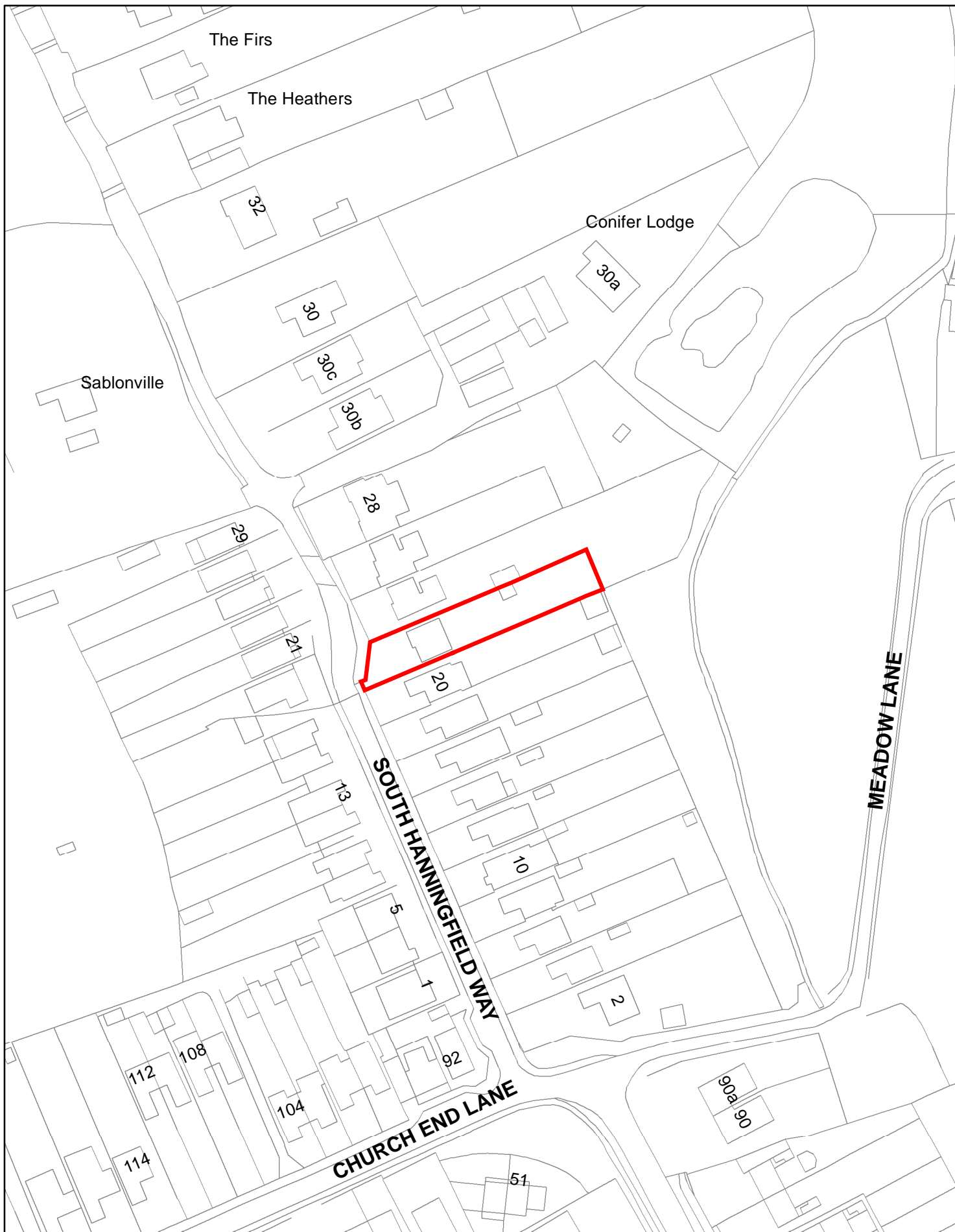
Comments
No comments with regard to this application.

#### Runwell Parish Council

Comments
<p>22.07.2020 - Runwell Parish Council maintain its strong objection to this application which has now been revised 4 times. The last revision places a "1800 screen" on top of an already over height patio which makes the scale unacceptable to the neighbours. The submitted plans are a misrepresentation and cannot be relied upon. As said previously the fall of the land and the true ground-line has been underestimated/misrepresented. The patio which has been built prior to receiving planning permission with little or no allowance for the true ground-line. It should also be noted that a new fence has been installed which is in excess of the permitted height but this is not mentioned on the application. The height and position of the fence is clearly visible in photographs that have been supplied. The parish council ask that this contentious application is referred to the planning committee and our Ward City Council representative Paul Clark is aware of this.</p> <p>11.06.2020 - Runwell Parish Council has been made aware that the back garden falls away from the rear of the property (previously accessed by steps). New extension and patio sits high in relation to the neighbours, overlooking their properties and infringing on their privacy. Plans do not allow for or show the fall of the garden. No further details available to view under ref 20/00019/HHPA and ref 20/00494/DEXBN for dimensions. Front extension is beyond the existing building line which sets back at this point, revised front parking layout not shown, permeable surfaces and suitable drainage will be needed. Site visit needed urgently. Runwell Parish Council would not support the application in its current form.</p> <p>07.07.2020 - Runwell Parish Council have further discussed this application and strongly object to this application. The council have taken into consideration the neighbours comments. The height and scale of the rear patio is unacceptable. There has been an assumption that the rear extension and patio together can be created to achieve one level and has already been built. This build has taken away the privacy of the neighbours, they are now overlooked. The raised patio means users can look directly into the properties of the neighbours. The patio needs to be reduced to an acceptable height so the issue of overlooking is removed. It is also noted that footings have been put in for an outbuilding further down the garden which is not mentioned on the application. The dimensions and scale need to be reduced. The current design is poor and should be changed to lessen the effect on the neighbours.</p>

## Local Residents

Comments
<p>Throughout the lifetime of the application twelve letters of objection were received (online comments, numerous printed letters were also received). The comments raised the following matters:</p> <ul style="list-style-type: none"><li>- The single storey rear extension and higher and lower patios harm the rural character of the area.</li><li>- The construction of the rear extension and patios begun without planning permission.</li><li>- The constructed is oppressive and enormous in size and not in keeping with other properties in the area.</li><li>- The development has caused stress and anxiety for the neighbours.</li><li>- Neighbours found the extensions unnerving and somewhat frightening.</li><li>- No consideration has been given to the ground levels while designing the extension.</li><li>- The drawings show inaccurately the soak way within the garden.</li><li>- The depth of the garden is shown incorrectly on the plans.</li><li>- An unattractive fence has been erected on the boundary with No24 which exceeds the permitted development criteria.</li><li>- The fence on the boundary with No 24 has been erected on land that is outside the ownership of the applicant.</li><li>- The fence on the boundary with No 24 blocked the access for No 24 to maintain one side of the garage, which belongs to No 24.</li><li>- The height of the patio measured incorrectly – <i>“the high patio (drawing shows 960mm to ground) is at the moment 12 brick courses high down to the low level patio which is 5 courses high from ground level, this totals 19 brick courses to ground level, = in excess of 1200mm.”</i></li><li>- The development overlooks the rear of No 20 and the whole garden of this neighbour.</li><li>- The dimensions of the rear extension also have been indicated incorrectly on the drawings.</li><li>- The lower patio is directly abutting the boundary fence of No 20. When finished at the built level the lower patio will be against and above the timber fence panel. The neighbour from No 20 will not double up on gravel boards because this will spoil the aesthetical appearance of the existing fence.</li><li>- Water and electricity supplies are prepared for a new log cabin within the rear garden but this is not shown on the plans.</li><li>- The amount of hardstanding within the application site will result in flooding elsewhere.</li><li>- The extension and the patios spoil the view for the neighbours.</li><li>- The occupiers of No 20 have stated that they will not be willing to pay for a new boundary fence.</li><li>- The loss of trees within the application site have impacted the outlook and privacy of No 20.</li><li>- Request for a site visit and unbiased surveyor has been included into the comments from neighbours.</li><li>- Trees have been removed from the site, the front yard is being altered – these elements have not been included into the proposal.</li></ul>



0 12.5 25 50 Metres

1:1,250

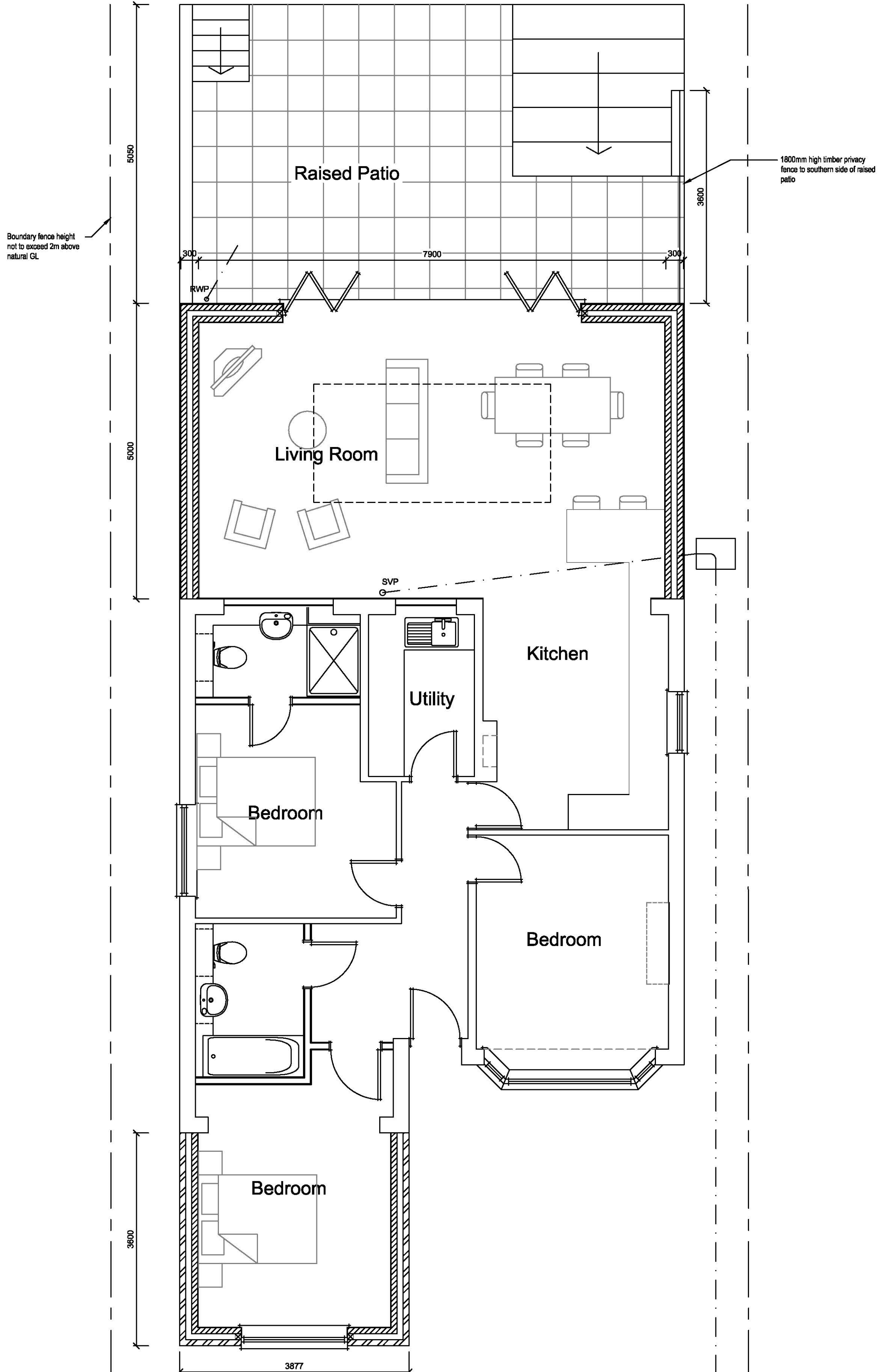


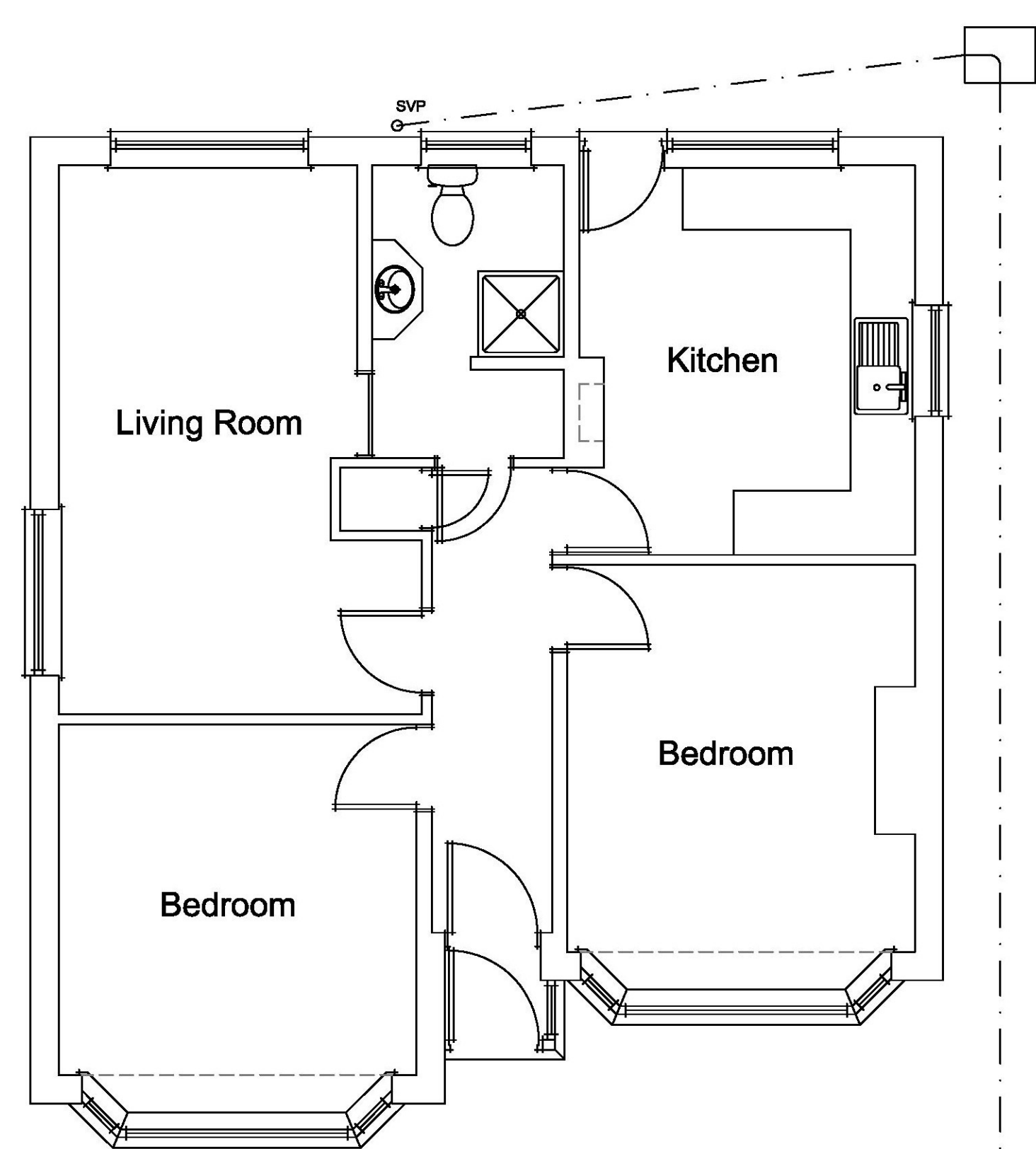
**Planning Committee**  
**20/00758/FUL**

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

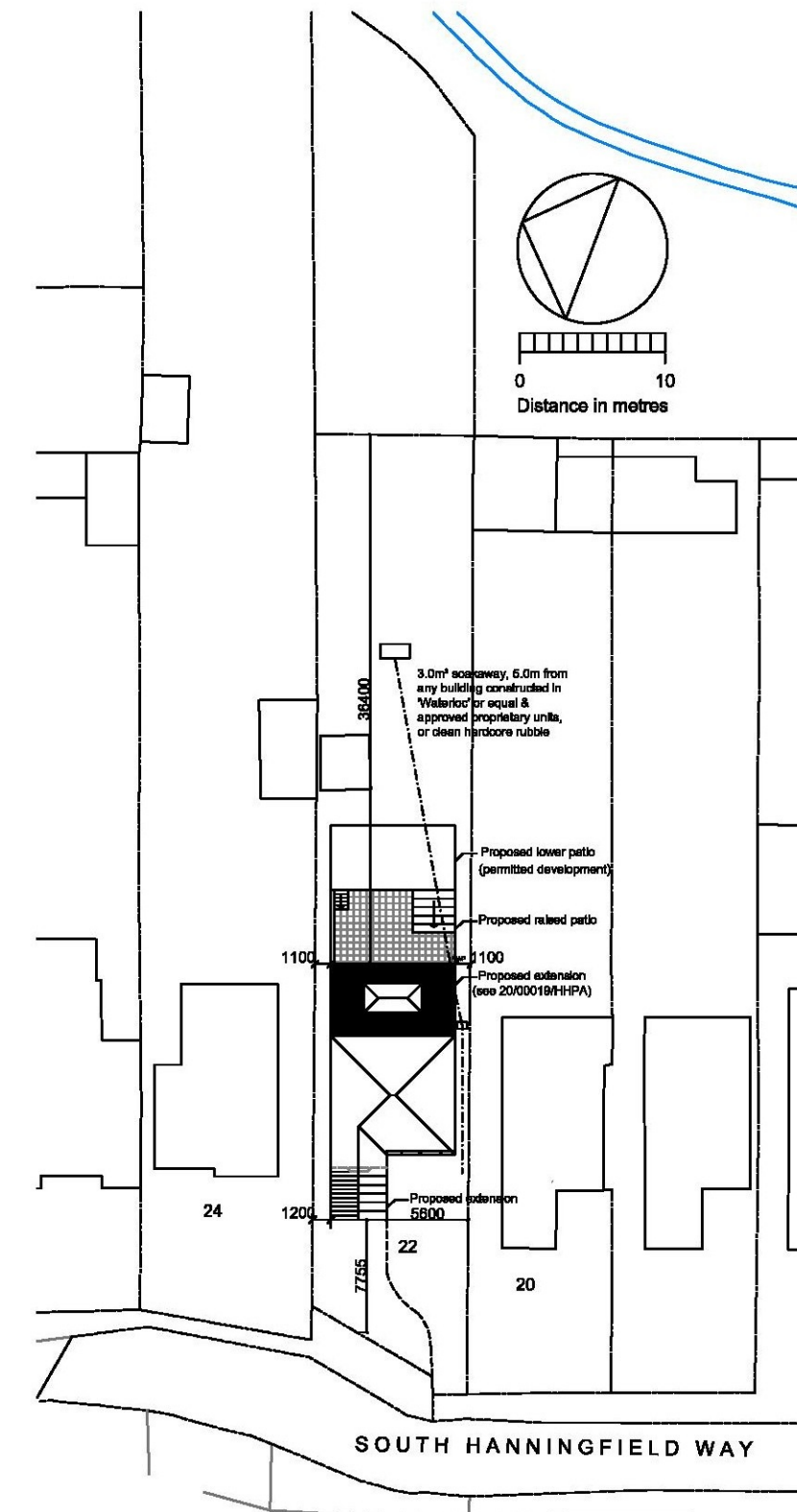
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826





Existing Plan



Block Plan



Location Plan





**Planning Committee**  
**6<sup>th</sup> October 2020**

<b>Application No</b>	:	20/00349/FUL Full Application
<b>Location</b>	:	Site At Former Kids And Koffee Hall Street Chelmsford
<b>Proposal</b>	:	<b>Demolition of existing building. Construction of 2No. dwellings with integral garages.</b>
<b>Applicant</b>	:	Mr Nick Dawson Marlborough Street Construction Ltd
<b>Agent</b>	:	Arcady Architects
<b>Date Valid</b>	:	11th March 2020

## **1. Introduction**

1.1. This application was considered at the Planning Committee meeting on 1 September 2020. The Planning Committee resolved not to agree the recommendation for refusal, and indicated they were minded to approve the application for the following reasons:

1. Whilst the building is a community facility and its loss would be contrary to Policy DM21 it was considered that in this case its loss would be acceptable as the building is currently in a poor state of repair and it was unlikely to be reused as a community facility. Members also considered that there are other community facilities in the area which meet the needs of the community and that the proposal would be acceptable as it would improve the character of the area.

1.2. In accordance with the Council's Planning Code of Good Practice the application was deferred until the following meeting to allow officers to provide the Committee with a list of suggested planning conditions to be attached to any approval.

## **2. Suggested planning conditions and reasons**

2.1. The application site is located adjacent to the Moulsham Street Conservation Area. It is also located near to the Grade II Former Marconi Factory which is located on the junction of Mildmay Road. Whilst the proposed dwellings would not be located within the Conservation Area it is necessary to ensure that they would have an acceptable relationship with the setting and character and appearance of the heritage assets. Conditions are therefore suggested requiring material samples and large scale details. The removal of permitted development rights for changes to boundary treatments or extensions to the houses.

2.2. Application comments have been received from the Essex County Council Historic Environment Branch.

2.2. Application comments have been received from the Essex County Council Historic Environment Branch. The consultants indicated that the site is within an area of known regionally important archeological remains and that the site is within the defenses of the Roman Town of Chelmsford. In order to protect this important archaeological area a condition is suggested which requires the applicant to submit a written scheme of investigation prior to any works commencing on the site. As this is a pre commencement condition the agreement of the applicant has been sought. The applicant has agreed to the imposition of this condition.

2.3. The two houses have been designed with living accommodation on the first and second floors. The kitchens and dining rooms have windows facing to the front and rear of the houses but would also have windows on the side elevations which would face towards the neighbouring properties. As the side windows would be secondary windows it is considered appropriate to suggest conditions to fit these windows with obscure glazing.

2.4. Members were concerned about the potential for on street parking from the proposal. They therefore requested that a condition was recommended to prevent the future conversion of the integral garages. This condition is considered appropriate.

2.5. Conditions are also suggested which require the submission of hard and soft landscaping and proposed boundary treatments.

2.6. To ensure that the houses are sustainable buildings conditions are also suggested requiring one Electric Vehicle charging point per dwelling and that each house meet the Building optional requirement for water efficiency of 110 litres per day.

#### Suggested Planning Conditions:

##### **Condition 1**

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

##### Reason:

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

##### **Condition 2**

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

##### Reason:

In order to achieve satisfactory development of the site

##### **Condition 3**

Prior to their use, details of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

##### Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in accordance with Policy DM13 of the Chelmsford Local Plan.

##### **Condition 4**

a) Details of the proposed treatment of all boundaries, including drawings of any gates, fences, walls, railings

or piers, shall be submitted to and approved in writing by the local planning authority.

b) The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 5**

Details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 6**

The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

Reason:

To ensure that sufficient parking is available to serve the development in accordance with Policy DM27 of the Chelmsford Local Plan.

**Condition 7**

Prior to the first occupation of the dwellings hereby permitted, charging infrastructure for electric vehicles shall be installed at a rate of 1 charging point per dwelling

Reason:

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 8**

All new dwelling units as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).

Reason:

To ensure the development reduces water dependency in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 9**

a) No demolition, development or preliminary ground works shall take place within the site until a written scheme of investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.



b) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

Reason:

This information is required prior to the commencement of the development because this is the only opportunity for archaeological investigation work to be undertaken. These works are required to ensure that adequate archaeological records can be made in respect of the site in accordance with Policy DM15 of the Chelmsford Local Plan.

**Condition 10**

The first floor windows in the western and eastern side elevations of both dwellings and shown on approved Drawing No 1925/03 C shall be:

- a) obscured (minimum Level 3 obscurity level) and
- b) of a design not capable of being opened below a height of 1.7m above finished floor level and shall remain so obscured and non-openable.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 11**

Prior to their installation large scale drawings shall be submitted to and approved by the local planning authority showing details of the following :-

- (a) Doors, garage doors, door casings and surrounds;
- (b) windows

The development shall then be carried out in accordance with the approved details.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 12**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no wall, gate or other means of enclosure other than hereby approved shall be constructed within or along the front boundaries of the site without the written consent of the local planning authority.

Reason:

To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 13**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwellings hereby permitted shall not be enlarged or extended without the grant of an additional planning permission by the local planning authority.

Reason:

To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

Standard planning informatives will also be added to the decision notice.

The previous committee report is also appended below.

ITEM 7

**Planning Committee**  
**1<sup>st</sup> September 2020**

<b>Application No</b>	:	20/00349/FUL Full Application
<b>Location</b>	:	Site At Former Kids And Koffee Hall Street Chelmsford
<b>Proposal</b>	:	<b>Demolition of existing building. Construction of 2No. dwellings with integral garages.</b>
<b>Applicant</b>	:	Mr Nick Dawson Marlborough Street Construction Ltd
<b>Agent</b>	:	Arcady Architects
<b>Date Valid</b>	:	11th March 2020

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**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. This application is referred to the planning committee at the request of the local ward member as he considers that evidence that the premises cannot reasonably be returned to community use is compelling such that the loss of the community building can be accepted in this case, and that in all other respects the development would be welcomed.
- 1.2. The application site is located within Chelmsford City Centre where the principle of constructing new houses is acceptable.
- 1.3. The site is currently occupied by a detached single storey building. It is currently vacant but was most recently in use as a children's play area and coffee club known as Kids and Koffee. Prior to that the building was used as a church hall. Although it is currently vacant and in a somewhat unkempt state, the building is considered as a community facility. This proposal to demolish the building and build two houses would result in the permanent loss of a community facility. Policy DC21 relates to the protection of existing local community services and facilities. Amongst other things, this policy only permits the loss of facilities where the existing site or premises cannot be readily used for, or converted to, any other community facility. The policy also requires evidence from the applicant that any commercial community facilities being lost were not economically viable.
- 1.4. There is limited evidence that the site was made available or marketed seriously with the aim of attracting any community use. There is limited information provided to demonstrate the former occupier was not economically viable. The applicant has not satisfied these policy requirements and the permanent and irretrievable loss of the community facility would be to the detriment of the local community's ability to meet its day to day needs.
- 1.5. No objections are raised to the design, layout or appearance of the proposed dwellings.
- 1.6. Due to the loss of a community facility refusal is recommended.

## **2. Description of site**

- 2.1. The site lies within Chelmsford city centre where the principle of development is acceptable
- 2.2. It lies adjacent to the Moulsham Street Conservation Area and within Flood Zone 2. It is also close to the Grade II listed former Marconi Factory at the junction of Hall street and Mildmay Road.
- 2.3. Hall Street is a tightly built-up primarily residential street with a variety of designs and building forms including the converted former factory building at the eastern end, Victorian terraced houses, modern three storey town houses, flat roofed blocks of flats, two churches, and a public house.
- 2.4. The existing site is occupied by a single storey detached building with vehicle access from Hall Street. It is currently vacant but was most recently in use as a community facility. The former use vacated in March 2019.

## **3. Details of the proposal**

- 3.1. This application seeks to demolish the existing single storey building and construct in its place a pair of semi detached dwellinghouses.

3.2. The houses would be three storeys in height and would each have three bedrooms. The ground floor level would contain a garage which would provide one off street parking space per dwelling.

#### **4. Other relevant applications**

13/00462/FUL - Approved 20th May 2013

Change of use from Church Hall to Leisure Play Group for children with cafe & work stations for parents

4.1. This was the governing application to convert the building from its original use as a church hall into a leisure play group building.

17/00971/FUL - Approved 25th July 2017

Change of use from play group with ancillary refreshment facilities to play group with ancillary refreshment facilities and breakfast club and after school club for school children. Proposed opening hours to 7am-7pm.

4.2. The 2017 application expanded the provision from the 2013 approval and added a breakfast and after school club into the previous permission.

#### **5. Summary of consultations**

5.1. The following were consulted as part of this application:

- ECC Historic Environment Branch
- Environment Agency
- One Chelmsford BID Ltd
- Public Health & Protection Services
- South Essex Parking Partnership
- Recycling & Waste Collection Services
- Essex County Council Highways
- Local residents

5.2. Public Health and Protection Services requested that in order to encourage low emission vehicles an electric charging point should be provided for the dwelling.

5.3. Essex County Council Highways raised no objection to the scheme subject to suitably worded planning conditions as the new dwellings would have adequate parking provision and a suitable access from the road.

5.4. The South Essex Parking Partnership noted that the new properties would not be eligible to join the existing resident permit scheme.

5.5. The Historic Environment Team stated that the proposed development is within an area of known, regionally-important archaeological remains. The Historic Environment Record shows that this area is just within the defences of the Roman town of Chelmsford. There is the possibility that archaeological features and deposits may survive in the proposed development area.

5.6. No comments were received from the Environment Agency or from the Recycling and Waste Collection Services. The One Chelmsford BID raised no objections to the proposal.

- 5.7. Five letters of support were received from local residents. The letters raised comments about the current state of the building and stated that the proposed dwellings would fit well within the street scene.
- 5.8. Full details of the consultation responses are set out in appendix 1.

## 6. Planning considerations

### **Main Issues**

6.1. The main issues for consideration are:

- The effect of the proposal on the ability of the community to meet its day to day needs;
- Whether the proposed dwellings in themselves are an acceptable form of development.

### **Community Building**

#### *Policy Position*

- 6.2. At a national policy level Paragraph 92 of the National Planning Policy Framework (NPPF) seeks to ensure that planning policies and decisions provide communities with the social, recreational and cultural facilities to meet their needs. At point (c) it states that planning decisions should *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.*
- 6.3. At a local level adopted Local policy DM21 states that the change of use or redevelopment of sites that provide valued community facilities will only be permitted where:
- i. The premises or site cannot readily be used for, or converted to, any other community facility; and*
  - ii. The facility or service being lost will be adequately supplied or met by an existing or new facility in the locality or settlement concerned which shall be equivalent to or better than the facility being lost in terms of both quantity and quality.*

*In relation to the loss of a locally valued community facility that is commercial in nature, such as public houses and private healthcare, evidence will need to be submitted to demonstrate that it is no longer required to meet the needs of the local community.*

- 6.4. As part of this application the applicant has provided information which they consider satisfies the requirements of policy DM21 and shows that the redevelopment of the site would not lead to a detrimental loss to community facilities.
- 6.5. The information supplied by the applicants includes a building condition report and information from the auction house at which the property was sold in June 2019.

#### *Assessment*

- 6.6. When the building was last in use circa March 2019, it was fit for purpose as a children's play centre. The reason stated by the applicant for the former use vacating was that the premises were too small for the venture and there was not enough parking for customers. The planning application is accompanied by a building condition report dated May 2020. This shows that part of the roof has

collapsed and that the metal sheeting that previously covered it is now missing. There are also holes in the internal walls of the building with much of the insulation and wall tiles removed. The report states that fixing these problems would require substantial works and would not merely be cosmetic and that community operators would be unable to afford to undertake the repair works and make the building viable.

- 6.7. The auction house information states that no other interested groups representing community uses bid on the property during the auction in June 2019, so it was sold to the applicant with residential redevelopment in mind. The applicants have argued that this information shows that no other community groups were interested in occupying the building.
- 6.8. Within their supporting statement the applicant states that the building could not be readily used as or converted into another community use as the position of the building within flood zone 2 would limit the number of uses that could effectively utilise it such as more vulnerable flood risk groups including residential health services or a nursery. They have also stated that retrofitting the building to meet the flooding requirements of more vulnerable uses would be very expensive and would likely affect disability access into the building.
- 6.9. The evidence provided by the applicant is limited. There is no evidence about the condition of the building when it was vacated in March 2019 or when it was sold at auction 3 months afterwards. The submitted building condition report is dated some 12 months later and the building in the intervening period has suffered neglect and damage, in particular to the roof. The evidence provided by the applicant is based on assumptions about potential future users and does not show that the building, even in its current semi derelict state, could not be fixed so that it could be used or converted to suit the needs of a community use. There is no evidence to demonstrate that community groups or uses were not interested in the building when it was a fully usable structure in March 2019. No detailed evidence, such as a marketing report, to show that the building has been offered to community groups and that it is not practical or viable to meet their needs has been submitted with this application. There is no evidence of any active marketing for any prolonged period of time, the building was simply put to auction 3 months following it becoming vacant.
- 6.10. Given its location within the City Centre and position within a built-up residential area close to the town centre, the existing building would appear to be in a practical and sensible position to provide valuable and important community facilities to meet the needs of surrounding residents and the wider community. Without clear evidence to show that its reuse or conversion would not be possible, the Council cannot be satisfied this building in such a central location, although currently vacant and in disrepair, could not be repaired and used or converted into another community use.
- 6.11. Additionally whilst the applicants consider that a use more vulnerable to flooding could not use the building as it stands, they have failed to show why other groups that fit within a less vulnerable use class such as, amongst other uses, church or halls, a gallery or a place of worship, or other bespoke community could not use the building to provide valued community facilities without having to retrofit the building to overcome the flood risk.
- 6.12. The building is currently vacant. Information submitted with the application advises that the former use closed due to lack of business. This advises simply that the business failed due to the premises being too small for the venture, the lack of facilities it offered as well as the location not being suited for easy access for drop offs and pick up. Policy DC21 requires that for proposals involving the loss of commercial facilities, evidence will need to be submitted to demonstrate that the use is not economically viable. No evidence of this nature has been submitted with the application.

- 6.13. The applicants have provided information to show that there are other similar uses within a 3-mile radius of the site that provide services similar to Kids and Koffee. This includes play groups at local churches and large children's play centres such as Mayes Place and Wacky Warehouse. The latter two sites provide facilities that are much bigger than the application site and can offer a better range of services to children and parents including larger play areas and hot food. Given that there are other, better uses within a relatively short distance of the application site the Council is satisfied that the community facility that has been lost from this site has been adequately met by other facilities within the locality.
- 6.14. Overall, there is little evidence to demonstrate that the property was actively marketed for any prolonged period of time and no evidence that the marketing that did take place (auction sale) was serious and realistic in terms of robustly searching for any alternative community users in Spring 2019. Officers are not satisfied that sufficient evidence has been provided by the applicant to show that the premises or site could not be readily used for or converted into another community use or that the former commercial occupier was not economically viable. The loss of the building and therefore its community use status would be a permanent and irretrievable loss and therefore would have a harmful impact on the ability of the community to meet its day to day needs. The development is therefore contrary to Policy DM21 and the requirements of the NPPF.

### ***Character of the area***

- 6.15. The two dwellings would be semi-detached with three storeys and an overall height of approximately 9.4m.
- 6.16. The design, form and positioning of the pair of houses suitably reflects the linear pattern of the neighbouring houses along Hall Street. They would fit well alongside the neighbouring semi-detached houses which are the prevalent house type in the street and would have a height that respects the stepped roof pattern of the surrounding buildings.
- 6.17. It is considered that the proposed dwellings would fit well within the character and appearance of Hall Street and would cause no adverse impacts to the setting of the Conservation Area or adjacent listed building.

## **7. Other Matters**

### ***Neighbour relationship***

- 7.1. No. 10 Hall Street is located to the north west of the proposed dwellings. The positioning of the proposed dwellings would ensure that enough light can still reach the rear windows of the neighbouring property. Two first floor side windows are shown on the side elevation closest to this property. These windows would be secondary windows and would serve a living room and a kitchen. To ensure that the windows would not directly overlook the neighbour, had the application been recommended for approval then a condition would have been attached to this decision requiring that the two side windows were fitted with obscure glazing. The proposed dwellings would have an acceptable relationship with the neighbour at No.10 Hall Street.
- 7.2. The distance to the rear boundary is approximately 11.8m. Whilst this is below the usual required back to boundary distance of 15m it is noted that the boundary distance relates to distance between residential properties. To the rear of the site lies the Brethren Meeting Rooms which is a commercial premise. The reduced back to boundary distance is therefore considered acceptable in this case.



7.3. Overall, the proposed dwellings would have an acceptable relationship with the neighbouring properties.

#### *Parking and highways*

7.4. The proposal applies a reduced parking standard for off-street parking by provision of only one garage parking space for each three-bedroom dwelling. However, the site is located within the City Centre which is a main urban area with frequent and extensive public transport, cycling, walking links and access to public car park. As such a reduced parking standard can be applied to residential developments and one space per dwelling is acceptable.

7.5. The dwellings sit within an area of residential permit parking. The new dwellings would not be eligible to join the existing permit scheme.

7.6. Had the application been recommended for approval, suitably worded conditions relating to highway safety would have been imposed.

#### *Flooding*

7.7. The application site is located within Flood Zone 2 which is considered at a medium risk of flooding. As the proposed residential use is a more vulnerable classification the sequential test should be carried out and passed.

7.8. The sequential test has been carried out and passed by the proposal. The Council is therefore satisfied that the site is not at a significant risk of flooding.

#### *Recreational avoidance mitigation strategy*

7.9. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has provided a financial contribution which will go towards mitigation at a local wildlife site.

#### *Historic environment*

7.10. The proposed development is within an area of known, regionally important archaeological remains. The Historic Environment Record shows that this area is just within the defences of the Roman town of Chelmsford. There is the possibility that archaeological features and deposits may survive in the proposed development area

7.11. Had the application been recommended for approval a condition would have been attached to the decision relating to a scheme of works.

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

8.1. This application may have been CIL liable. If the application had been recommended for approval, a CIL charge may have been payable.

## **RECOMMENDATION**

**The Application be REFUSED for the following reasons:-**

### **Reason 1**

At a national policy level Paragraph 92 of the National Planning Policy Framework (NPPF) seeks to ensure that planning policies and decisions provide communities with the social, recreational and cultural facilities to meet their needs. At point (c) it states that planning decisions should *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs*.

Local Policy DC21 allows for the redevelopment of site that provide valued community facilities or services only where i) the site cannot be readily used for or converted to another community use; and ii) that the facility or service being lost will be adequately supplied or met elsewhere by an equivalent or better facility.

The applicants have not provided detailed evidence or supporting information, such as a marketing report, to support their position that the premises and site could not be readily used or converted into another community use. No evidence has been provided to demonstrate that the former occupier of the building was not economically viable.

Overall, the Council is not satisfied that the existing building could not be readily used or converted into another community facility that could meet the needs of the community. The loss of the building and therefore its community use status would be a permanent and irretrievable loss and therefore would have a harmful impact on the ability of the community to meet its day to day needs. The proposal would be contrary to Policy DM21 and the National Planning Policy Framework.

### **Notes to Applicant**

- 1 This application would be liable for a payment under the Community Infrastructure Levy Regulations (as Amended) 2010 if planning permission had been granted. If an appeal is lodged and subsequently allowed, the CIL liability will be applied.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

## **Background Papers**

Case File

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## ECC Historic Environment Branch

Comments
<p>22.04.2020 - Specialist Archaeological Advice</p> <p>The above application has been identified on the weekly list and checked on the web site by the Historic Environment Branch of Essex County Council.</p> <p>The proposed development is within an area of known, regionally-important archaeological remains. The Historic Environment Record shows that this area is just within the defences of the Roman town of Chelmsford. There is the possibility that archaeological features and deposits may survive in the proposed development area.</p> <p>In view of this, the following recommendation is made in line with the National Planning Policy Framework:</p> <p>RECOMMENDATION: Full condition</p> <p>(i) No development or preliminary ground works shall take place within the site until a written scheme of investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.</p> <p>(ii) No development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.</p> <p>The City Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief will be produced from this office detailing the work required on request.</p> <p>Yours sincerely</p> <p>Alison Bennett</p> <p>Historic Environment Advisor</p>

Telephone: 03330 136851

Email: [alison.bennett@essexcc.gov.uk](mailto:alison.bennett@essexcc.gov.uk)

### Environment Agency

#### Comments

No response received

### One Chelmsford BID Ltd

#### Comments

No response received

### Public Health & Protection Services

#### Comments

11.05.2020 - This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated).

### Essex County Council Highways

#### Comments

24.04.2020 - Your Ref: 20/00349/FUL

Our Ref: CO/EGD/SD/RM/CHL/20/349/25775

Date:- 24th April 2020

The proposal applies a reduced parking standard for off-street parking by provision of only one garage parking space for each three bedroom dwelling. The site is located within the City Centre which is a main urban area. In main urban areas with frequent and extensive public transport, cycling ,walking links and access to public car parks, reduced parking standards may be applied to residential developments.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway

Authority subject to the following conditions:

1. The site is located on Hall Street which is a well trafficked carrier route in the City Centre with existing traffic regulation orders (TRO) parking restrictions and a resident's permit parking scheme is strictly controlled, to prevent undesirable parking of vehicles.

Therefore, a Construction Management Plan shall be submitted prior to commencement of development details to be agreed with the Local Planning Authority and the Highway Authority Development Management Team. The Development Management Team may be contacted by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

The Construction Management Plan shall include:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. highway safety considerations and hours of deliveries to avoid the traffic network morning and afternoon peak hours
- v. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1, HGV movement policy DM19 and construction Management policy DM20.

Note - MUD / DEBRIS ON HIGHWAY

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

2. Prior to first occupation the 3 metre by 7 metres long garage for each dwelling, shown in the Proposed Plans, drawing no. 1925/02 Rev C, shall be constructed ready for use. The garage parking shall be retained at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

Note: The 3 metre by 7 metres garage size accommodates cycle parking in accordance with the EPOA

Parking Standards.

3. Prior to first occupation of the development the two garages in 2 above shall be provided with a shared vehicular access and appropriate dropped kerb vehicular crossing of the footway not exceeding 6 metres wide.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1

4. The developer to pay the costs of amendment to the existing TRO and legal processes associated with the highway works associated with 3 above, including TRO for waiting and parking restrictions on the west side of Mildmay Road and all other statutory processes.

5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for each dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

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### South Essex Parking Partnership

Comments
03.04.2020 - Please note that any new property may not be eligible to join the existing resident permit scheme. The South Essex Parking Partnership.

### Recycling & Waste Collection Services

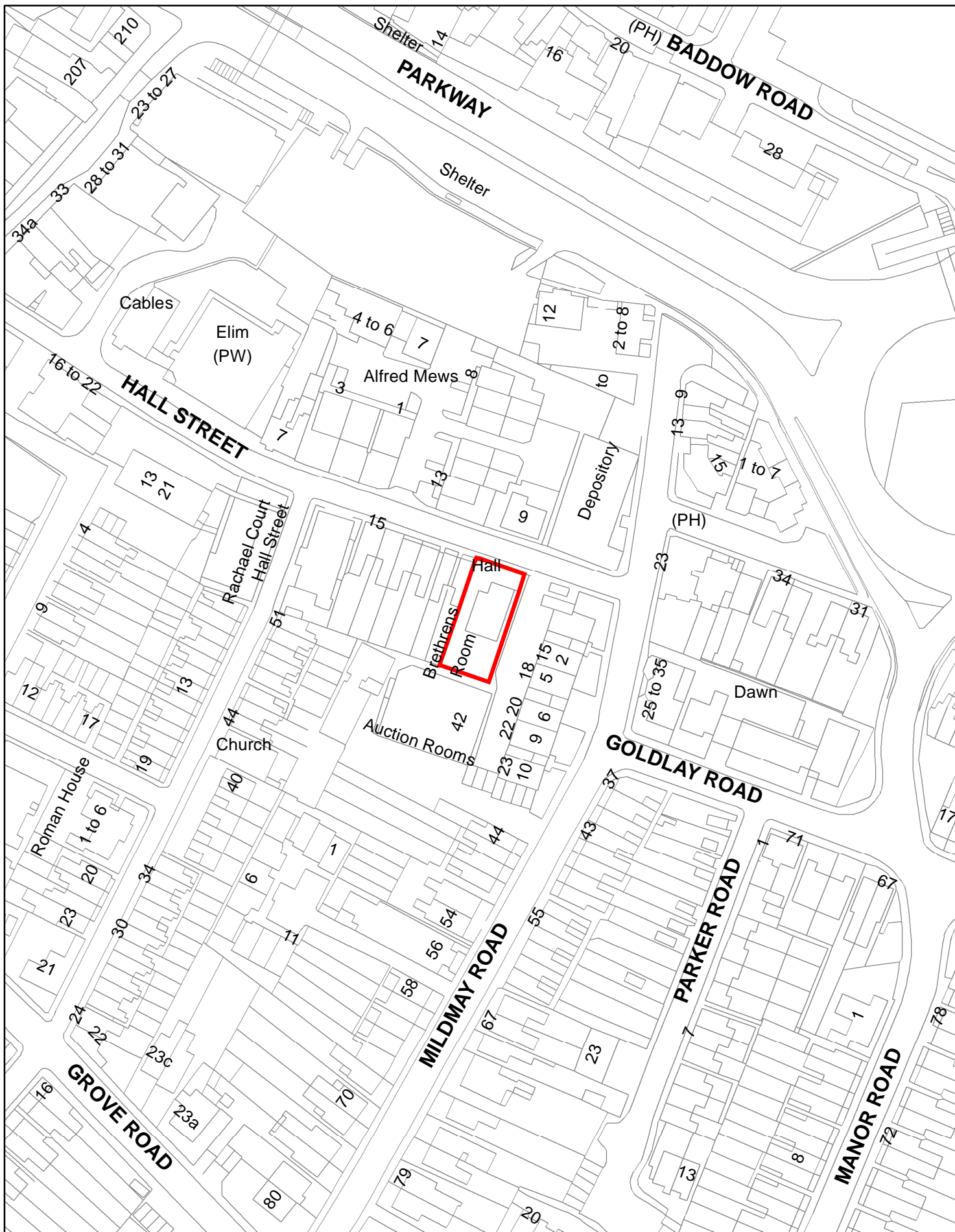
Comments
No response received

### Local Residents

Comments
<p>Throughout the lifetime of the application five letters of support were received by local residents the comments raised the following matters:</p> <p><i>Loss of community building</i></p> <ul style="list-style-type: none"><li>- Support the demolition of the building</li><li>- Site is not viable for other business due to lack of footfall</li><li>- The existing building is a complete eyesore and demolition has already begun. It does not contribute anything to the local area.</li><li>- Cannot see a new building using it in the current climate.</li><li>- Other community facilities close by.</li></ul> <p><i>New dwellings</i></p> <ul style="list-style-type: none"><li>- New dwellings are appropriate in scale and appearance to the other house in the street.</li></ul>

- Very much welcome family homes into the city centre.
- Positive that the buildings have integral garages.
- Houses would fit neatly within the street scene and provide a benefit to the local area.





0 12.5 25 50 Metres

1:1,250

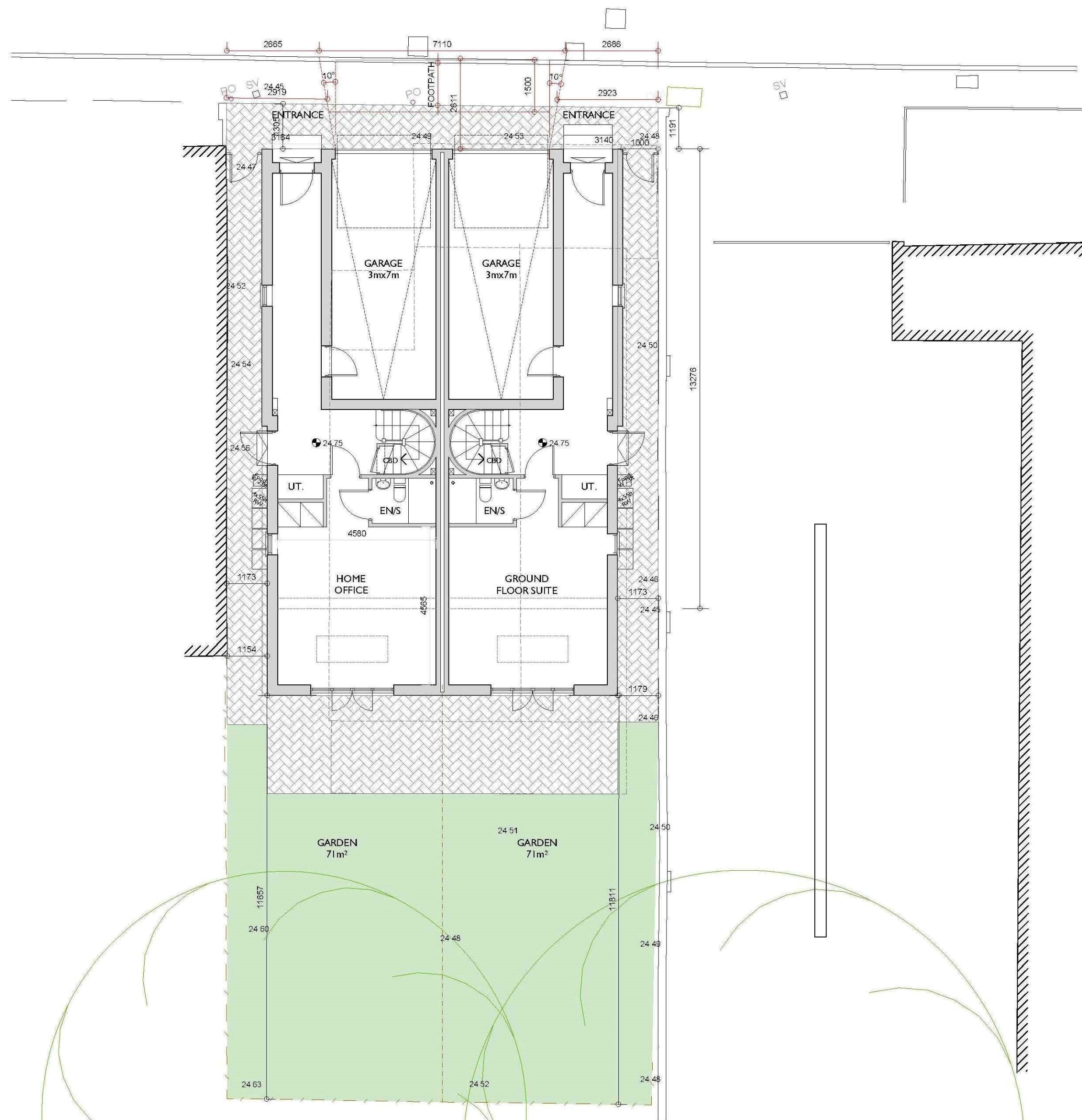


**Planning Committee**  
**20/00349/FUL**

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

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

Telephone: 01245 606826





# HALL STREET

12

10

RC1

RC10

RC4

RC5

RC6

Mildmay Court

16

15

4

2

18

17

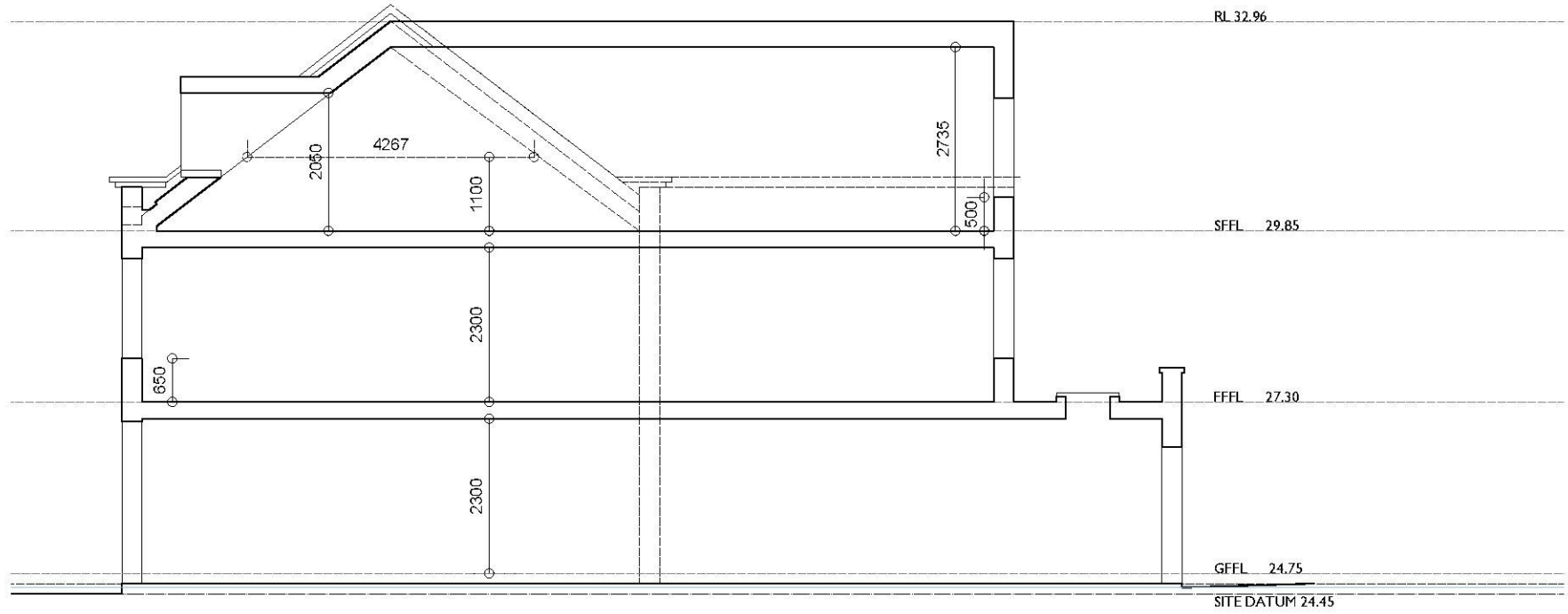
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PROPOSED DIAGRAM SECTION



PROPOSED FRONT ELEVATION (NORTH)



SIDE ELEVATION (EAST)

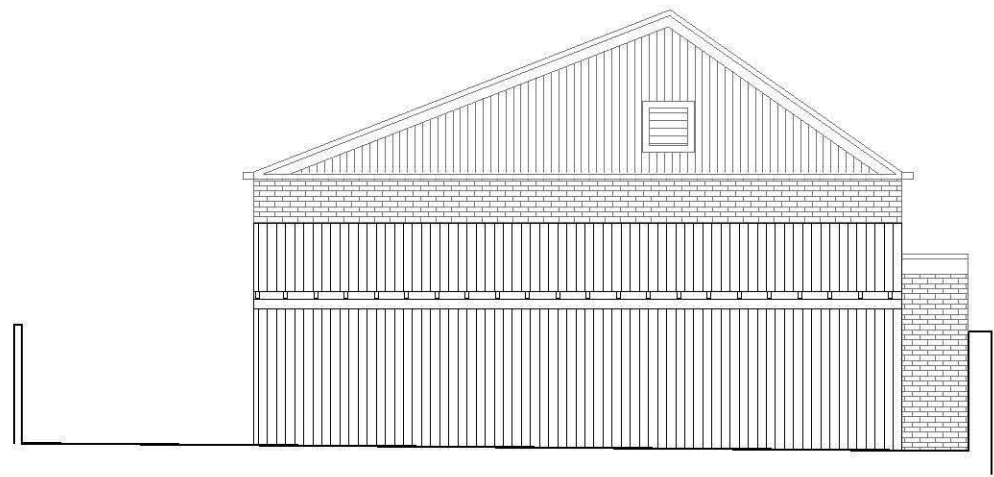
SIDE ELEVATION (WEST)

REAR ELEVATION (SOUTH)

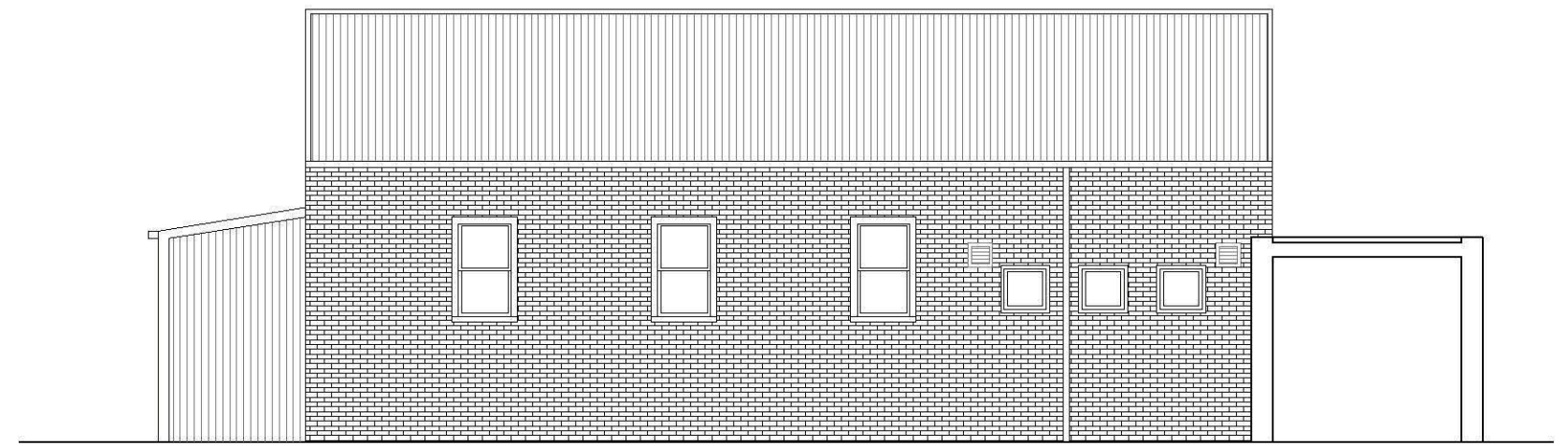


MATERIALS

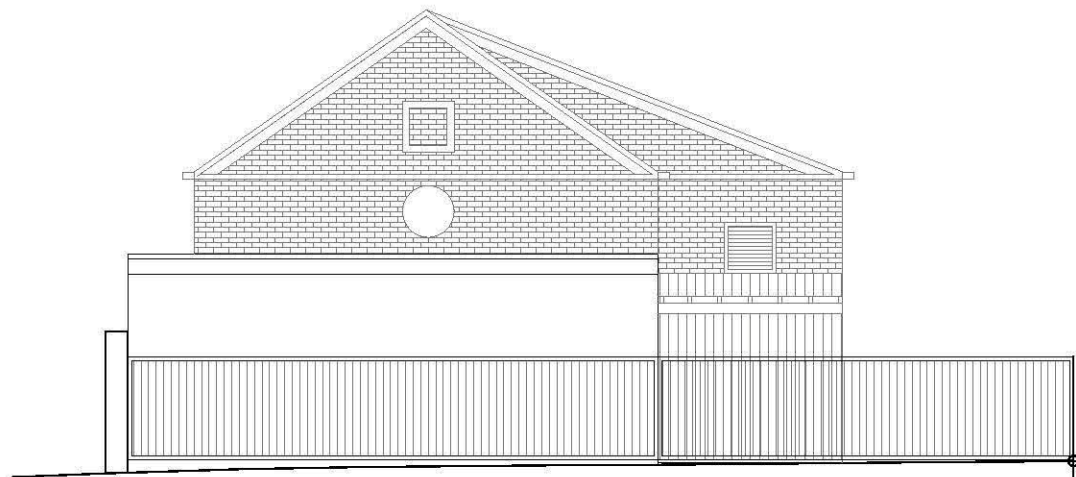




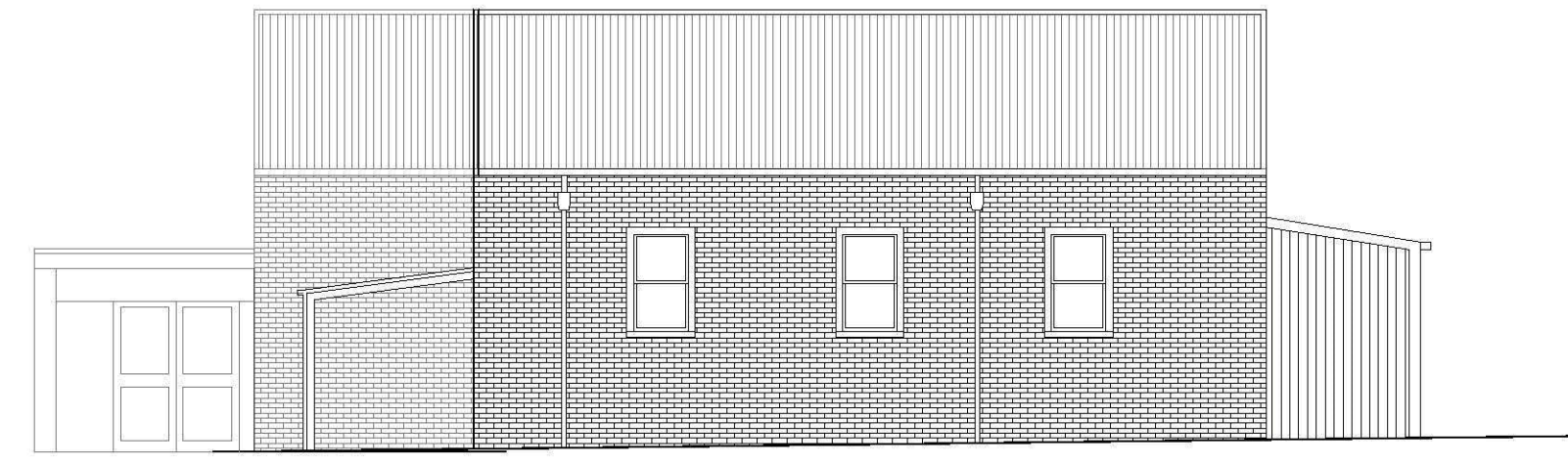
REAR ELEVATION



SIDE ELEVATION - EAST



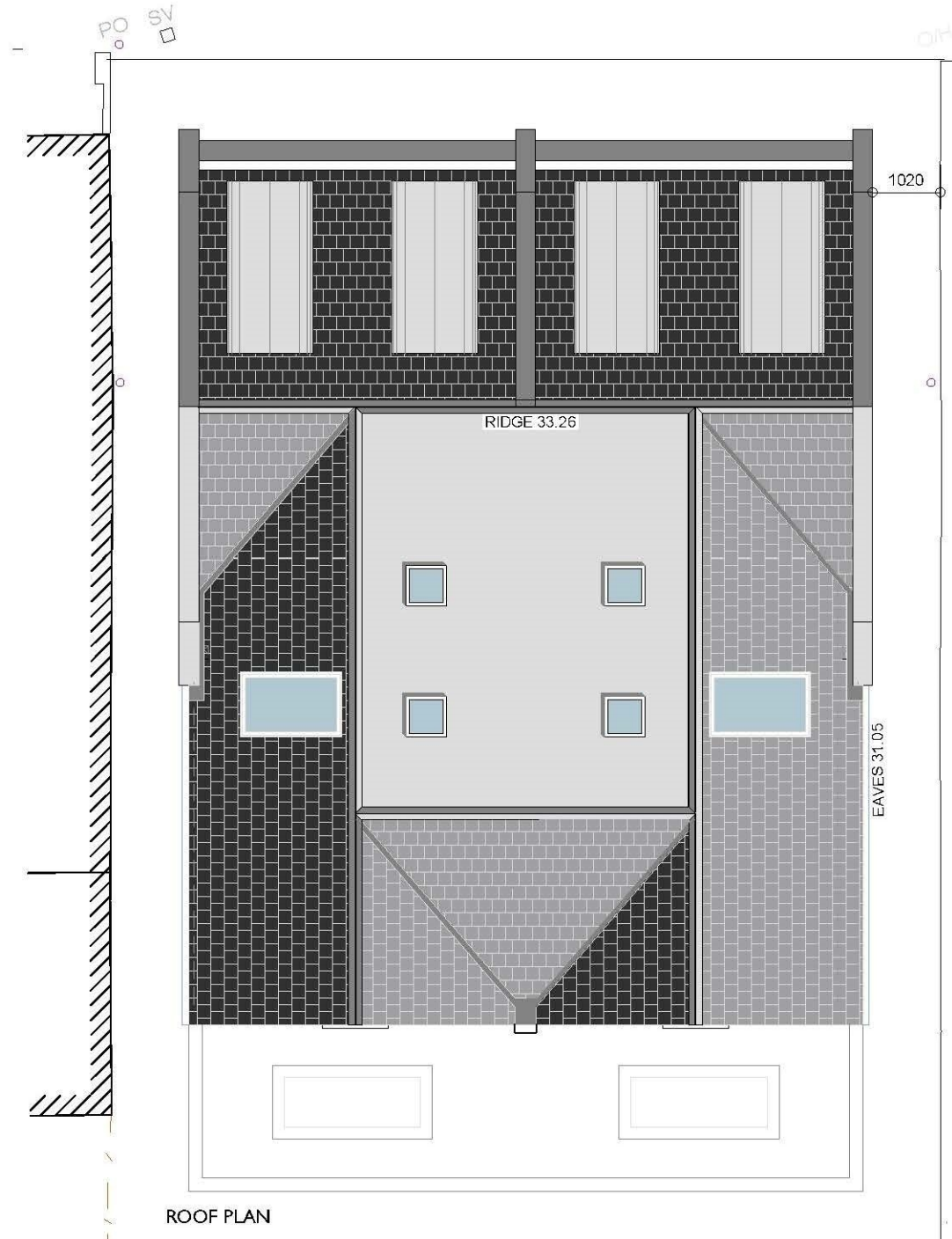
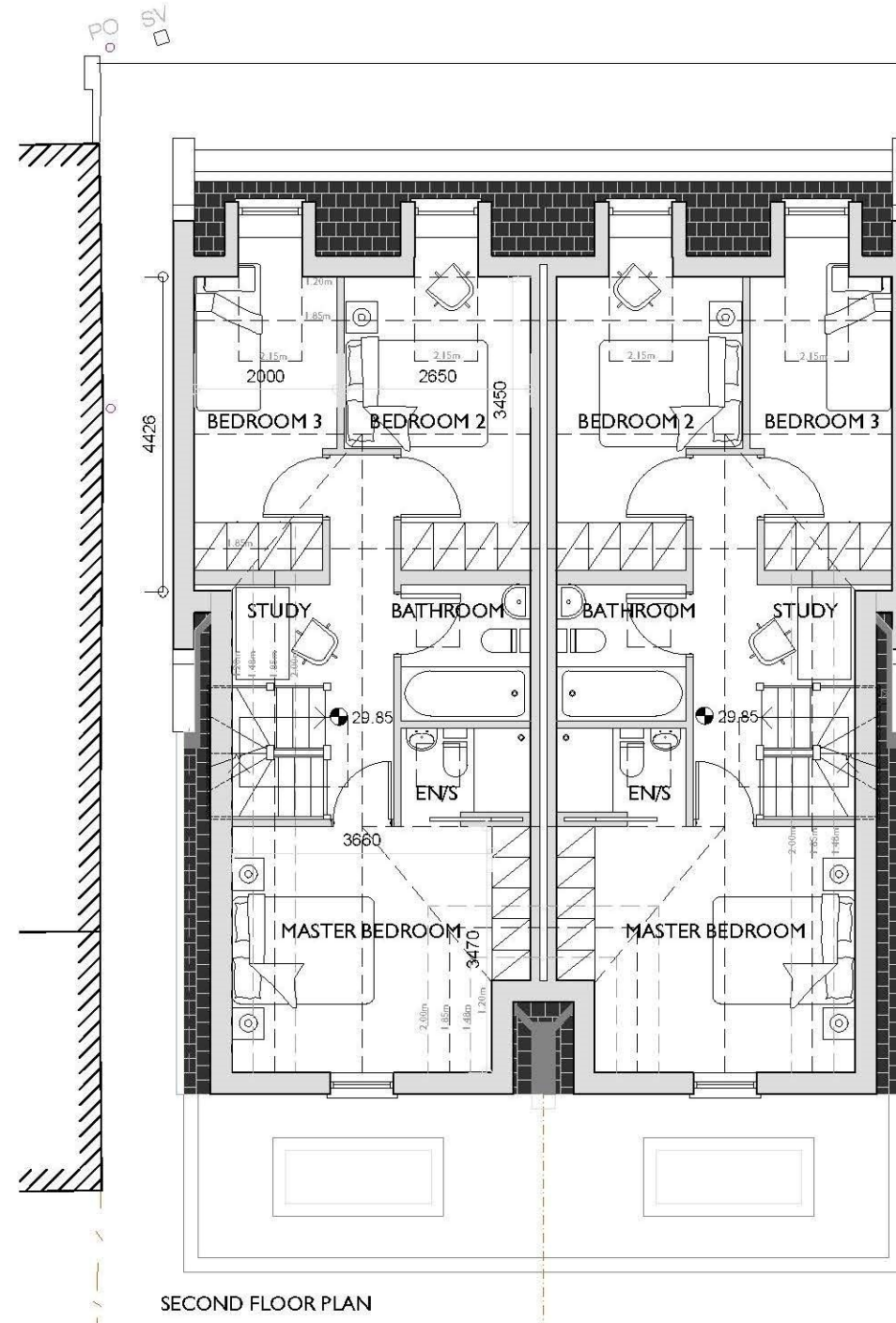
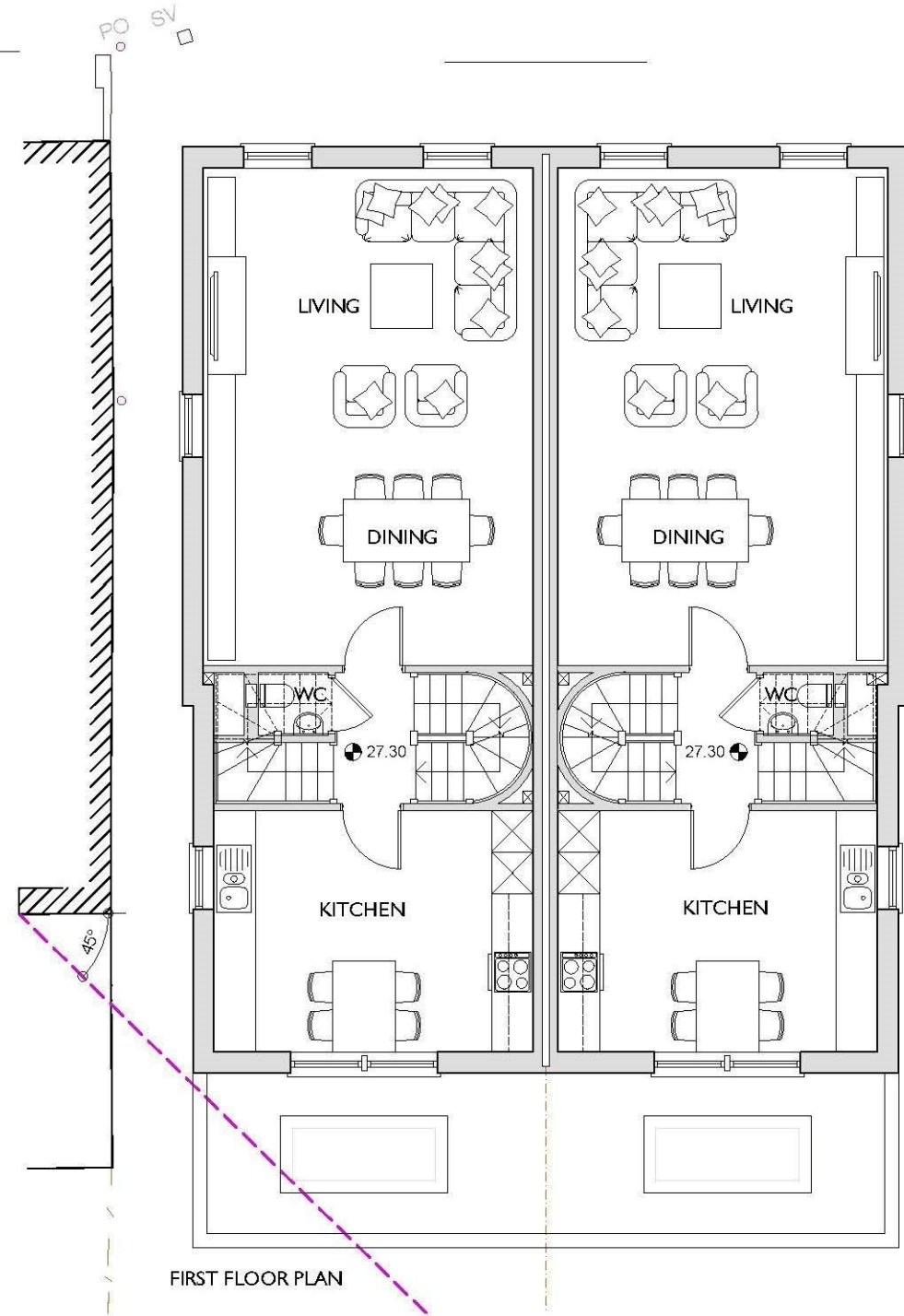
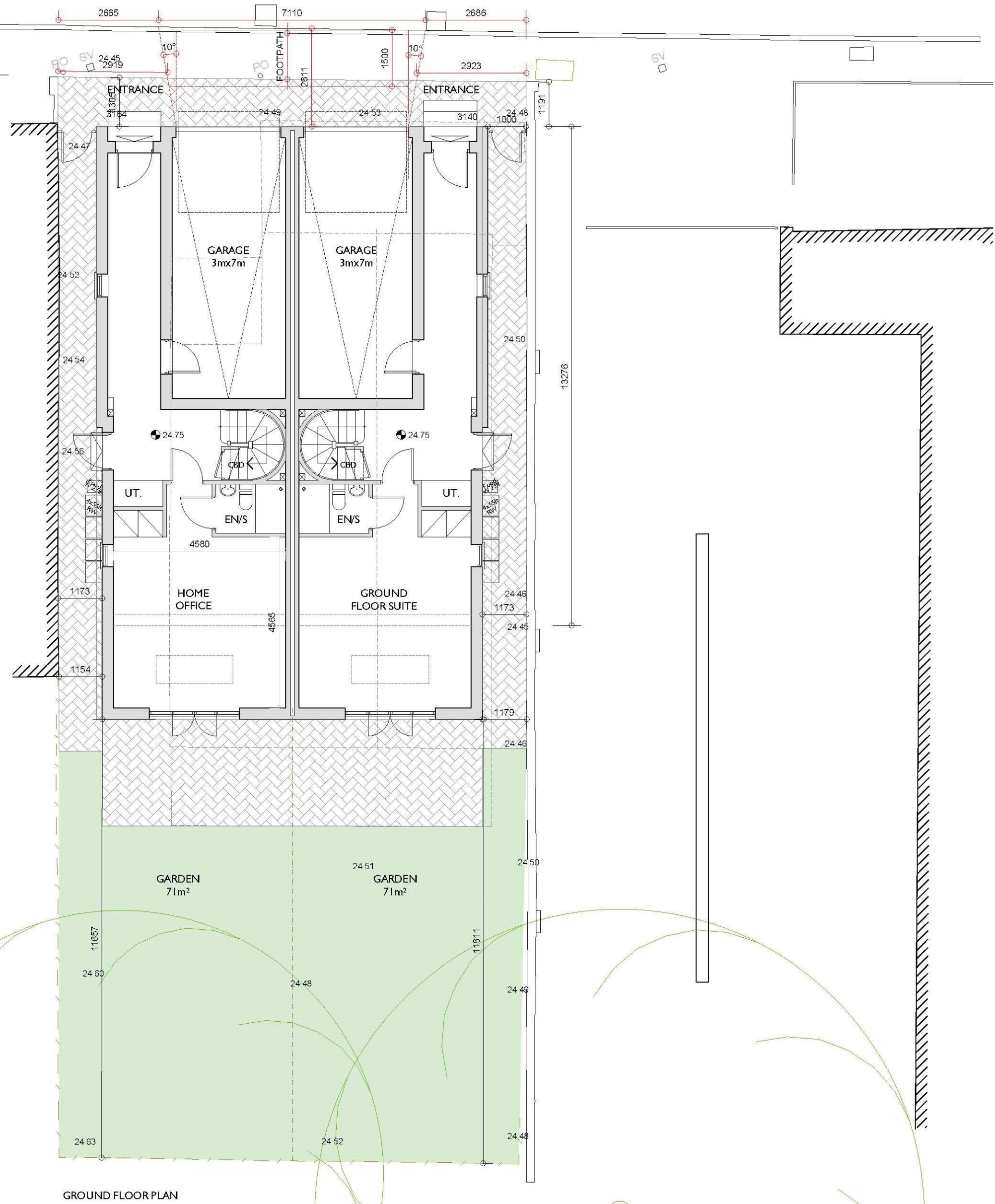
FRONT ELEVATION



SIDE ELEVATION - WEST

EXISTING ELEVATIONS

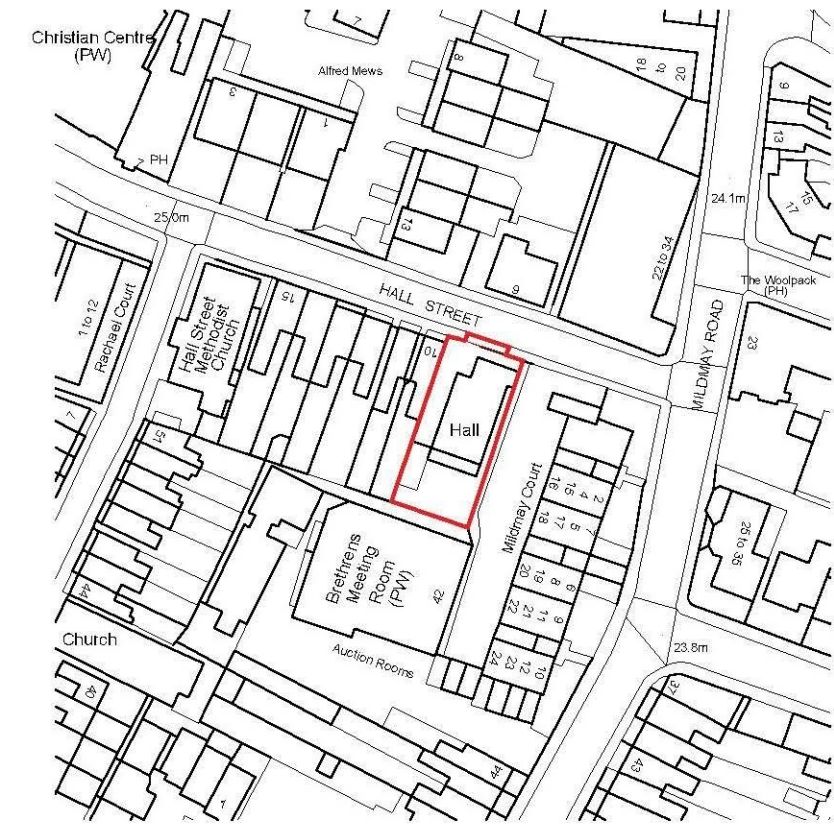








EXISTING VIEWS



LOCATION PLAN





**Planning Committee**  
**6<sup>th</sup> October 2020**

<b>Application No</b>	:	19/01579/FUL Full Application
<b>Location</b>	:	Site At Play Area Woodhall Road Chelmsford Essex
<b>Proposal</b>	:	<b>Redevelopment of a former children's play area to construct 12 new dwellings with associated access road, parking and landscaping.</b>
<b>Applicant</b>	:	Project Manager Chelmer Housing Partnership / Myriad Housing
<b>Agent</b>	:	Barefoot & Gilles Limited
<b>Date Valid</b>	:	14th April 2020

### Contents

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2. Description of site .....	2
3. Details of the proposal.....	2
4. Summary of consultations .....	3
5. Planning considerations.....	3
6. Planning Balance.....	9

### Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. This application is called to Planning Committee because the site is owned by Chelmsford City Council and there are objections from local residents.
- 1.2. The proposal is for the redevelopment of an area of open space and the site of a demolished church hall for 12 affordable houses, which would be provided by the applicant for social rent.
- 1.3. The site is allocated in the newly adopted Chelmsford Local Plan for housing as an Urban Growth Site. The development satisfactorily complies with the Growth Site Policy and would have acceptable relationships with neighbours.
- 1.4. The site is also designated as open space on the policy proposal maps, which Policy DM21 seeks to protect. Whilst the development would conflict with Policy DM21, it has been allocated for housing and the loss of the existing poor-quality open space is outweighed by the benefit of the scheme to provide much needed affordable housing. Heads of terms have been agreed for the applicant to provide Planning Contributions to improve existing open space facilities at Berwick Avenue and Rutland Road.
- 1.5. The application is recommended for approval subject to the completion of a Section 106 Agreement.

## **2. Description of site**

- 2.1. The application site is an area of open space and the site of a now demolished church hall located on the northern side of Woodhall Road, within Chelmsford Urban Area.
- 2.2. The land is enclosed on all sides by rear gardens of properties in Woodhall Road, Berwick Avenue and Cumberland Crescent. It has only one entrance and is accessed between No.12 and No. 14 Woodhall Road by a narrow track.
- 2.3. The land is roughly T-shaped. The southern part of the site is covered in dense undergrowth and hedges whilst the northern part is an area of mown grass. The site no longer has any play equipment on it.
- 2.4. The character of Woodhall Road is brick built semi-detached and terraced houses with flush frontages, continuous ridge lines and a uniform design.

## **3. Details of the proposal**

- 3.1. The application proposal seeks to redevelop the site for 12 dwellings. It would be accessed via the existing entrance off Woodhall Road.
- 3.2. The proposal would create a new terrace of three houses fronting up to Woodhall Road, with three further blocks of housing behind. Parking areas would be provided to the northeast, northwest and central parts of the site, creating 30 spaces in total.
- 3.3. The proposal comprises the following:
  - 2 x one bedroom flat
  - 3 x two bedroom houses
  - 2 x three bedroom houses

5 x four bedroom houses

- 3.4. As part of the land agreement between the City Council and the applicant, Chelmer Housing Partnership (CHP), all units will be provided as social rent by CHP with the Council securing nomination rights to all the dwellings.

#### **4. Summary of consultations**

Broomfield Parish Council – No comment

Public Health & Protection Services – EV charging point infrastructure should be provided

Essex County Council Highways – No objections

Essex County Council (SUDS) – No objections

Recycling & Waste Collection Services – No reply

Essex and Suffolk Water – No reply

Anglian Water Services Ltd – The foul drainage and sewerage system at present has available capacity for these flows. There are assets owned by Anglian Water close to or crossing the site that may need to be diverted.

Essex County Fire & Rescue Service - the nearest existing statutory fire hydrant is considered to be within a reasonable distance of the proposed development and access for fire service purposes is satisfactory.

Parks & Open Spaces - As part of the equipped play replacement/development plan, the loss of the play area and open space in Woodhall Road would be compensated for by refurbishing nearby equipped play areas in Berwick Avenue and Rutland Road. Both are within the same neighbourhood catchment

Local residents – 17 letters of representation received. The main comments raised are:

- Loss of an area of valuable open space
- Concerns about an increase in traffic and parking
- Loss of a site which has a variety of wildlife
- Loss of light and overlooking of neighbouring properties
- Noise and pollution during construction
- Surface water flooding
- Capacity of the existing infrastructure to deal with additional sewage
- Increase demand on local schools and services

- 4.1. A petition has also been received, objecting to the application. This has 274 signatures.

#### **5. Planning considerations**

##### ***Main Issues***

- 5.1. The main issue in this case is the approach to open space provision in the context of an allocation for housing growth. In the planning balance, consideration must be given to other material planning considerations, which in this case the provision of social rent affordable housing.
- 5.2. The other main issues are the impact of the development on the amenities of the neighbouring residential properties, the effect of the development on the character and appearance of the area and biodiversity.

### ***Planning policy***

- 5.3. Within the Chelmsford Local Plan, the key planning policies for consideration are Policy GR1, Growth Site 1o, Strategic Policy 9 and DM Policy DM21.
- 5.4. Growth Site Policy 1o relates specifically to this application site. This states that development will be permitted subject to meeting the requirements of Policy GR1 and the following site specific criteria:
- Around 19 new homes
  - Main vehicle access from Woodhall Road
  - Character and scale determined by adjacent residential development
  - Development layout should respect neighbouring rear boundaries
  - Drainage and flood risk management let by SuDs to address location in a critical drainage area.
- 5.5. Policy GR1 applies to all growth sites in Chelmsford Urban Area. This sets out site development principles which includes development that maximises opportunities for sustainable travel, provide or make financial contributions to new, or enhanced sport, leisure and recreation facilities and financial contributions to education provision. Contributions from developments will also be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 5.6. Policy S9 states that new development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. This includes support by sustainable means of transport, flood risk management, community infrastructure, green infrastructure and utilities.
- 5.7. Policy DM21 relates to the protection of community facilities. This states at part B) that the change of use of premises or redevelopment of existing open space, sports and recreational buildings and land, including playing fields forming part of an education establishment will only be permitted where
- i) An assessment has been undertaken which clearly shows the facility is surplus to requirements or
  - ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - iii) The development is for alternative provision, the needs of which clearly outweigh the loss.

### ***Principle of the development***

#### ***Allocation for Housing***

- 5.8. In order to meet the full objectively assessed housing need in the period 2013-2036 provision has been made in the newly adopted Chelmsford Local Plan for a minimum of 18,515 net new homes. In order to meet this identified need, the Spatial Strategy sets out the scale and distribution of new development across Chelmsford during the local plan period up to 2036. The Spatial Strategy focuses new housing to the most sustainable locations. New development allocations are focused on the three Growth Areas of Central and Urban Chelmsford, North Chelmsford and South and East Chelmsford. The application site falls within one of the growth areas of Urban Chelmsford.

- 5.9. The reasoned justification for Policy GR1 states that growth sites are smaller sites which will accommodate less than 100 new houses, but which will collectively contribute to regeneration objectives and securing sustainable development. These sites share common features in that they make the best and most efficient use of previously developed land, are often vacant or underused areas where there is an opportunity for sustainable growth patterns, are in locations which allow good connections with their local neighbourhoods and the City Centre, and will regenerate unused or underused previously developed land.
- 5.10. Growth site policy 1o has site specific criteria, which are set out above under paragraph 5.4. The development satisfactorily meets these criteria. The proposal is seeking to provide 12 houses, it would have its main vehicle access from Woodhall Road and the character and scale of the development is respectful of the neighbouring two storey houses. The development would respect neighbouring rear boundaries and the drainage and flood risk proposals that have been submitted as part of the application are acceptable to the local lead flood authority. The development is therefore fully compliant with Growth Site Policy 1o.
- 5.11. The allocation of the site within the Local Plan demonstrates that the City Council considers this land to be suitable and sustainable for housing and would contribute to the housing required throughout the plan period. The Local Plan has very recently been through a public examination and was found sound by the Inspector. The Inspector in her Report on the Examination of the Chelmsford Draft Local Plan stated *"Having considered all the evidence and representations before me, I am satisfied that for most site allocations within the Plan, the proposals are soundly based and capable of being developed."* Growth Policy G1o was not one of the sites that the Inspector required any amendments to.
- 5.12. The allocation of the site within the Local Plan for housing development and the compliance of the application with the site-specific Growth Site policy criteria carries significant weight in the overall consideration of the application.

#### *Open space*

- 5.13. The application site, being a former play area, is open land. It has therefore been shown in the local plan policy maps as "open space". Policy DM21 seeks to protect open space and would only permit its development where there is a surplus of open space in the area, or where the loss will be replaced by equivalent or better provision or where the development is for alternative provision, the needs of which clearly outweigh the loss.
- 5.14. In this case, there is not a surplus of open space in the area. The City Council's open space study considers open space in terms of its type, nature of use, access, quality and quantity. This site lies within the Chelmsford City Centre area profile and is categorised as amenity green space in the Patching Hall Ward. In the Chelmsford City Centre study area and Patching Hall Ward there is a small under supply of this type of open space. At the time that the open space study was carried out in 2016 it described the site as follows

*"Woodhall Road Play Area contains play equipment suitable for toddler and juniors mixed, including climbing frame, slide, roundabout, toddler swings and spring toy and there is a large amenity grass space. The play equipment is extremely rusty, dated, and there is missing equipment. There is no provision for teens and plenty of space to install something. The site only has one entrance and is otherwise surrounded by fencing at the back of houses; this makes the site feel unsafe. There is no dog bin and evidence of dog fouling. There are multiple issues with this site that needs addressing; in its current state, the rusty equipment poses a safety hazard."*

- 5.15. The proposed development would not be providing an alternative means of open space provision and the Council's property services have confirmed that there is no other suitable space nearby within the Council's ownership that could be provided as compensation for the proposed loss. The proposed development therefore conflicts with Policy DM21 in that it does not comply with any of the three exceptions listed at DM21 B) where a loss of open space could be considered to be acceptable.
- 5.16. In considering the conflict of the development with Policy DM21 it is relevant to look at the quality of the existing open space offering. The site is a backland area, set behind houses and bordered on all sides by neighbouring rear garden boundaries. It is not a space that has any natural surveillance and therefore does not feel like a particularly safe environment. The site also has only one entrance, which is via a narrow track between houses and does not have any play equipment or dog bin facilities. This is not the type of open space that would now be approved as part of a modern housing development.
- 5.17. The loss of open space weighs against the proposal, but it must be acknowledged that the current open space offering is of poor quality.

#### *Affordable Housing Provision*

- 5.18. The development is seeking to provide 12 affordable housing units, which would all be for social rent. This would be secured through the land agreement between the City Council and the applicant, who are a registered provider. Social rent properties are broadly equivalent to 40-55% of market rents in Chelmsford and are therefore the most affordable for low income families.
- 5.19. There is a significant demand for social rent properties in Chelmsford, particularly larger family homes. Approximately 49% of affordable housing is funded through S106 agreements as part of new residential developments. The Council's Local Plan requires 35% of all housing on sites of 11 homes or more to be affordable housing based on 22% rented and 13% affordable home ownership. There is no requirement for developers to provide social rent, only affordable rent. Affordable rent can be up to 80% of market value.
- 5.20. With changes related to the introduction of Universal Credit and in particular the Benefit Cap, the cap disproportionately affects larger households trying to pay for affordable rented housing. Affordable rents on three and four bedroom properties will be higher, but with overall benefits capped it means that these larger types of homes are becoming increasingly unaffordable. This issue is compounded by the level of re-lets in the existing affordable housing stock. Whilst there is a relatively high turnover of smaller properties, the turnover of larger three and four bedroom affordable homes in Chelmsford is more static. A report to the Chelmsford Policy Board in January of this year cited that there is a 188 unit shortfall of new affordable homes per year and of this shortfall 78 units needed are three and four bedroom properties.
- 5.21. The proposal for this application to provide twelve social rent houses weighs significantly in favour of the development in addressing the significant need for affordable homes in the Borough.
- 5.22. The weight to be given to the allocation of the site for housing, the loss of open space and any other material considerations, which includes the provision of affordable housing will be considered in the Planning Balance.

#### ***Impact on character and appearance of the area***

- 5.23. Policy DM23 requires development to be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.
- 5.24. The proposed development is for two storey housing, which would complement the scale of the existing two storey houses in the vicinity. The terraced block to the front of the site would follow the existing building line of houses in the street and would satisfactorily reflect the simple form of the existing local architecture.
- 5.25. Amendments were made to the detailing and elevations of the houses during the life of the application in order to improve the overall quality and appearance of the development. The proposal now shows a scheme of well detailed buildings, with active public facing elevations and a modern feel to the depth of the architecture. The scale, form and detail of the proposal would sit comfortably in the context of Woodhall Road and would result in no harm to the character and appearance of the area. The proposal satisfactorily complies with Policy DM23.

### ***Neighbour relationships***

- 5.26. Policy DM29 seeks to protect the living environments of the occupiers of any nearby residential property by ensuring developments are not overbearing and do not result in unacceptable overlooking or overshadowing. Development shall also not result in excessive noise, activity or vehicle movements.
- 5.27. The development has been designed so that the back gardens of new properties back on to the rear gardens of existing properties, which is a usual relationship between houses in a residential area. The distances between rear facing parallel walls is sufficient to ensure that no unacceptable overlooking would occur and the buildings are far enough away from existing neighbours to ensure that they are not overbearing.
- 5.28. The house to the south eastern corner of the site, Plot 10 sits side on to the rear garden boundaries of No.8 and No.10 Woodhall Road. Plot 10 has no first-floor side facing windows and therefore the privacy of these neighbours would be maintained.
- 5.29. Concerns have been raised about the potential noise impact of the proposed pump enclosure which forms part of the sustainable drainage strategy. This is a small area that will have an underground wet well and a small above ground green kiosk that houses the pump controls. Information on the noise levels of the pump can be controlled by planning condition.
- 5.30. Concerns have also been raised by local residents about the potential for the site to flood. The development is accompanied by a sustainable drainage strategy, which the local lead flood authority has confirmed is acceptable in principle to control surface water. The final details of the strategy will be controlled by condition and will need to be formally approved by the local lead flood authority and Anglian Water.
- 5.31. Overall, the development would maintain satisfactory relationships with its neighbours in accordance with Policy DM29.

### ***Access, parking and design specification for new dwellings***

- 5.32. Policy DM26 Design specification for new dwellings seeks to ensure that all new dwellings achieve suitable privacy and living environment for residential occupiers, sufficient private amenity

space, provision of open space, adherence to Nationally Described Space Standards and provide appropriate recycling and waste storage. Policy DM27 requires developments to have regard to the vehicle parking standards as set out in the Essex Parking Standards Design and Good Practice (2009).

- 5.33. The proposed development would provide family homes with a good quality living environment, sufficient amenity space and would adhere to Nationally Described Space Standards. The access to the site would be safe and sufficient for fire and refuse vehicles. Local open space is not provided on site, but a contribution will instead be secured through a S106 agreement to improve existing local open space in the locality.
- 5.34. The development proposes 30 parking spaces to serve 12 dwellings. This satisfactorily complies with Policy DM27.

### ***Biodiversity***

- 5.35. Policy DM16 Part D) states that all development proposals should avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts. Developments should also deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats and enhancing them for the benefit of species.
- 5.36. Ecological surveys have been carried out to determine whether or not the site is being used by any protected species. The surveys, which were carried out by qualified ecologists, found no record of the presence of badger setts or evidence of badger usage. Reptile surveys also did not record presence of any reptile species using the site. A condition is attached recommending a precautionary approach to clearing the site in the interests of protecting radiating species should they be present.
- 5.37. The application is accompanied by a Biodiversity Impact Assessment Calculations report. This assesses the net gains and losses in biodiversity brought about by the development. The calculations were carried out using DEFRA Biodiversity Metric 2.0. The results of the report show that it is unfeasible for the development to achieve an increase in biodiversity on the site. The proposal therefore seeks to achieve a 10% net gain in biodiversity units through offsetting. The applicant has agreed to offset biodiversity by providing the identified required net gains off site at St Andrews Park. A financial contribution will be secured via a S106 agreement.

### ***Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)***

- 5.38. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the requirements of the Conservation of Habitats and Species Regulations 2017. A financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) project will be secured through a S106 agreement.

### ***Planning Contributions***

- 5.39. Heads of terms have been agreed with the applicant for a planning contribution of £20,000 to be secured through a Section 106 Agreement. This would be used to compensate for both the lack of open space provision on site and the loss of public open space. The contribution would be used to improve existing open space facilities at Berwick Avenue and Rutland Road.



- 5.40. A planning contribution will be secured for biodiversity offsetting and subsequent management to ensure that the development results in biodiversity net gains. A further £1,506 will be secured towards mitigation for RAMs.

## **6. Planning Balance**

- 6.1. The site is allocated in the newly adopted Chelmsford Local Plan for houses and would contribute to meeting the City Council's housing growth during the plan period. The Growth Site Policy has been considered by an Inspector at Independent examination and found to be sound. The development proposal satisfactorily complies with all the requirements of the housing allocation and significant weight must be attributed to this. The development is well designed, would result in no harm to the amenities of the neighbouring residential properties and would sit comfortably in the context of the existing street scene.
- 6.2. The Chelmsford Local Plan shows this site to be open space on the policy proposals maps. Open space is protected under Policy DM21 and the development is unable to fully meet the requirements of this policy. This weighs against the proposal. However, the site currently offers a poor quality open space. It has no natural surveillance, only one entrance and no play equipment or dog bin facilities. Due to its backland position it is surrounded by rear garden fences and does not feel like a safe environment, especially for unaccompanied children. Public open space on new development sites would not now be designed in this sort of isolated location and therefore the quality of the existing offering is considered to be poor. There are three other areas of better quality open space in the vicinity of the site, these are Berwick Avenue, St Andrews park and Rutland Road.
- 6.3. Heads of terms have been agreed to secure financial contributions of £20,000 to offset the loss of public open space and lack of on site open space provided. This would be used to enhance the existing facilities at Berwick Avenue and Rutland Road. Whilst the conflict with Policy DM21 still remains, the planning contributions to upgrade other more appropriate areas of open space in the area goes some way to mitigate this conflict.
- 6.4. In the overall planning balance the benefit of providing 12 social rent affordable houses is a material planning consideration. The City Council has a shortfall of this type of accommodation in the Borough and there is a particular need for three and four bedroom family homes, which are becoming increasingly unaffordable for low income families. This weighs significantly in favour of the proposal
- 6.5. In view of the fact that the site has been allocated for houses and would provide much needed affordable homes, the loss of an area of poor quality open space is considered to be clearly outweighed by the benefits of the development. The application is therefore recommended for approval subject to a Section 106 Agreement, which would secure financial contributions to improve existing areas of local open space in the vicinity of the site and biodiversity offsetting.

## **RECOMMENDATION**

**The Application be APPROVED subject to the completion of a S106 Application and compliance with the following conditions:-**

### **Condition 1**

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

Reason:

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

### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

### **Condition 3**

Prior to their use, details of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure that the development is visually acceptable in accordance with Policy DM23 of the Chelmsford Local Plan.

### **Condition 4**

Prior to their installation details of any means of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.

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 5**

a) Details of the proposed treatment of all boundaries, including drawings of any gates, fences, walls, railings or piers, shall be submitted to and approved in writing by the local planning authority.

b) The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

### **Condition 6**

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other

suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the local planning authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the local planning authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- a) Limiting discharge rates to 5l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party
- b) Final modelling and calculations for all areas of the drainage system.
- c) Detailed engineering drawings of each component of the drainage scheme.
- d) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- e) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

To ensure that the development is constructed sustainably in accordance with Policies S2 and Policy DM18 of the Chelmsford Local Plan.

#### **Condition 7**

No development shall take place, including any works of ground clearance or site preparation, until a scheme to minimise offsite flooding caused by surface water run-off and groundwater during construction works and measures to prevent pollution has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be adhered to throughout the construction period for the development.

Reason:

The National Planning Policy Framework paragraph 163 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

#### **Condition 8**

Prior to the first occupation of the dwellings hereby permitted, twelve electric vehicle charging points shall be installed in accordance with details that that shall have been previously submitted to and agreed in writing by the local planning authority.

Reason:

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

#### **Condition 9**

A minimum of 50% of the dwelling units as approved shall be constructed to comply with Building Regulations Approved Document Part M4(2) Category 2 (2010 - as amended).

Reason:

To ensure the development provides sufficiently adaptable homes to meet current and future needs of residents in accordance with Policy DM1 of the Chelmsford Local Plan

**Condition 10**

All new dwelling units as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).

Reason:

To ensure the development reduces water dependency in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 11**

Prior to occupation of the proposed development, the Developer shall provide to each household a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason:

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

**Condition 12**

There shall be no discharge of surface water from the development site onto the Highway.

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

**Condition 13**

Prior to first occupation of the development hereby permitted, the 30 vehicle parking bays shown in the Proposed Site Plan, drawing no. 2008 DE10-002, Revision E, shall be hard surfaced, sealed and marked out in parking bays ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason:

To ensure that sufficient off street parking is provided to serve the development.

**Condition 14**

Details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

- a) hard surfacing including pathways and driveways, marking out of parking bays, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- e) Management details and a five year maintenance plan

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan.

**Condition 15**

Prior to the commencement of any work on the site a joint inspection of the route to be used by construction vehicles shall be carried out by the applicant and the Highway Authority, to include photographic evidence. The route shall then be inspected again after completion of the development and any damage to the highway resulting from traffic movements generated by the application site shall be repaired to an acceptable standard and at no cost to the Highway Authority.

Reason: To protect the highway, in the interests of highway safety.

**Condition 16**

Prior to occupation of the development hereby permitted the junction with Woodhall Road shall include a Traffic Regulation Order double yellow line protection to enable access by all vehicles, to be incorporated into the highway works agreement between the Applicant and the Highway Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

**Condition 17**

Before the sustainable drainage scheme's pumping station is used, it shall be enclosed with sound-insulating material in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The measures implemented as approved shall be retained thereafter.

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 18**

The existing vegetation on site shall be cleared initially to a height of 100-150mm under ecological supervision and reduced to ground level after 24hours.

Reason:

This is to ensure harm to any species on site is avoided and to allow for any radiating species (amphibians, reptiles, birds and small mammals) to disperse from site.

**Notes to Applicant**

**1 Hours of work during construction**

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

Noisy work:

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

Light work:

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

In some circumstance further restrictions may be necessary.

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

#### Party Wall Act

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

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

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

- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

ii) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

iii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- 3 You are reminded that this permission is also subject to a legal agreement, and that the terms of this agreement must be complied with.
- 4 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the

purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 6 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at [www.chelmsford.gov.uk/streetnaming](http://www.chelmsford.gov.uk/streetnaming). Enquires can also be made to the Address Management Officer by emailing [streetnaming@chelmsford.gov.uk](mailto:streetnaming@chelmsford.gov.uk).
- 7 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. In addition, no building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact the Development Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

The Development Services Team can be contacted on 0345 606 6087.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted and also suggested amendments to the proposal during the life of the application. 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:**

#### **SPS5**

Strategic Policy S5 Protecting & Enhancing Community Assets - The Council recognises the important role that community facilities have in existing communities and that they are also an integral part of any proposals for new residential and employment development. Existing community assets will be protected from inappropriate changes of use or redevelopment.

#### SPS9

Strategic Policy S9 Infrastructure Requirements - New development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. New development must be supported by sustainable means of transport, safe from all types of flooding, provide a range of community infrastructure, provide green infrastructure and utilities. Necessary infrastructure must seek to preserve or enhance the historic environment.

#### DM16

Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.

#### DM17

Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.

#### DM18

Policy DM18 - Flooding/Suds - Planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run off and ensure that it does not increase flood risk elsewhere.

#### DM21

Policy DM21 - Protecting Community Facilities - The change of use of premises or redevelopment of sites that provide valued community facilities will only be permitted where the site cannot be used for an alternative community facility or where there is already an adequate supply of that type of facility in the locality or settlement concerned. Existing open spaces, sports and recreational buildings and land will also be protected.

#### 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.

#### DM25

Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.

#### DM26

Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.



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.

### **Background Papers**

Case File

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**Broomfield Parish Council**

Comments
No comment

**Public Health & Protection Services**

Comments
<p>Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is not allocated).</p> <p>Please add the construction times informative.</p>

**Essex County Council Highways**

Comments
<p>Woodhall Road has a speed limit of 30 mph with a footway on each side. The former children's play area would be redeveloped to provide 12no. dwellings. The vehicular access is provided with appropriate visibility splays over the highway, in both directions. Off-street parking provision level and layout has been designed in accordance with the City's new Parking Standards and includes unallocated visitor parking provision.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to suggested conditions.</p>

**Essex County Council (SUDS)**

Comments
<p>Lead Local Flood Authority position</p> <p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.</p>

**Recycling & Waste Collection Services**

Comments
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No response received
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## Essex and Suffolk Water

Comments
No response received

## Essex County Fire & Rescue Service

Comments
<p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.</p> <p>Access for fire service vehicles is considered satisfactory.</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>The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.</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>

Following a review of these documents, I can advise that the nearest existing statutory fire hydrant, No.34/1217 shown on the enclosed plan, is considered to be within a reasonable distance of the proposed development.

## Parks & Open Spaces

### Comments

As part of the equipped play replacement/development plan, the loss of the play area and open space in Woodhall Road would be compensated for by refurbishing nearby equipped play areas in Berwick Avenue and Rutland Road. Both are within the same neighbourhood catchment

## Anglian Water Services Ltd

### Comments

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of Chelmsford Water Recycling Centre that will have available capacity for these flows

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

## Local Residents

### Comments

Loss of open space

- This is lovely green space that is widely used

- The site is used by dog walkers
- People's mental health is improved by green space being near to where they live
- People's homes need to be a place where it is a good quality of life, not crammed on top of one another
- This makes a mockery of the Council's green agenda
- The Winter 2019 Edition of Chelmsford City Council News had a headline of "Lets help our city breathe" – this proposal does the opposite by removing healthy trees
- Only part of the site previously had play equipment on it
- The development conflicts with Policies S6, S7, 1q, S11 and the NPPF
- The site has not been assessed surplus to requirements and the public open space should not be built on
- The flats at either end of Woodhall Road have no gardens and the occupants would be particularly badly affected by the loss of open space
- The proposal does not provide for equivalent or better provision of green space
- The plan effectively takes no account of the needs of the local community, whose interests appear to have been traded entirely for council ownership of 3 houses.
- The 2017 site planning advice states that CCC were intending to compensate for the loss of this play area through S106 contributions to upgrade St Andrews and Berwick Avenue Play area but the design and access statement does not mention this
- The public were not consulted on the previous removal of the children's play area.
- The site is a peaceful and natural escape for people and a safe space for children, families and dogs to play
- The park at Berwick Avenue is not dog friendly

#### Highway matters

- The area has suffered from an increase in traffic due to nearby housing developments, this will worsen the situation – Woodhall Road is used as a cut through
- Concerns about traffic noise and pollution from the development and access road
- The traffic travels faster than 30mph along Woodhall road and there have been at least two accidents
- Concerns about additional on street parking
- There are many houses in Woodhall Road in multiple occupancy which results in lots of cars
- The new junction will be opposite a newly approved house of multiple occupancy

#### Ecology

- Concerns that the development will harm wildlife currently living on the site, which includes species of principal importance, national importance and species of community interest
- There are bats which inhabit the park, which is a protected species
- The proposal does not deliver net gains in biodiversity
- The site should instead be maintained in its existing use and developing the Church Hall site as a Local Wildlife Site

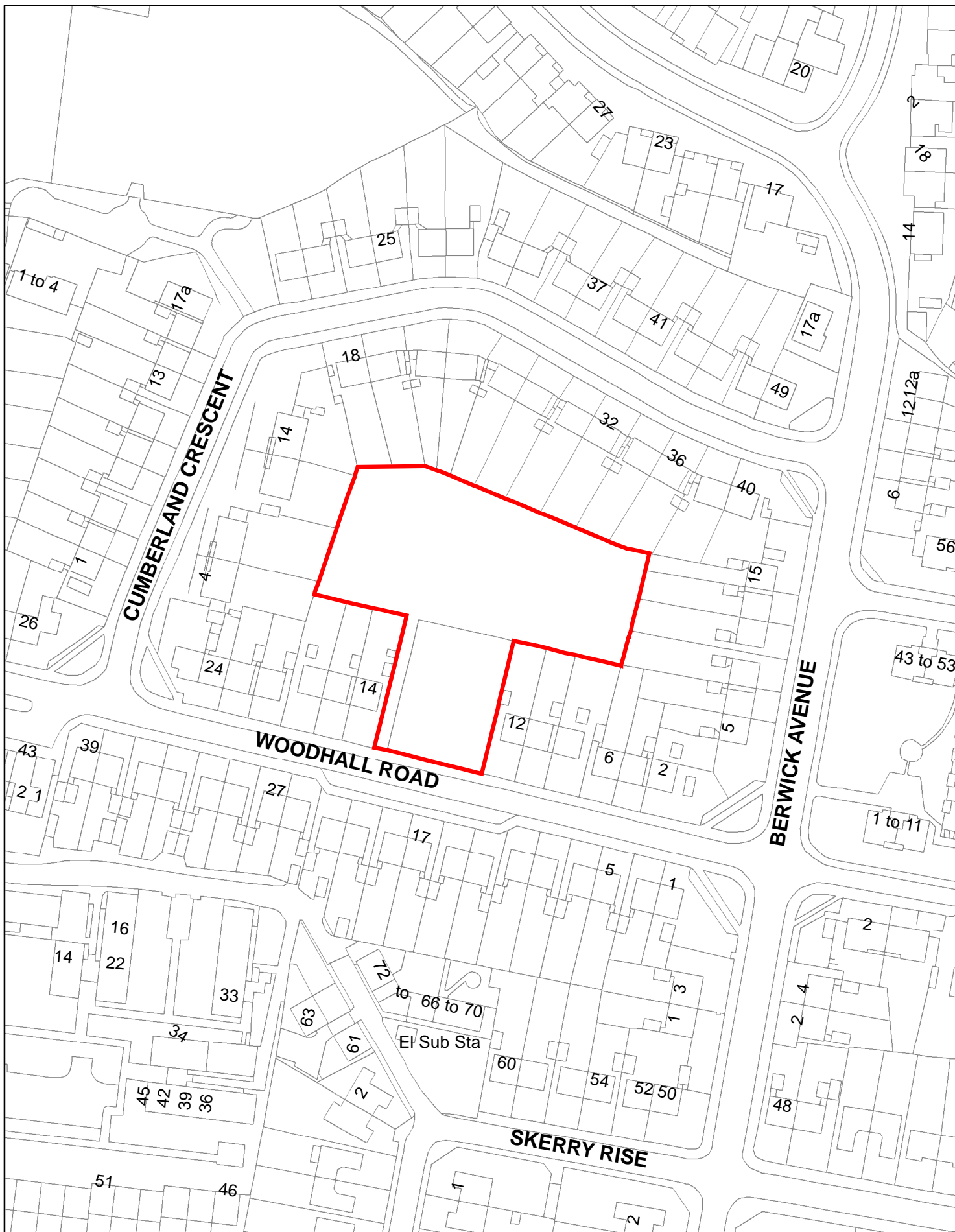
- Part of the badger survey was redacted, meaning that objectors are unable to make an intelligent response to the issue of biodiversity
- The ecology survey did not cover the whole site
- This will result in the removal of a tree on the boundary with no. 6 Woodhall road. The fence line should be on the other side of the tree

#### Residential amenity

- Concerns about loss of light to neighbouring properties
- Concerns about noise pollution and disturbance during construction
- Concerns about loss of privacy to neighbouring properties

#### Drainage and utilities

- This land used to be a large pond and it was filled in with concrete so there are concerns about how water will drain away
- There is a main sewer Manhole in the garden of 10 Woodhall road – concerns that the 12 houses will connect to this
- The drainage for the site relies on a pumping station located behind the gardens of existing properties on Cumberland Crescent and Berwick Avenue. The consequences of installing an 80m<sup>2</sup> pumping compound behind these properties is not considered in terms of noise nuisance, pollution or consequences of the pump's failure.
- The proposal would clearly increase flood risk both on and adjacent to the site, and in the surrounding area. The drainage system proposed is not sustainable.
- In the case of excess rainfall, a blockage in the drains or a partial failure of the pump there will be excess surface water running off into neighbouring properties
- This will create a potential flood risk to No. 15 Berwick avenue
- The sewers have not been adequately expanded for the extra load



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**19/01579/FUL**

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

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

Telephone: 01245 606826



Ecological notes on the scheme based on Practical Ecology Preliminary Ecological Appraisal Report & recommendations dated 17 June 2019.

A **Badger survey** is to be conducted on the inaccessible area of the site during late Autumn or early Spring.

A **Reptile survey** is to be undertaken to ensure reptiles are absent from site prior to clearance or construction. Survey to be carried out in March to June or September to October.

In order to achieve a net gain in biodiversity efforts should be made to ensure the development provides habitats of an equal or higher quality than those being removed. The following recommendations should be employed:

- Retain or replace the hedgerow on site with a species rich native hedgerow.
- Provide open green spaces & lawns seeded with a species rich amenity mix.
- Planting of trees to be 2:1 ratio of those removed.
- Remove Leylandii stand & replace with broadleaf native species.

The site is within the Zone of Influence (ZoI) for the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS). A Habitat Regulations Assessment (HRA) is required to assess the effects on Blackwater Estuary SPA under RAMS.

**Bats:** A minimum of 2 bat boxes are to be installed on at least two of the dwellings. Location to face South to South East, fixed 4 - 6m above ground. Lighting schemes on site are to be designed to ensure that light spill is limited through the use of directional lighting, hoods & baffles.

**Birds:** Site clearance is to be undertaken outside of bird nesting season or alternatively nesting bird checks should be performed 24-48 hours prior to vegetation clearance. Any nests discovered should be left with attendant vegetation until any chicks have fledged or the nest is abandoned.

Starling boxes or Sparrow terraces are to be installed on at least 3 buildings. 6 standard passerine boxes are to be erected on newly planted trees or buildings. Location to face North to East, fixed 2 - 4m above ground.

**Notable Invertebrates:** Provide a loggery on-site to compensate for the loss of deadwood. Open spaces are to be seeded with a species rich amenity mix for pollinators.

- Proposed hedgehog highway through the site, via a series of 13x13cm holes at the base of boundary fences.
- Proposed Hoglio Hedgehog houses in each plot and through the site.
- Proposed loggery for Notable Invertebrates.
- FSC certified timber Sparrow Terrace with 32mm entrance hole suitable for house sparrow or Starling box with 45mm entrance hole suitable for Starlings. (3 No).
- FSC certified standard passerine timber nest box with 32mm entrance hole, located on new trees & dwellings. (6 No).
- FSC certified timber single chamber bat box located on dwellings. (2 No).



Proposed Development Site (red boundary line) :  
approx. 3668 m² ≈ 0.9 acres

SCHEDULE OF ACCOMMODATION:

Unit types	Gross Internal Area (GIA)		Total	Parking
1B2P Flat (Maisonette)	50.2 m² - 58.4 m²	540 ft² - 629 ft²	2	1 car space
2B4P House	79 m²	850 ft²	3	2 car spaces
3B5P House	93 m²	1001 ft²	2	2 car spaces
4B6P House	108.6 m²	1169 ft²	5	3 car spaces
TOTAL			12	

BPA = Bins Presentation Area

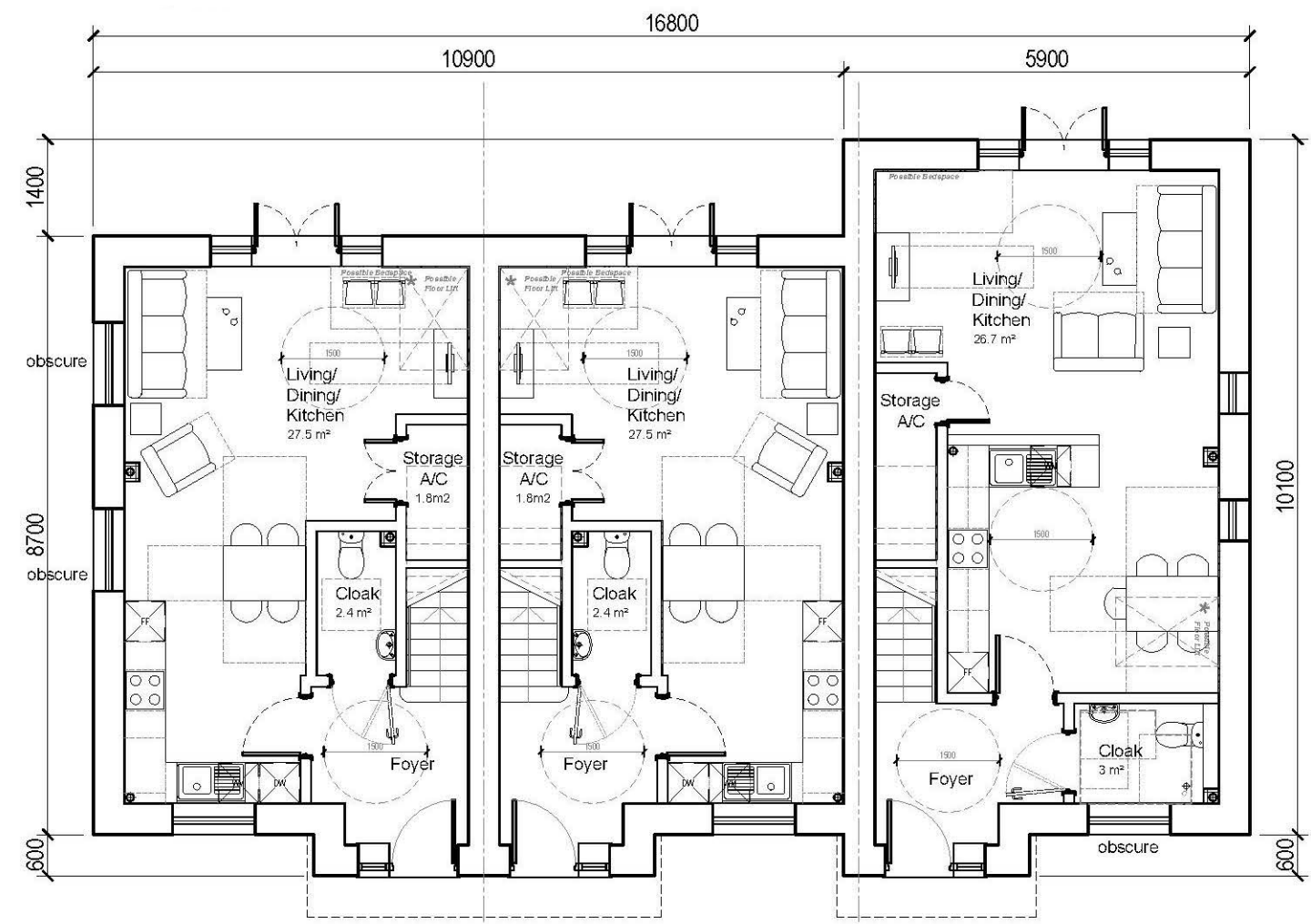
CAR PARKING:

car spaces = 27 spaces  
visitor parking = 3 spaces (25%x12 units = 3 spaces)  
TOTAL = 30 spaces (include 1No. Disabled spaces)





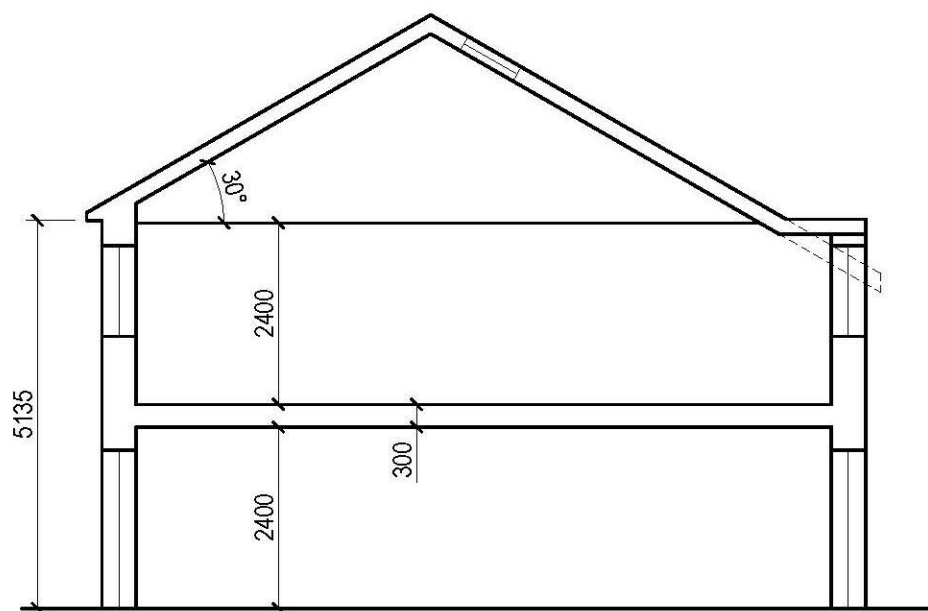
Proposed Development Site (red boundary line) :  
approx. 3636 m<sup>2</sup> ≈ 0.9 acres



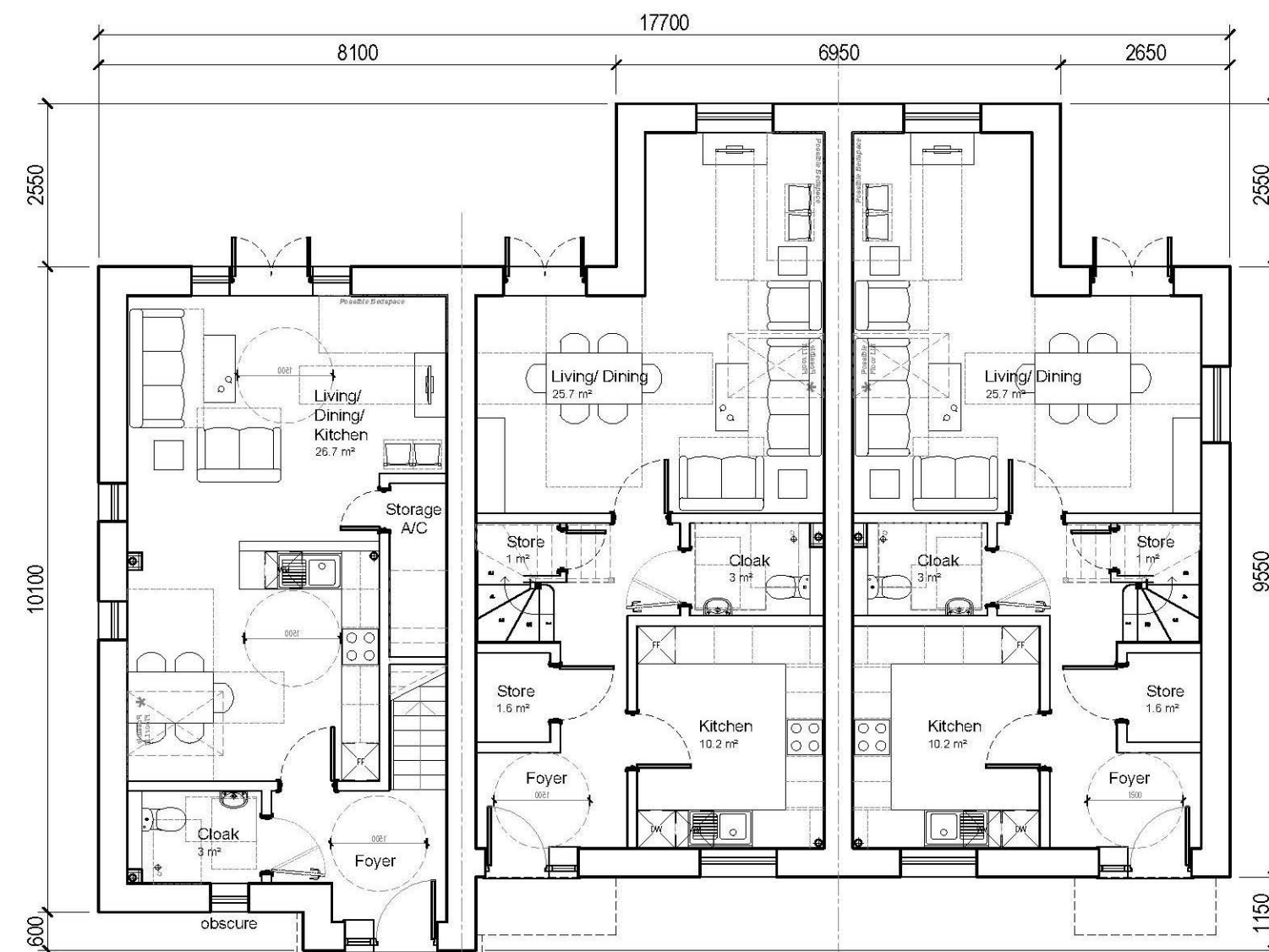
PLOT 1  
2B4P HOUSE  
G.I.A=79m<sup>2</sup> (850 ft<sup>2</sup>)  
GROUND FLOOR PLAN

PLOT 2  
2B4P HOUSE  
G.I.A=79m<sup>2</sup> (850 ft<sup>2</sup>)

PLOT 3  
3B5P HOUSE  
G.I.A=93m<sup>2</sup> (1001 ft<sup>2</sup>)



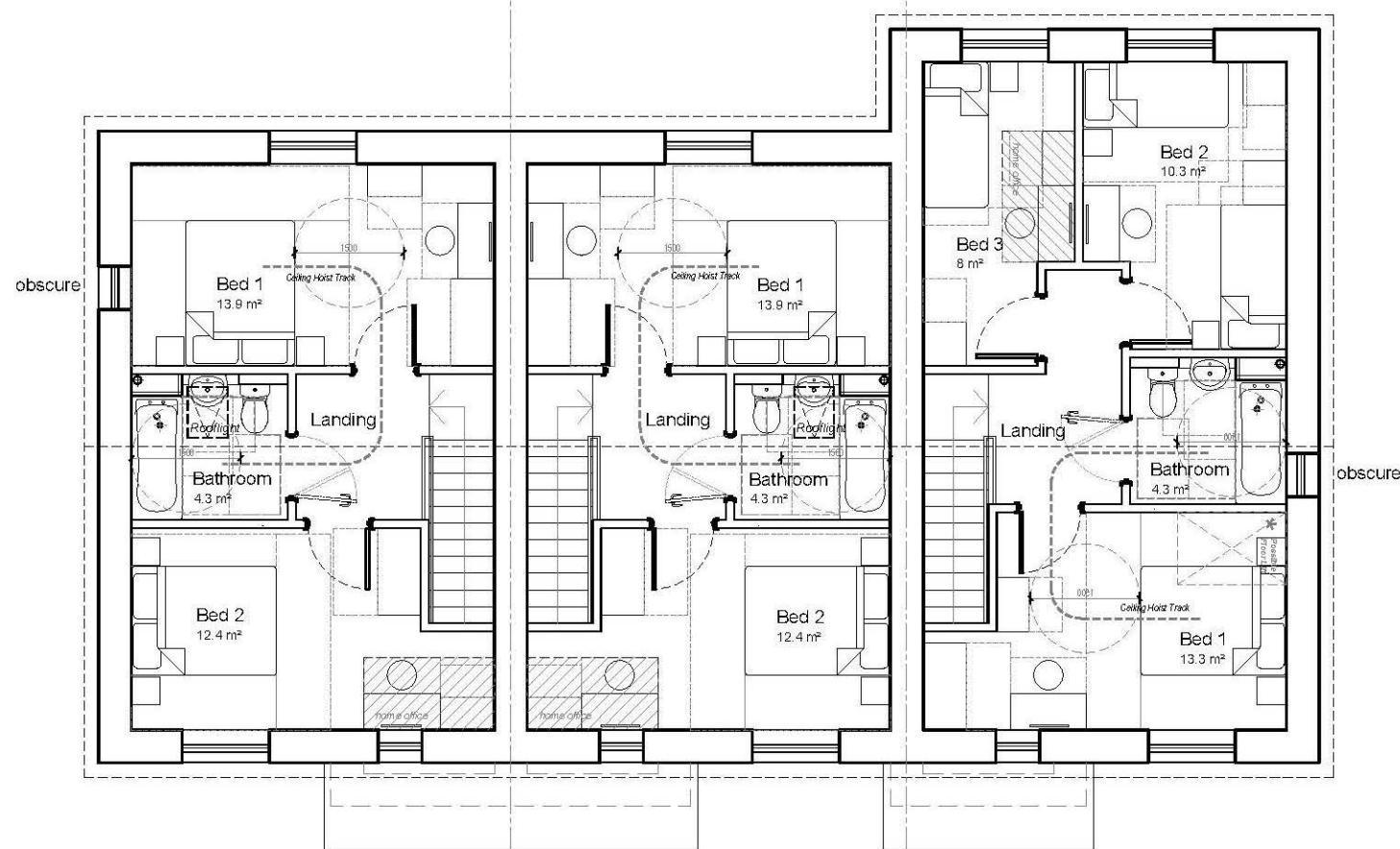
SCHEMATIC SECTION



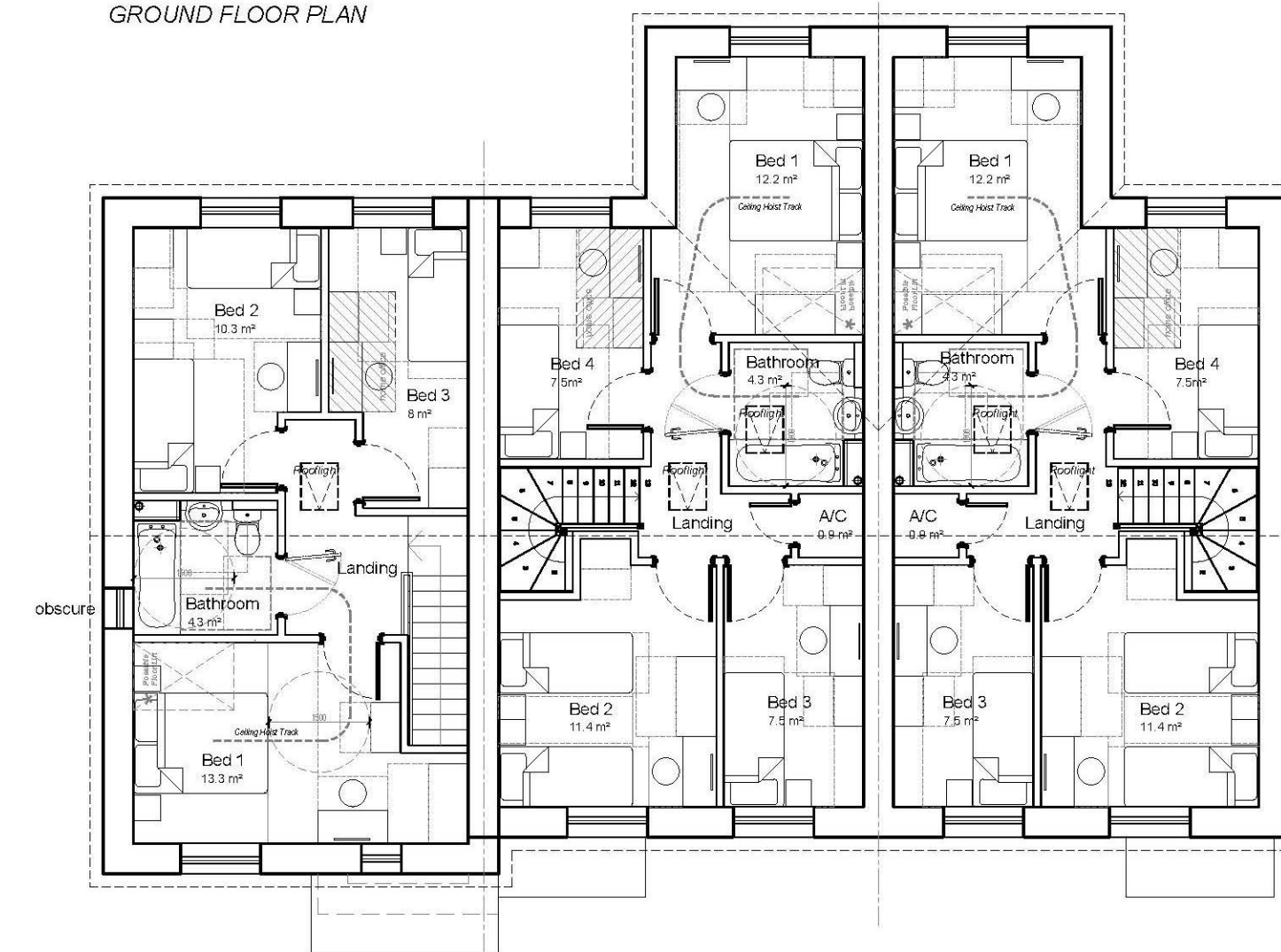
PLOT 4  
3B5P HOUSE  
G.I.A=93m<sup>2</sup> (1001 ft<sup>2</sup>)  
GROUND FLOOR PLAN

PLOT 5  
4B6P HOUSE  
G.I.A=108.6m<sup>2</sup> (1169 ft<sup>2</sup>)

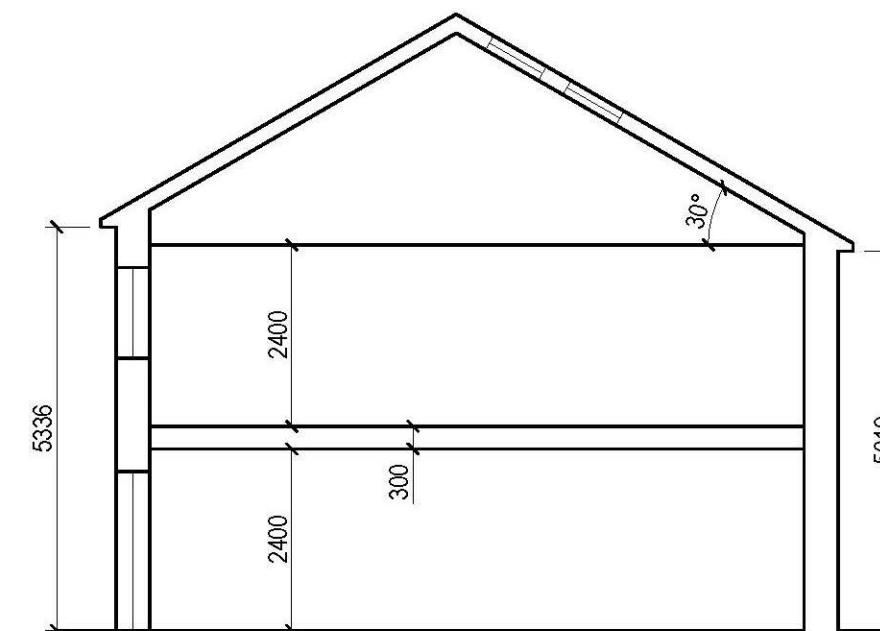
PLOT 6  
4B6P HOUSE  
G.I.A=108.6m<sup>2</sup> (1169 ft<sup>2</sup>)



1st FLOOR PLAN



1st FLOOR PLAN



SCHEMATIC SECTION

#### Notes on Materials :

Walls:  
Red facing bricks to Local Authority approval.  
Render, colour: Cream, to Local Authority approval.

Roofs: Concrete plain tiles - colour: 'Dark Grey', to Local Authority approval.

Windows: High performance U-PVC doubled glazed units.  
Colour 'White' to Local Authority approval.

- ▲ Laminated Glazing to meet SBD to all ground floor windows/doors. All access (egress) window & easy access window on the 1st floor.
- Toughened Glazing where glazing line is below 800mm from FFL. Below 1500mm from FFL to doors & within 300mm to the side of doors.

Obscured Glazing

Front Doors: Composite doors.

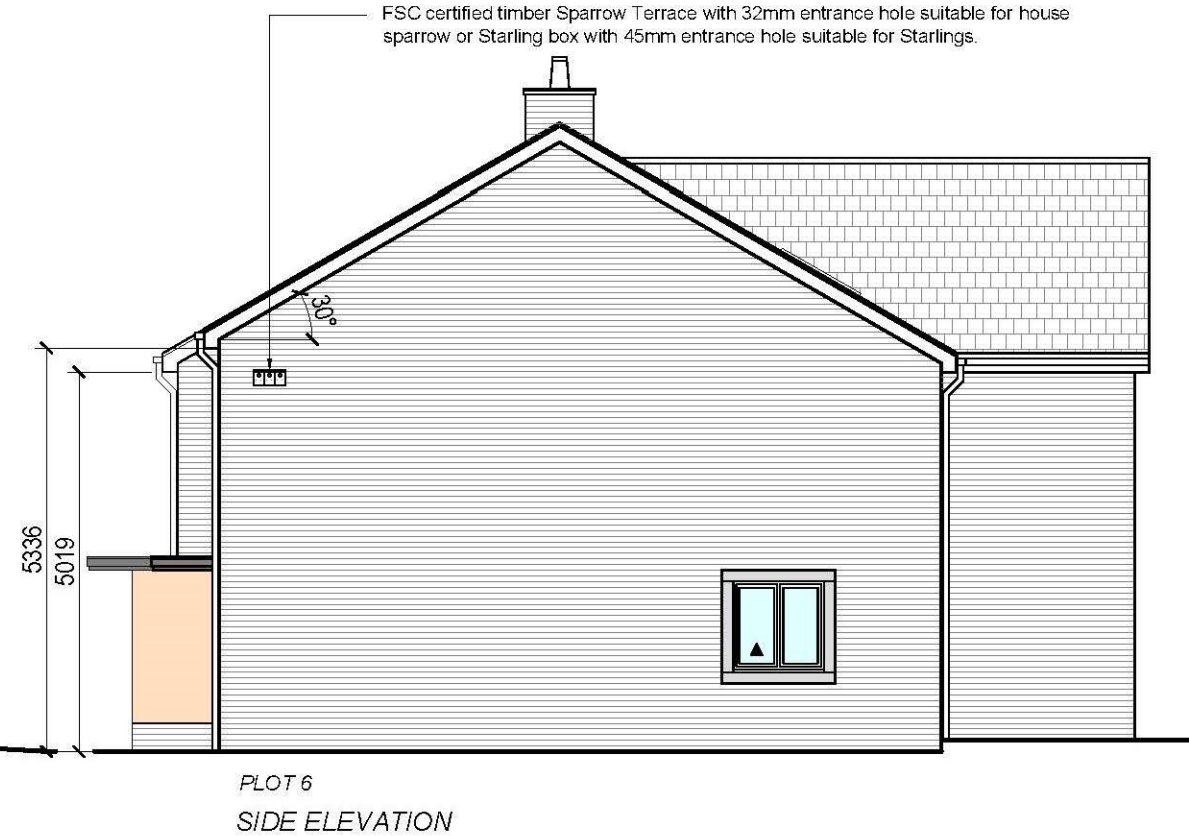
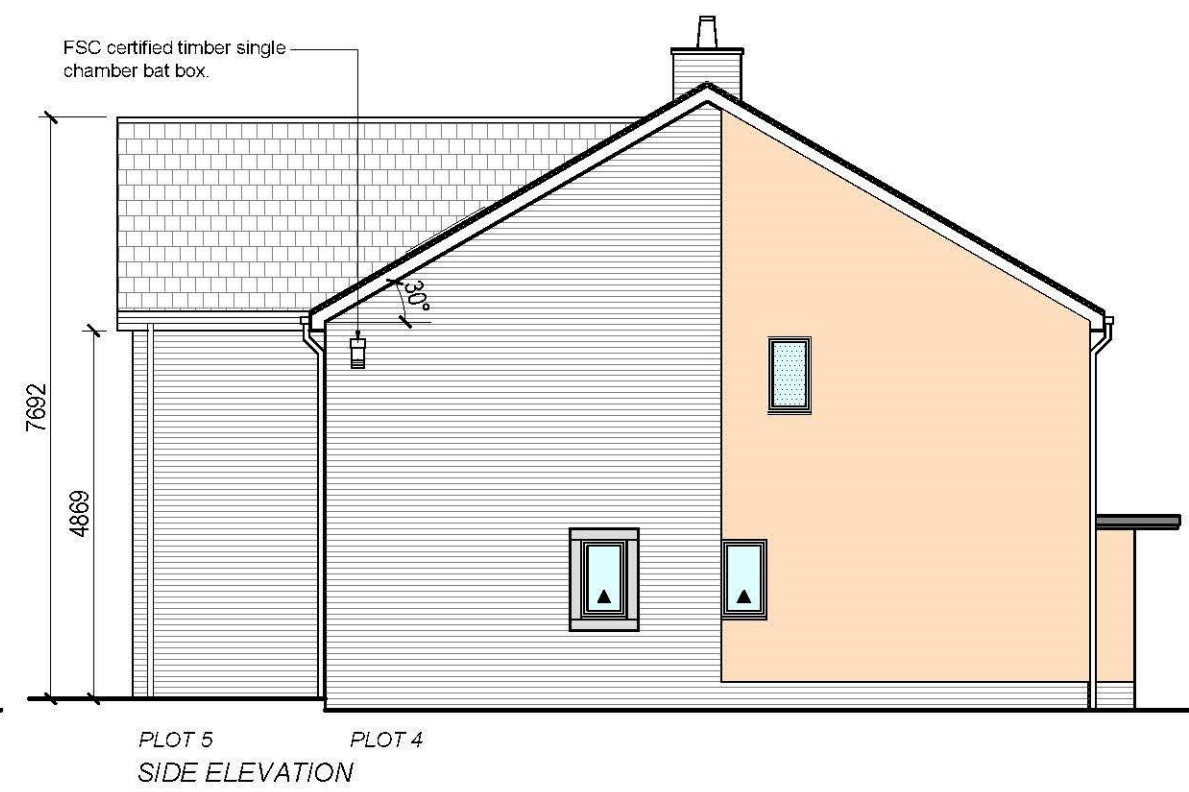
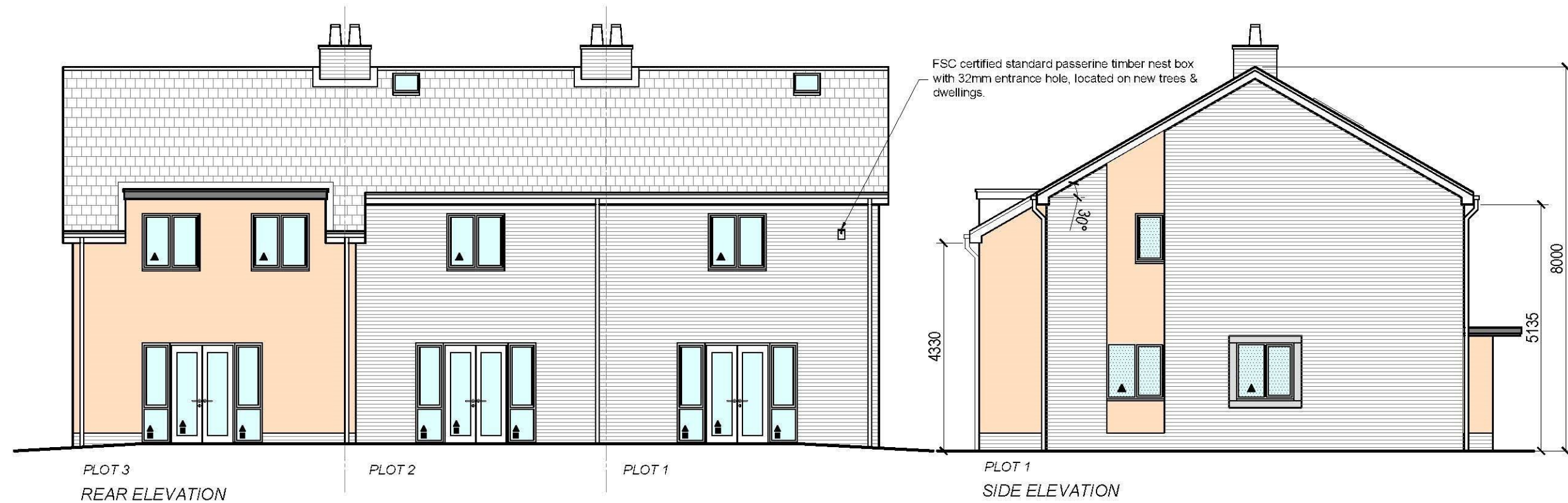
Architectural Elements (Door & Window Surround):  
Cast stone, colour: 'Grey/ Light Portland' to Local Authority approval.

Facias and bargeboards: White U-PVC.

Rainwater goods: Black U-PVC gutters and downpipes.

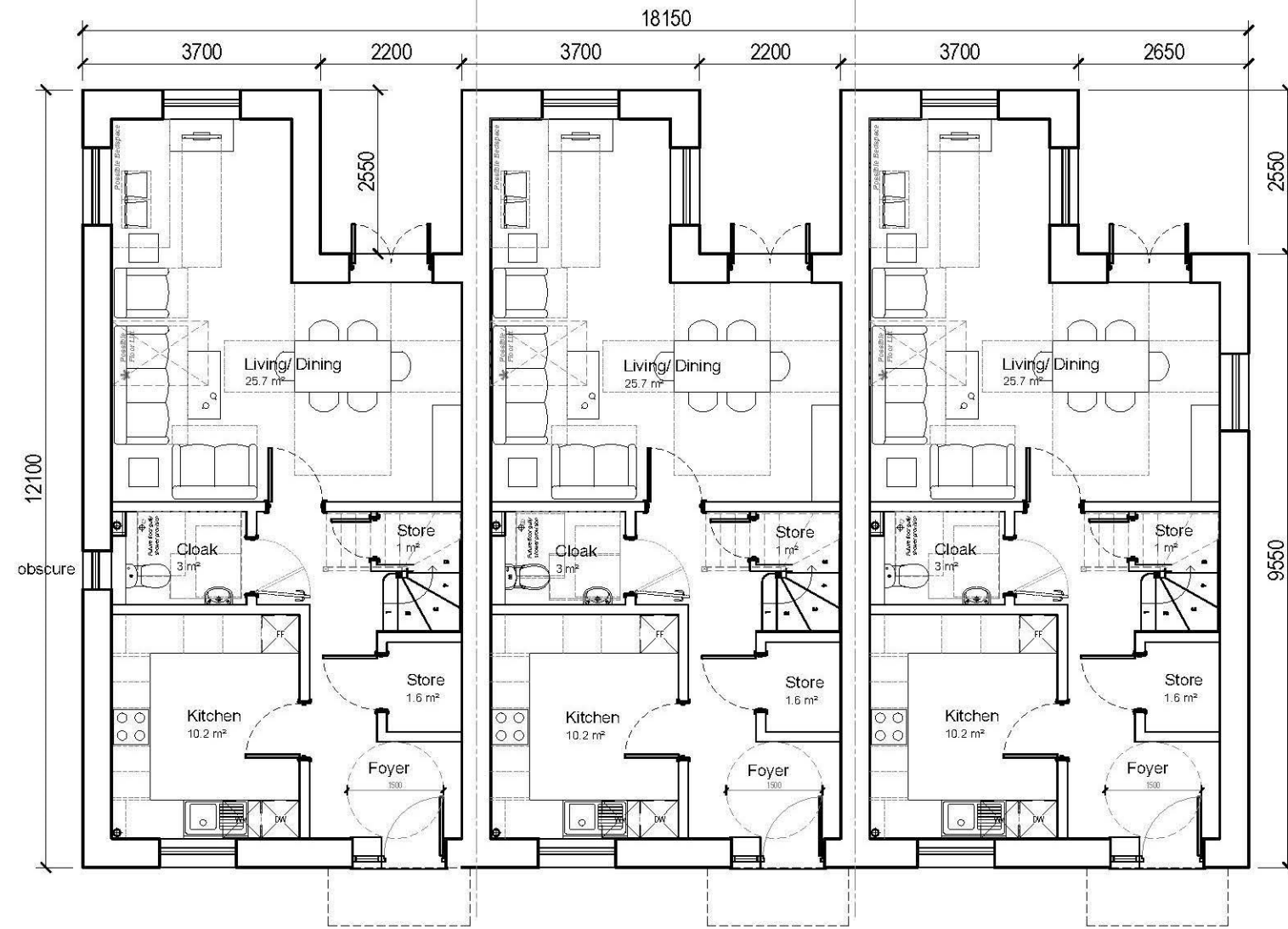
## Proposed Floor Plans for Plots 1 to 3 and 4 to 6





**Proposed Elevations  
for Plots 1 to 3  
and 4 to 6**



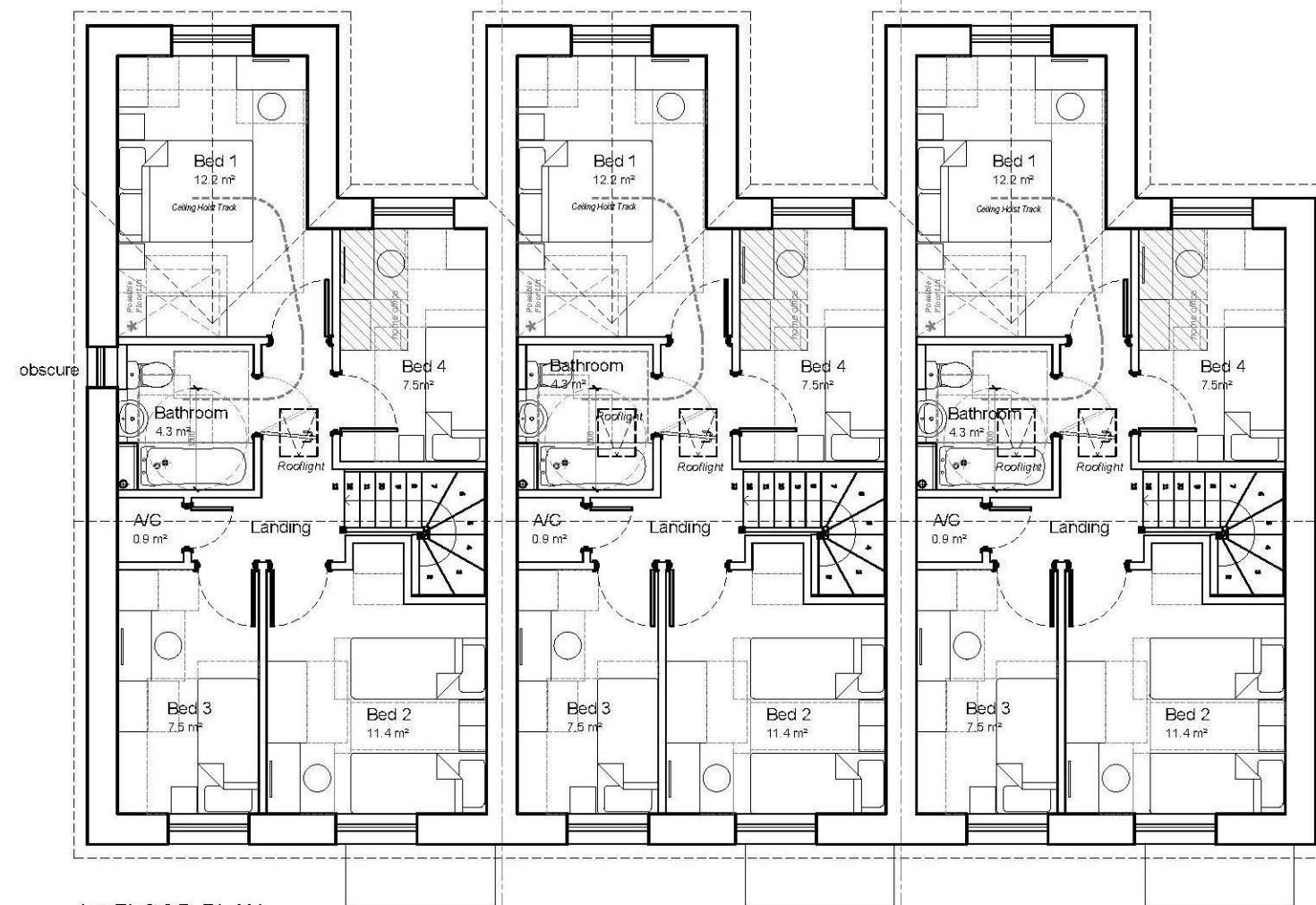


PLOT 7  
4B6P HOUSE  
G.I.A=108.6m<sup>2</sup> (1169 ft<sup>2</sup>)

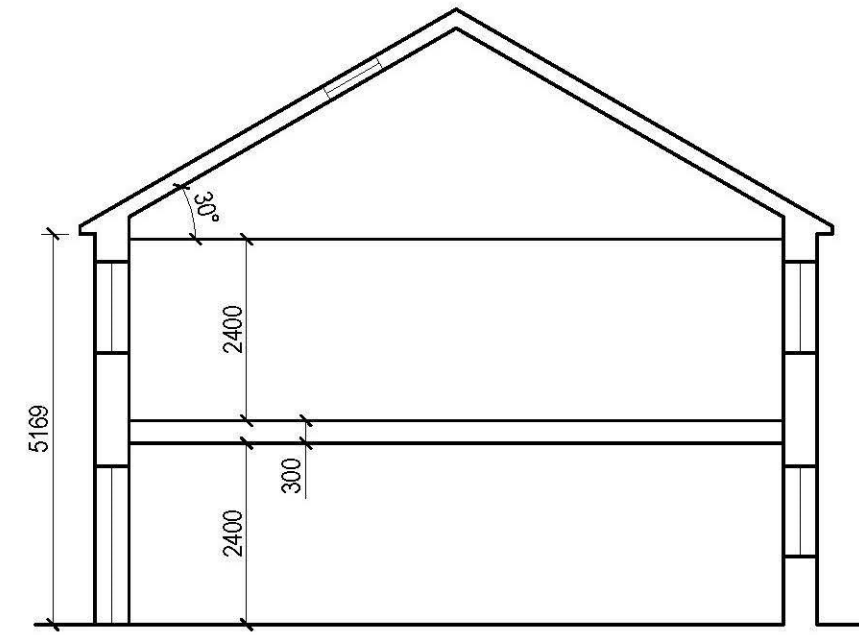
PLOT 8  
4B6P HOUSE  
G.I.A=108.6m<sup>2</sup> (1169 ft<sup>2</sup>)

PLOT 9  
4B6P HOUSE  
G.I.A=108.6m<sup>2</sup> (1169 ft<sup>2</sup>)

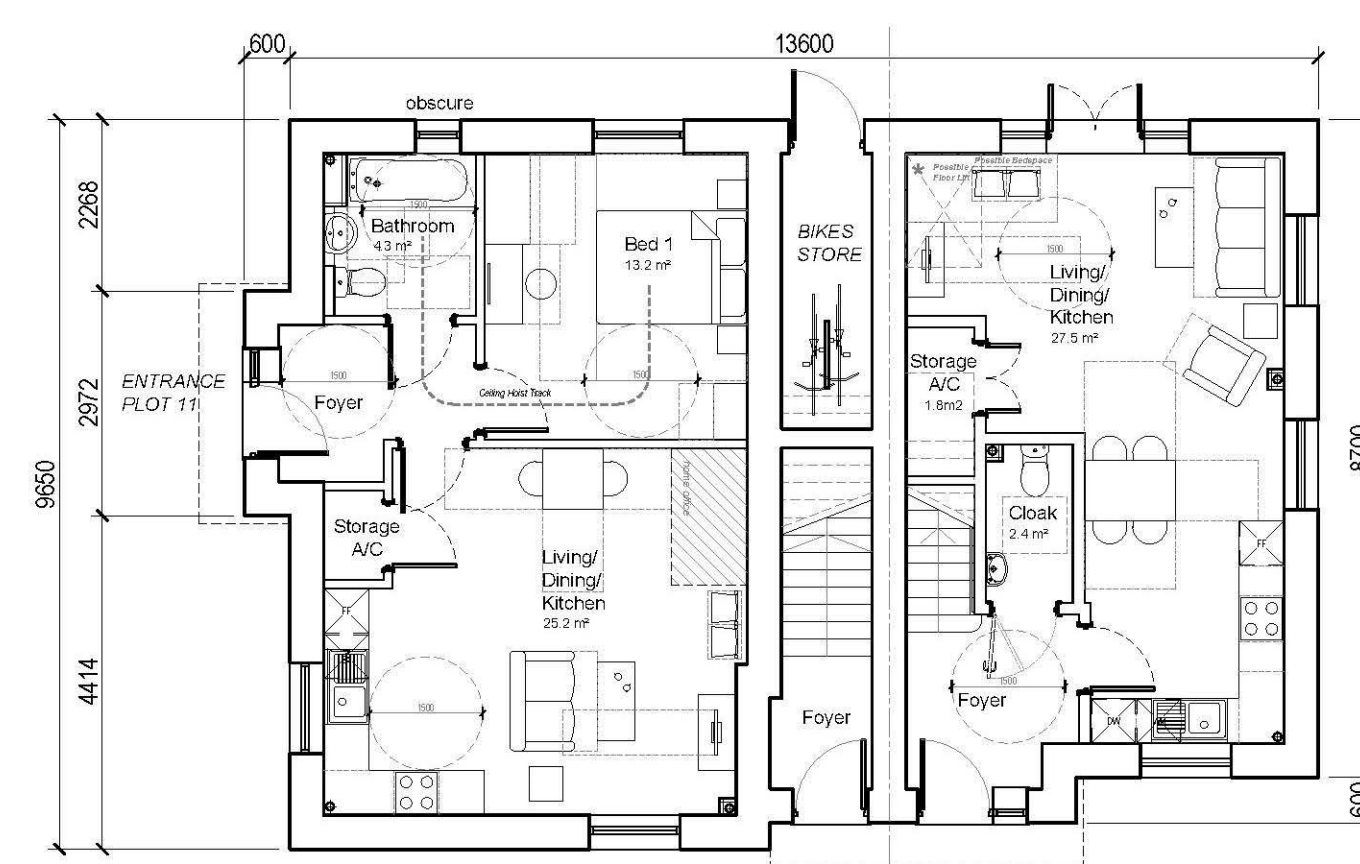
GROUND FLOOR PLAN



1st FLOOR PLAN



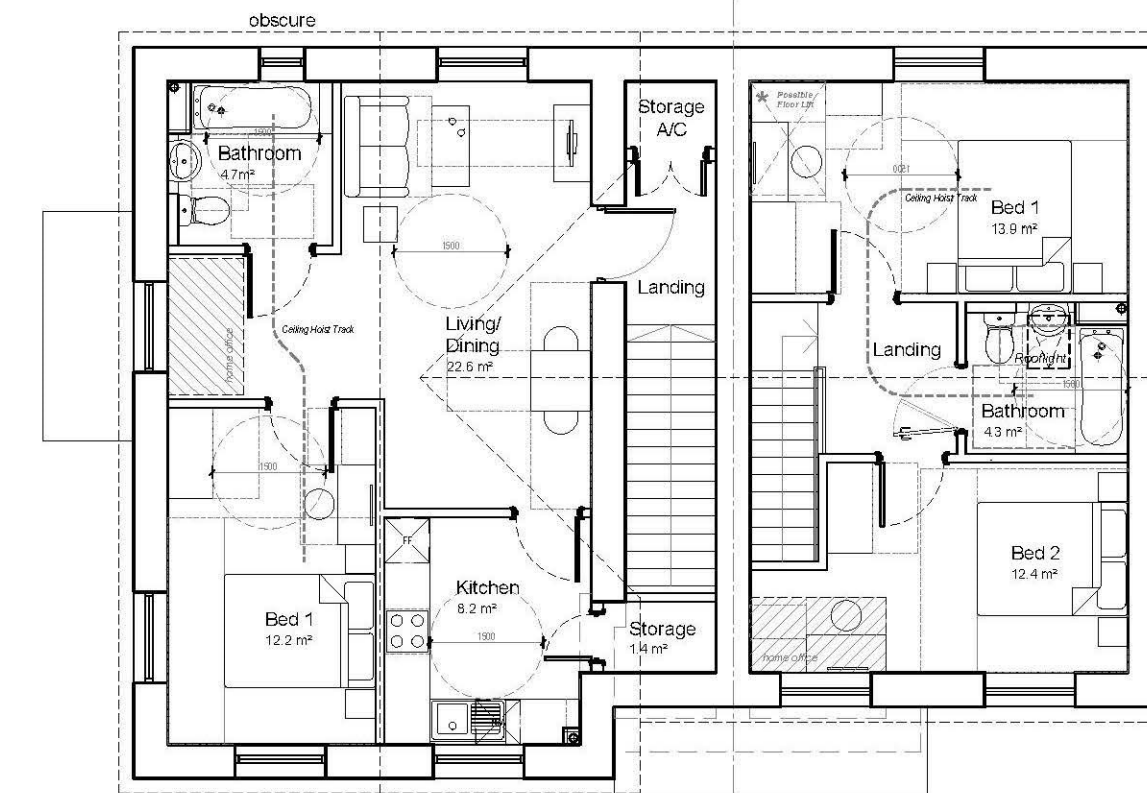
SCHEMATIC SECTION



PLOT 11  
1B2P FLAT  
G.I.A=50.2m<sup>2</sup> (540 ft<sup>2</sup>)

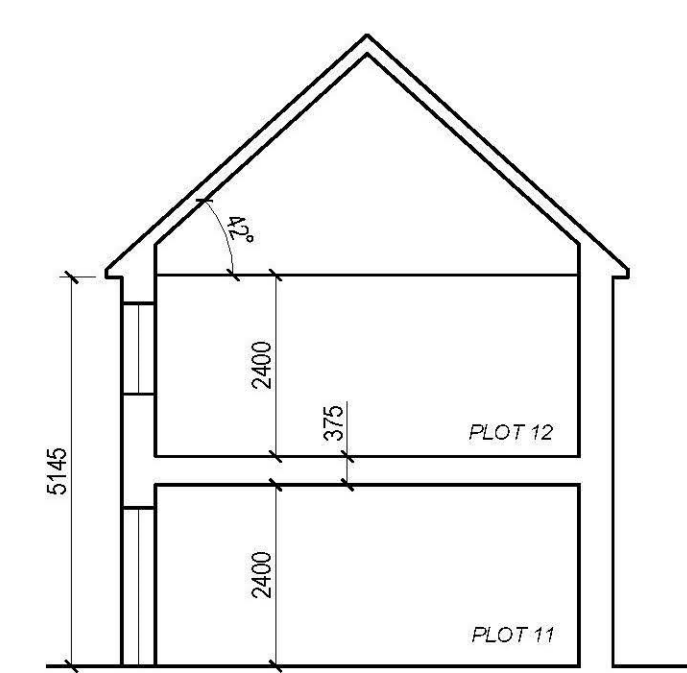
PLOT 10  
2B4P HOUSE  
G.I.A=79m<sup>2</sup> (850 ft<sup>2</sup>)

GROUND FLOOR PLAN



PLOT 12  
1B2P MAISONETTE  
G.I.A=58.2m<sup>2</sup> (626 ft<sup>2</sup>)

1st FLOOR PLAN



SCHEMATIC SECTION

#### Notes on Materials :


##### Walls:

Red facing bricks to Local Authority approval.  
Render, colour: Cream, to Local Authority approval.

Roofs: Concrete plain tiles - colour: 'Dark Grey', to Local Authority approval.

Windows: High performance U-PVC doubled glazed units.  
Colour 'White' to Local Authority approval.

- ▲ Laminated Glazing to meet SBD to all ground floor windows/doors. All access (egress) window & easy access window on the 1st floor.
- Toughened Glazing where glazing line is below 800mm from FFL. Below 1500mm from FFL to doors & within 300mm to the side of doors.

 Obscured Glazing

Front Doors: Composite doors.

Architectural Elements (Door & Window Surround):  
Cast stone, colour: 'Grey/ Light Portland' to Local Authority approval.

Facias and bargeboards: White U-PVC.

Rainwater goods: Black U-PVC gutters and downpipes.

## Proposed Floor Plans for Plots 7 to 9 and 10 to 12





PLOT 9  
REAR ELEVATION

PLOT 8

PLOT 7

Photovoltaic Panels. Shown indicative only tbc by M&E consultant.

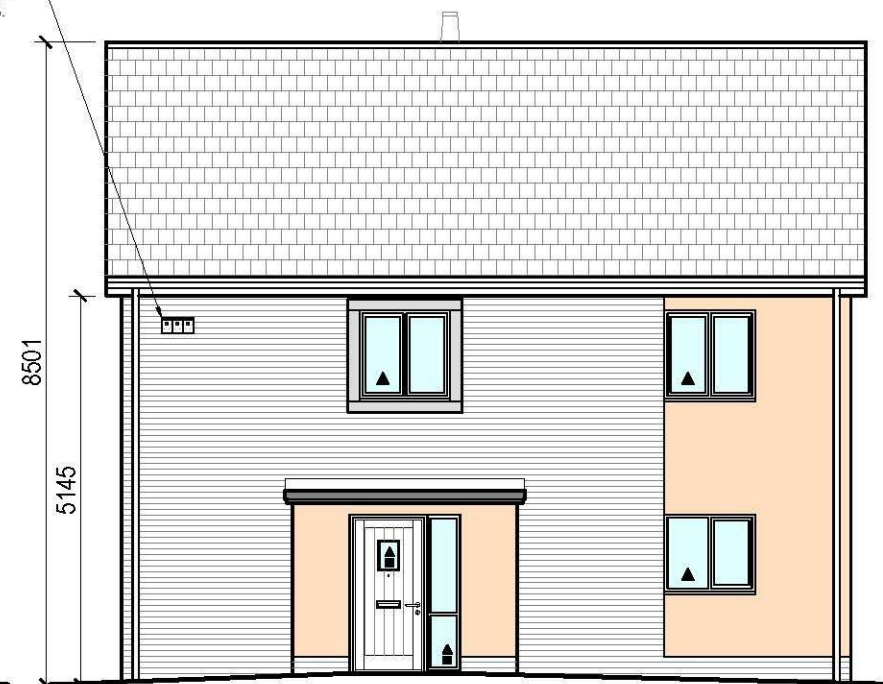


PLOT 7  
SIDE ELEVATION



PLOT 10  
REAR ELEVATION

PLOT 11 & 12



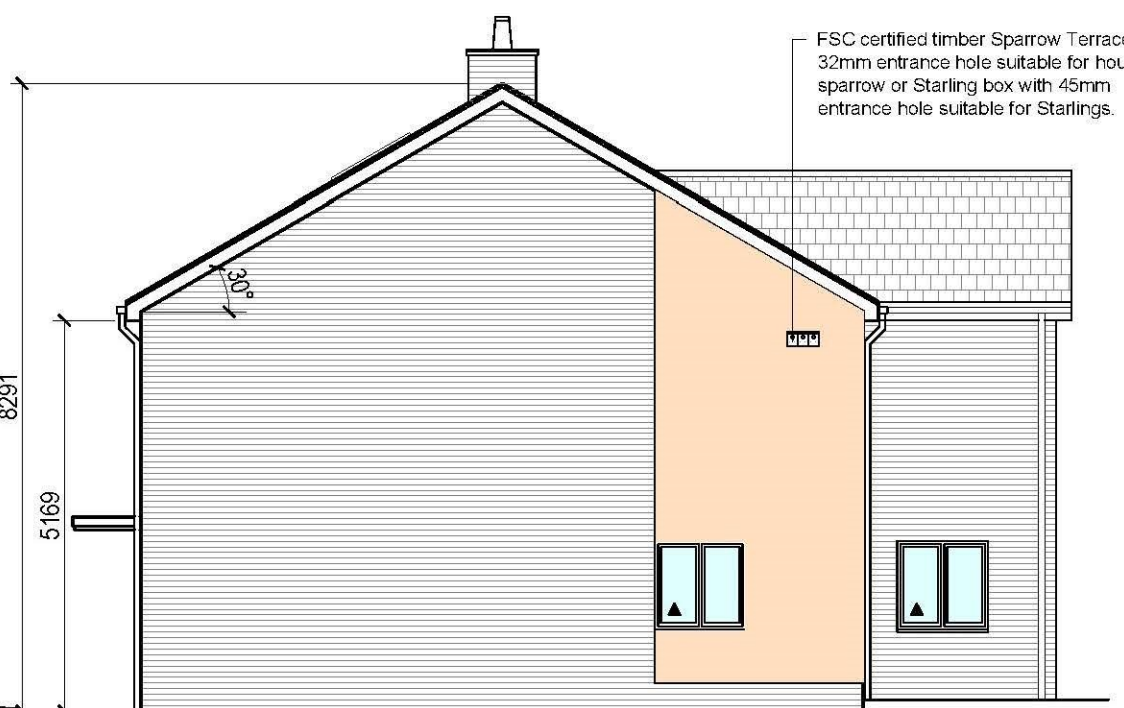
PLOT 11 & 12  
SIDE ELEVATION



PLOT 7  
FRONT ELEVATION

PLOT 8

PLOT 9



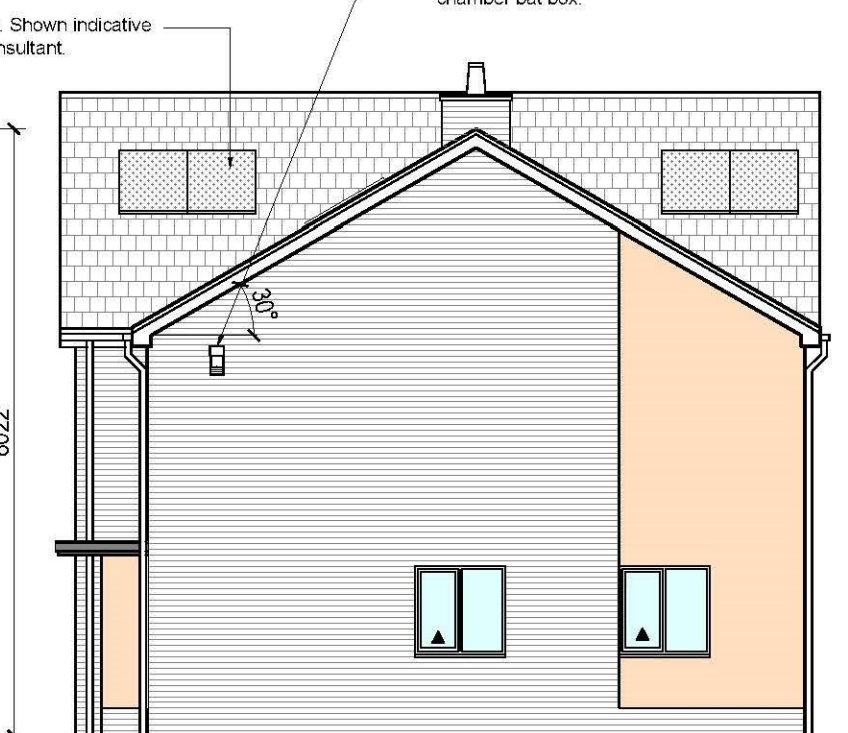
PLOT 9  
SIDE ELEVATION



PLOT 11 & 12  
FRONT ELEVATION

ENTRANCE  
PLOT 12

PLOT 10



PLOT 10  
SIDE ELEVATION

Proposed Elevations  
for Plots 7 to 9  
and 10 to 12



**Planning Committee**  
**6<sup>th</sup> October 2020**

<b>Application No</b>	:	20/01050/FUL Full Application
<b>Location</b>	:	37 Goodwin Close Great Baddow Chelmsford Essex CM2 9GX
<b>Proposal</b>	:	<b>Part garage conversion, first floor side extension with dormer window to rear. First floor rear extension with side facing dormer window. Loft conversion with sloping roof dormer and rooflights to front elevation.</b>
<b>Applicant</b>	:	Mr Richard Whiting
<b>Agent</b>	:	Mrs Nicola Allingham
<b>Date Valid</b>	:	7th July 2020

## Contents

1. Executive summary.....	2
2. Description of site.....	2
3. Details of the proposal.....	2
4. Other relevant applications .....	2
5. Summary of consultations .....	2
6. Planning considerations.....	3
7. Planning obligations.....	4
8. Conclusions.....	4
9. Recommendation and conditions .....	4

## Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application has been referred to the Planning Committee, because the applicant is a Council's employee and a representation has been received on the application.
- 1.2. The proposal is for extensions to an end of terraced house.
- 1.3. The extensions have an acceptable design in relation to the host dwelling. Adequate parking would be retained to the enlarged property. The rear facing window within the rear first floor extension has been recommended to be fitted with obscure glass and be non-openable below 1.7m from the finished floor level in order to overcome concerns about overlooking of the neighbouring house to the rear.
- 1.4. The application is recommended for approval, subject to the conditions set out at the end of this report.

## **2. Description of site**

- 2.1. The property lies within the Chelmsford Urban Area, where the principle of development is acceptable.
- 2.2. No 37 Goodwin Close is an end of terrace property located within a courtyard type development. It has previously been extended with a rear extension.
- 2.3. The streetscene comprises two storey terraced houses, semi-detached and detached properties with various outbuildings.

## **3. Details of the proposal**

- 3.1. This application seeks permission for a loft conversion with a rear dormer window with a catslide roof and front rooflights; a first floor side addition above the existing garage with a rear facing dormer window and a front roof light; a first floor rear extension above the existing single storey projection with a side dormer window and a rear facing window. The attached garage would be converted to a small store and utility/W.C space

## **4. Other relevant applications**

- 4.1. Planning permission was previously granted for a single storey rear addition (15/00022/FUL).

## **5. Summary of consultations**

- *Great Baddow Parish Council* - The Parish Council objects to this planning application as it is considered to be an overdevelopment of the site. Additionally, the proposed parking

arrangements are inadequate, given that the proposed development would result in a residence which easily lends itself to be used as a four bedroomed property.

- *Public Health & Protection Services* - The proposed development is situated above a former infilled gravel pit, where the nature of the fill material is unknown. As the potential for ground gas generation within these areas of made ground is unknown, the developer should ensure that the garage has a proprietary gas-impermeable membrane (methane & CO<sub>2</sub>) beneath any ground-bearing slabs or a beam and block flooring system with a fully ventilated sub-floor void.
- *Local residents* - following representations received:
  - the proposed development will result in overlooking and a loss of privacy for No 35.

## 6. Planning considerations

### ***Main Issues***

- 6.1. Overdevelopment of the site;
- 6.2. Impact of the development on neighbouring properties
- 6.3. Parking arrangements.

### ***Planning consideration***

- 6.4. The proposed side and rear extensions would appear subservient to the main dwelling and would reflect the style and form of the existing house. Whilst dormer windows are not characteristic to the immediate surroundings, these roof additions would be modest in scale and would not be seen from the street scene. The proposed development is considered to satisfactorily complement the form and style of the host dwelling and would result in no harm to the appearance of the property or the visual amenities of the area.
- 6.5. The house would retain an enclosed private garden area of 100sqm which exceeds the minimum standard of 80sqm for houses of 3 or more bedrooms, as set out in the adopted local plan.
- 6.6. The proposed loft conversion and the side addition above the garage would maintain an acceptable relationship with the neighbouring properties to the rear. The proposed rear facing dormer would not offer materially different views of neighbouring properties than existing first floor rear facing windows.
- 6.7. The rear facing dormer window proposed within the first floor addition over the garage would face across the parking area of the host property then across the driveway of neighbouring properties. The new dormer here would not offer materially different views of neighbours than existing first floor rear facing bedroom windows.



- 6.8. The first-floor rear extension would however bring the rear facing first floor window closer by 4m to the rear neighbours. The rear addition would feature two windows to the new upper room, one facing to the rear and a dormer within the side elevation. The rear facing window is recommended to be fitted with obscure glass and be non-openable above 1.7m from the finished ground level in order to safeguard the amenities of the neighbouring properties to the rear. It is considered that the side dormer window would provide sufficient outlook for this room and would not overlook any neighbouring property to an unacceptable degree.
- 6.9. The enlarged property would maintain an acceptable relationship with No 39, which is attached to No. 37. This house sits at an angle to the application site and faces north-east. It has a single storey rear extension close to the boundary with the application site. The proposed first floor rear addition would result in no adverse impact on the amenities of this neighbour.
- 6.10. The enlarged property would retain three off-road parking spaces in the driveway space at toe side of the garage. It is considered that sufficient off-street parking would remain to the enlarged property.

## **7. Planning obligations**

- 7.1. The proposed works are not CIL liable.

## **8. Conclusions**

- 8.1. The principle of development is acceptable as the property lies within the Urban Area.
- 8.2. The proposed works would have an acceptable visual relationship with the host dwelling and the wider streetscene.
- 8.3. Subject to conditions, the proposal would not harm the residential amenities of the neighbouring properties.
- 8.4. Sufficient off-street parking would remain to the extended property.

## **9. Recommendation and conditions**

The Application be APPROVED subject to the following conditions:-

### **Condition 1**

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

Reason:

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

**Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

**Condition 3**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. Where the new materials differ from those of the existing building, details of the materials to be used shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with those details.

Reason:

To ensure that the development is visually acceptable in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 4**

The first floor window in the north-west elevation of the first floor rear extension and shown on approved Drawing No '2 of 3' shall be:

- a) obscured (minimum Level 3 obscurity level) and
- b) of a design not capable of being opened below a height of 1.7m above finished floor level and shall remain so obscured and non-openable.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 5**

The development hereby permitted shall be constructed using a proprietary gas-impermeable membrane under any ground-bearing floor slabs. The membrane shall be installed as per manufacturer's instructions, lapped to the damp-proof course and fully sealed around any service entries. Alternatively, a beam and block suspended floor with a ventilated under-floor void shall be used.

Reason:

To ensure the development does not give rise to problems of pollution or contamination in accordance with Policy DM30 of the Chelmsford Local Plan.

## Notes to Applicant

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

### Noisy work

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

### Light work

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

In some circumstance further restrictions may be necessary.

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

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

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

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

## Positive and Proactive Statement

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

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## Appendix 1 – Consultations

### Great Baddow Parish Council

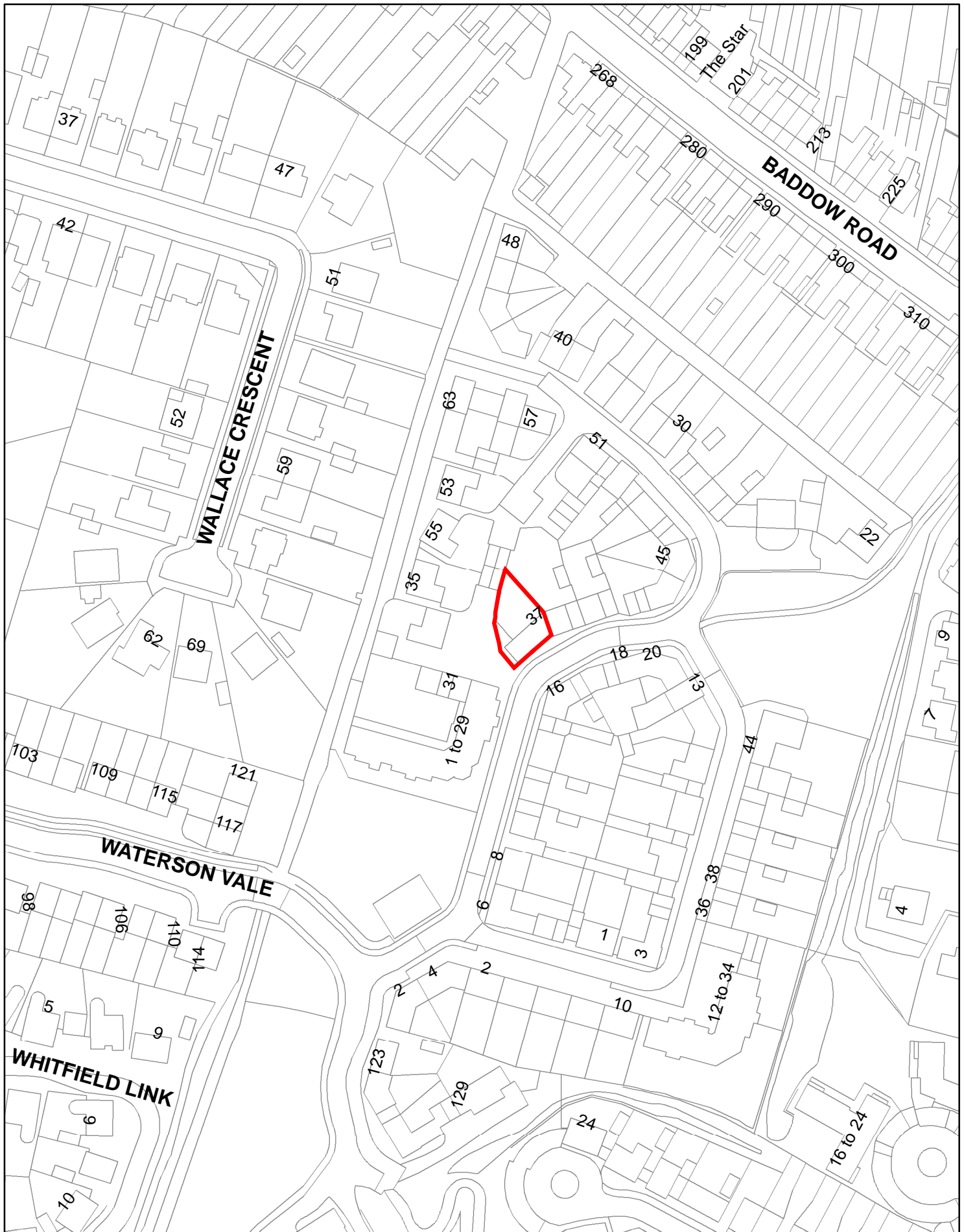
Comments
21.07.2020 - The Parish Council objects to this planning application as it is considered to be an overdevelopment of the site. Additionally, the proposed parking arrangements are inadequate, given that the proposed development would result in a residence which easily lends itself to be used as a four bedroomed property.

### Public Health & Protection Services

Comments
14.07.2020 - The proposed development is situated above a former infilled gravel pit, where the nature of the fill material is unknown. As the potential for ground gas generation within these areas of made ground is unknown, the developer should ensure that the garage has a proprietary gas-impermeable membrane (methane & CO2) beneath any ground-bearing slabs or a beam and block flooring system with a fully ventilated sub-floor void.

### Local Residents

Comments
<p>Representations received:</p> <p>We object to this planning request and request you look to review and meet the occupants needs without effecting neighbours properties.</p> <p>We object for two reasons - overlooking and privacy.</p> <p>An increased amount of windows (3 windows / 8 lights) moved one story higher / closer and encroaching and OVERLOOKING onto our rear garden. This in turn will also reduce PRIVACY as the windows look directly into our French doors.</p>



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**\*\*20/01050/FUL\*\***

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

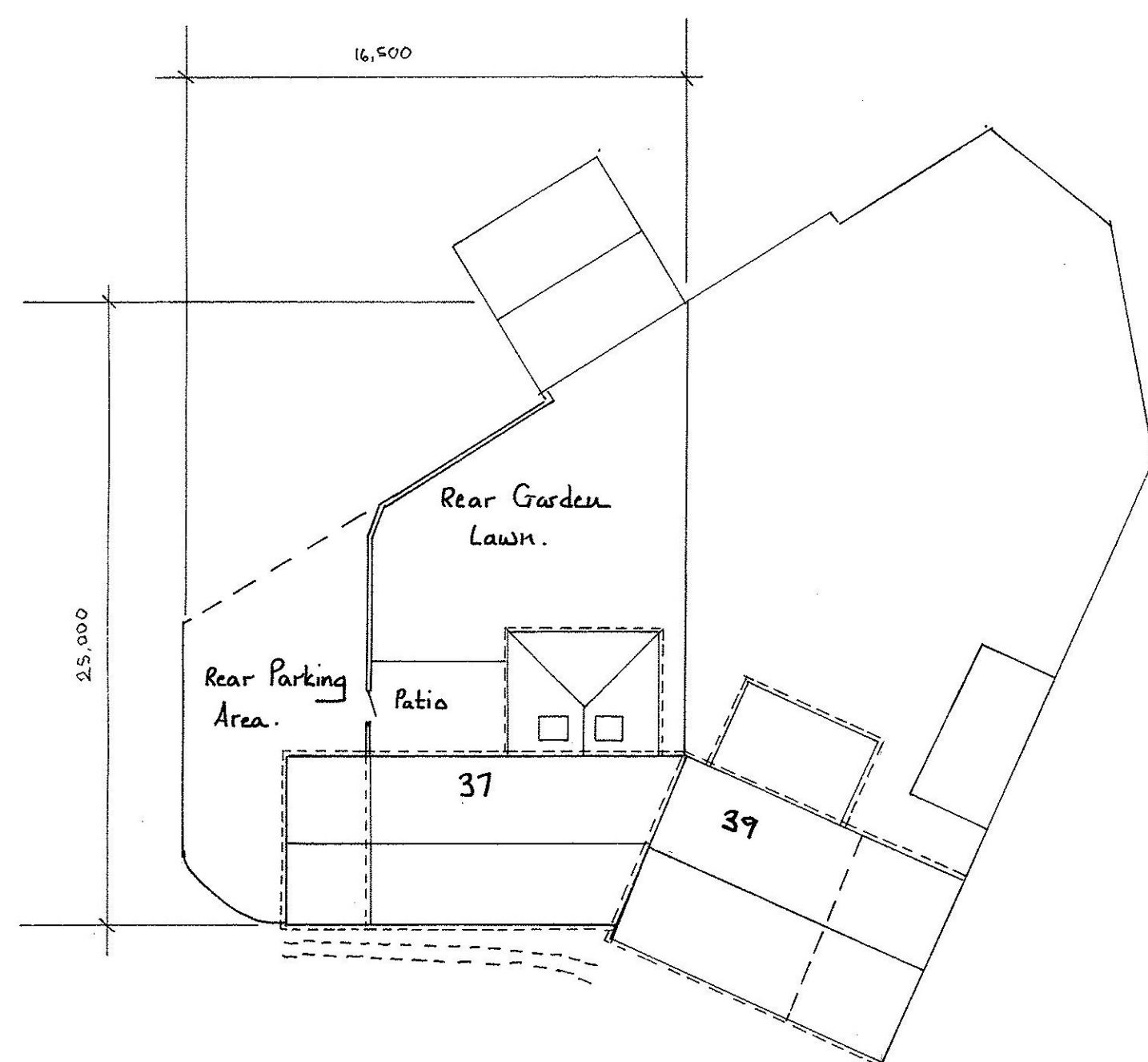
PO Box 7544 Civic Centre  
 Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826

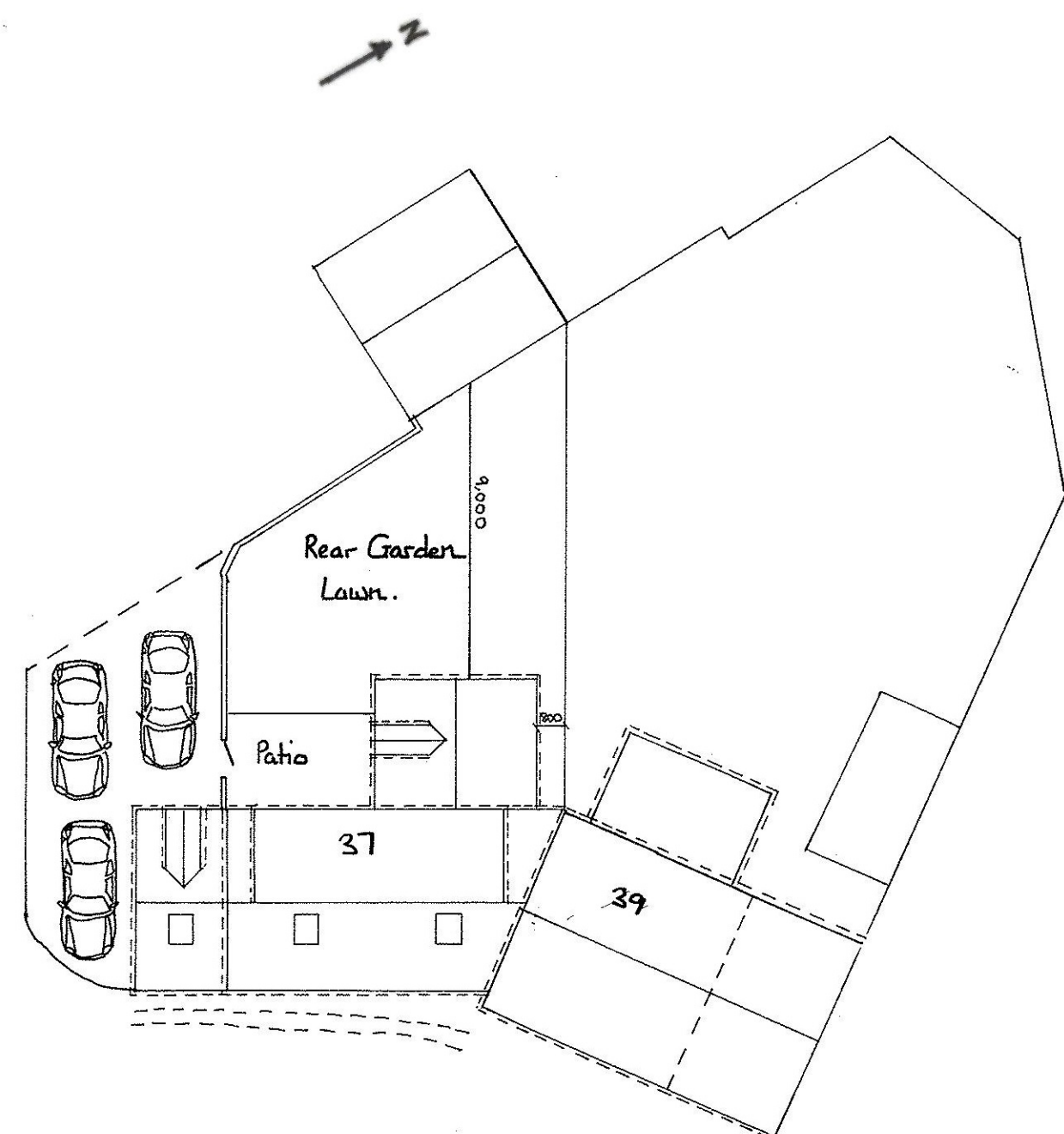


### Steels & Structural timbers

Steels & Structural timbers to be Supplied and installed to Structural engineers design and details.



Existing Block Plan



Proposed Block Plan

### New Pitched Roof to dormer.

Roof tiles to match with existing and be suitable for use on a low pitched roof. Fixed in accordance with manufacturers instructions on treated 38x25mm s.w. timber battens on a layer of Tyvek Underlay laid on 150x50mm c24 rafters at 400d. Lay 150mm glass fibre insulation between 150x50mm c24 ceiling joists and rafters and compact well into eaves. Finish the ceiling internally with min 50mm celotex board, 12mm plasterboard and skim coat.

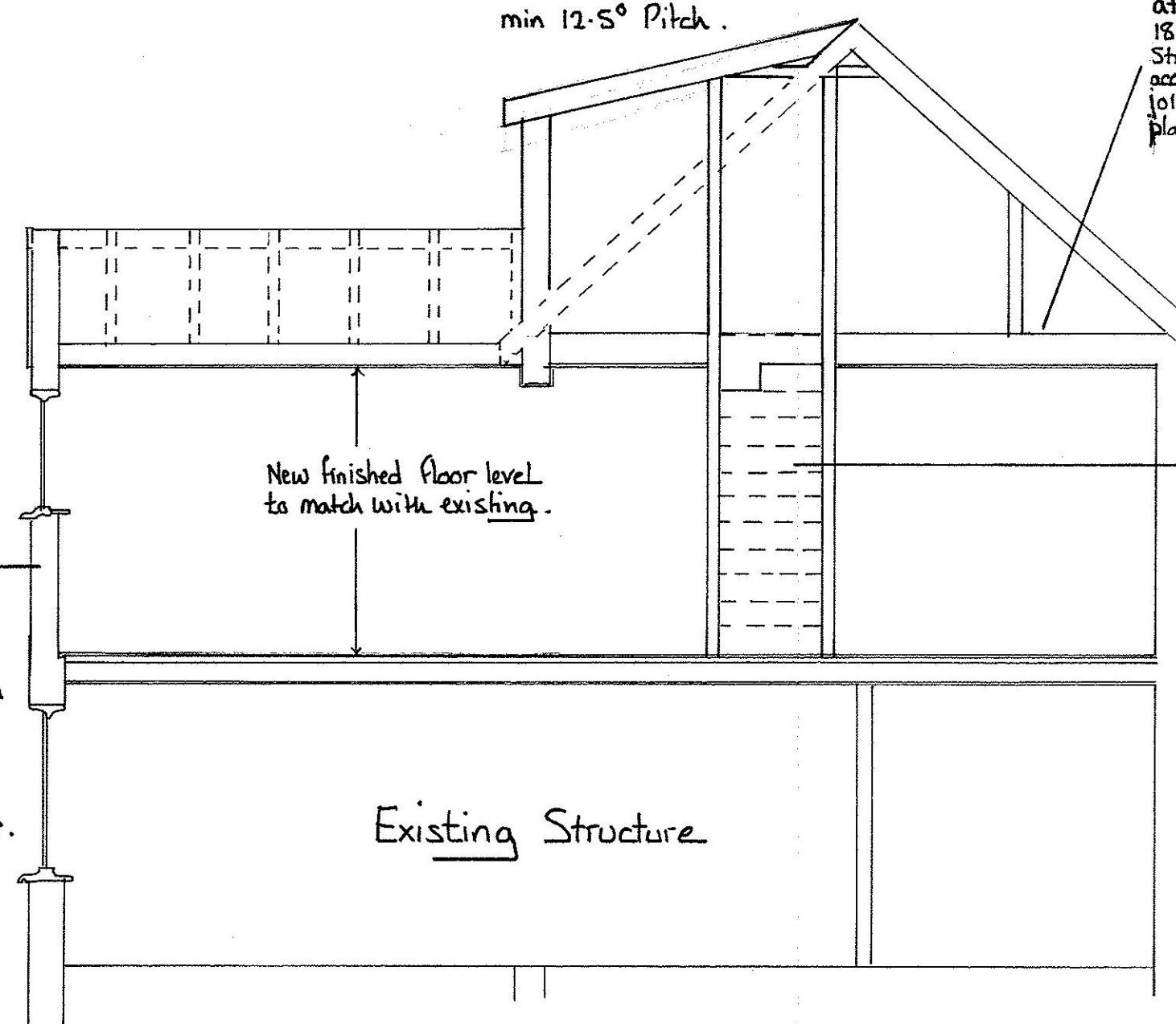
min 12.5° Pitch.

### New Second Floor

200x50mm c24 s.w. joists at 400d. Floor finished with 18mm T&G chipboard. Herringbone struts at mid span. min 75mm acoustic fibre glass laid between joists. Ceiling finished with 12mm plasterboard and skim coat.

### Cladded Finish First Floor Timber Frame.

Finish externally with Eternit Cedar Weatherboard Dark Grey C15 on 19x38mm treated timber battens at 600d. DPC lining as manufacturers instructions at all junctions and openings on 12mm OS board on 150x50mm studwork with min 100mm celotex insulation laid between studs. Close internal side of studwork frame with min 30mm celotex board to receive 12mm moisture resistant plasterboard with Vapour barrier polythene on internal frame of stud wall. Finish internally with a skim coat of plaster. DPC laid around new floor and junctions with existing masonry.



### New Stairs

To have 12 no equal risers approx 216mm, going to be 220mm. Handrail to be 900mm above nosings. Soffit lined with 100mm mineral wool for sound insulation and 50mm celotex then 2 no layers of 12.5mm plasterboard and skim coat.

### Electrical Works

Energy saving light fittings to all new areas. All electrical works to be designed, installed and certified by a qualified electrician complying with Part P of the building Regulations.

### Building Control

The builder is responsible for ensuring all works are carried out in accordance with any conditions imposed by building control.

### Existing Foundation

The existing foundation is to be assessed by a structural Engineer for its suitability to support the additional loading before work commences.

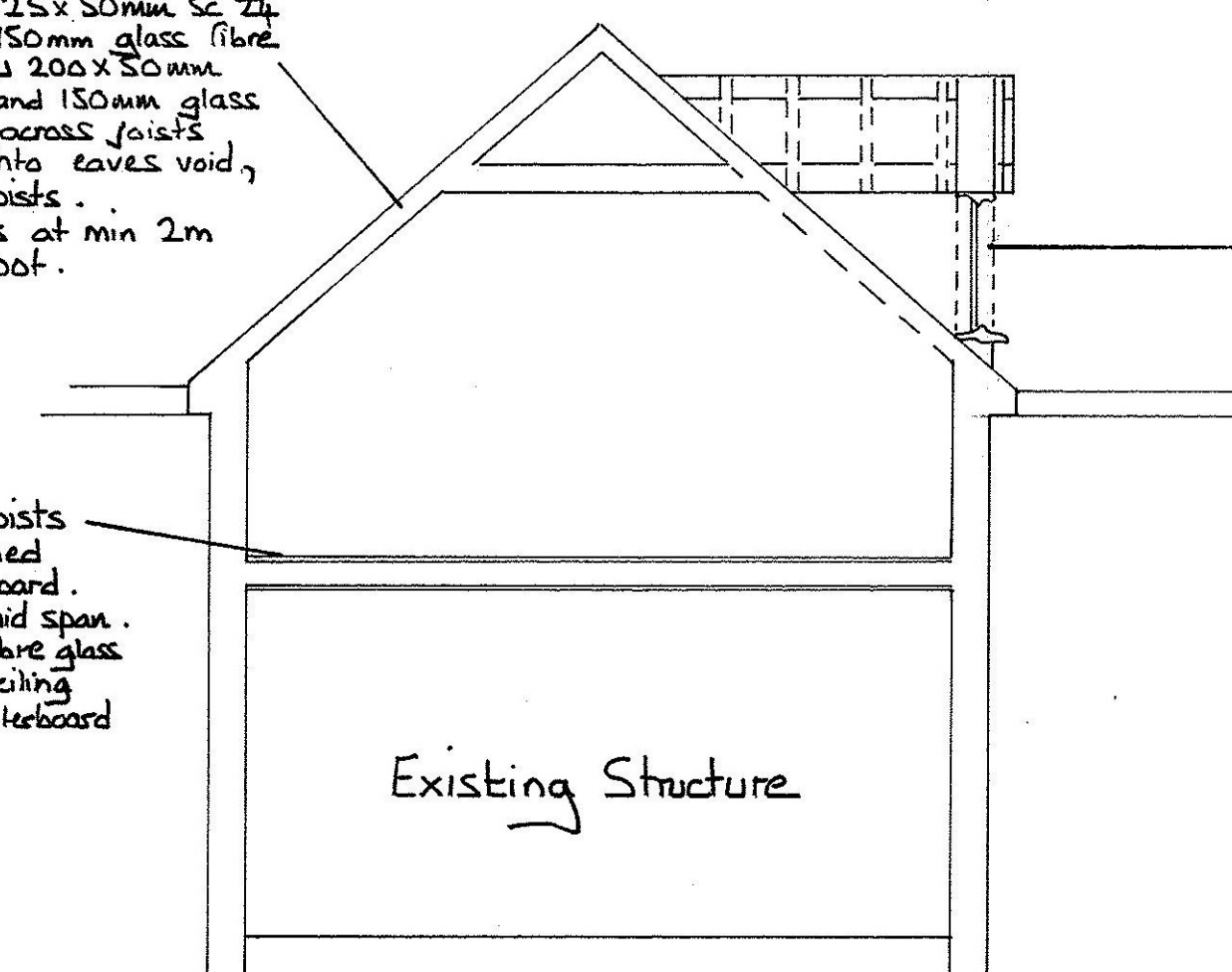
Cross Section AA to show suggested method of Construction

### New Main Roof Construction

Roof Tiles to match existing on treated 38x25mm s.w. timber battens on Tyvek underlay laid on to 22Sx50mm s.c. 24 rafters at 400d. Lay 150mm glass fibre insulation between new 200x50mm s.c. 24 joists at 400d and 150mm glass fibre insulation laid across joists and well compacted into eaves void, new gable wall and joists. Internal restraint ties at min 2m d at gable of new roof.

### New First Floor

200x50mm c24 s.w. joists at 400d. Floor finished with 18mm T&G chipboard. Herringbone struts at mid span. min 75mm acoustic fibre glass laid between joists. Ceiling finished with 12mm plasterboard and skim coat.

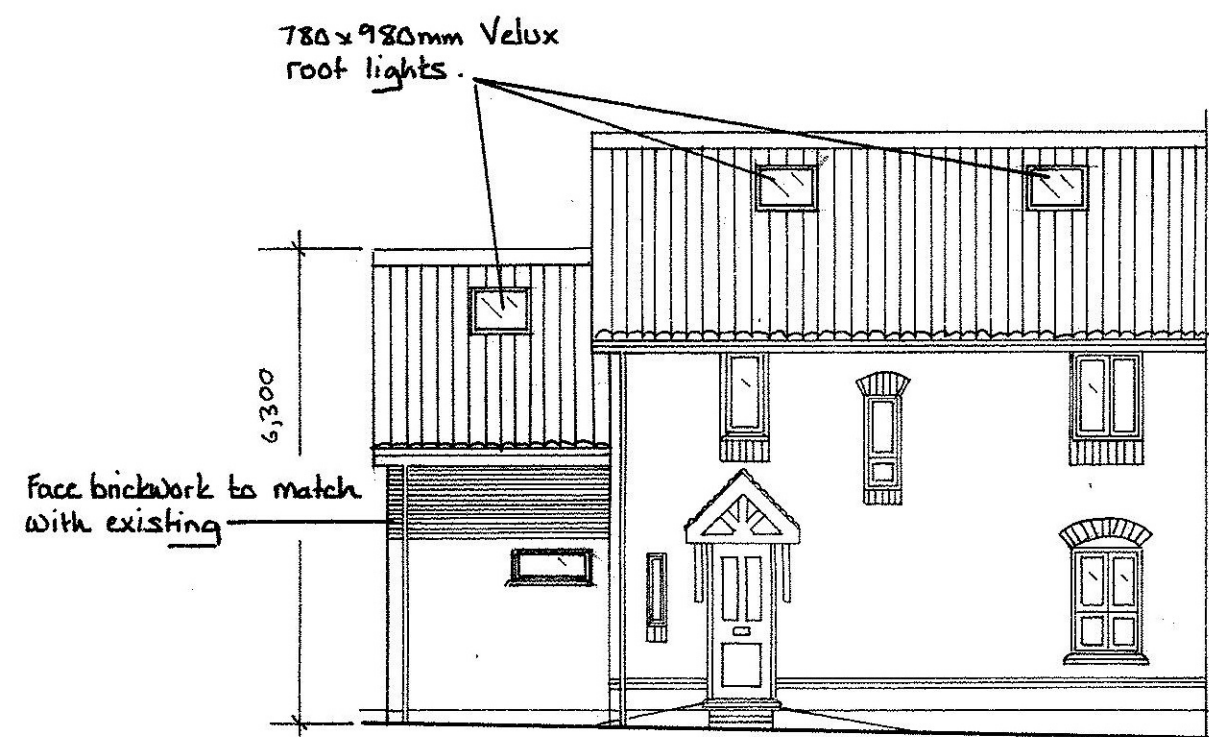


### New Windows

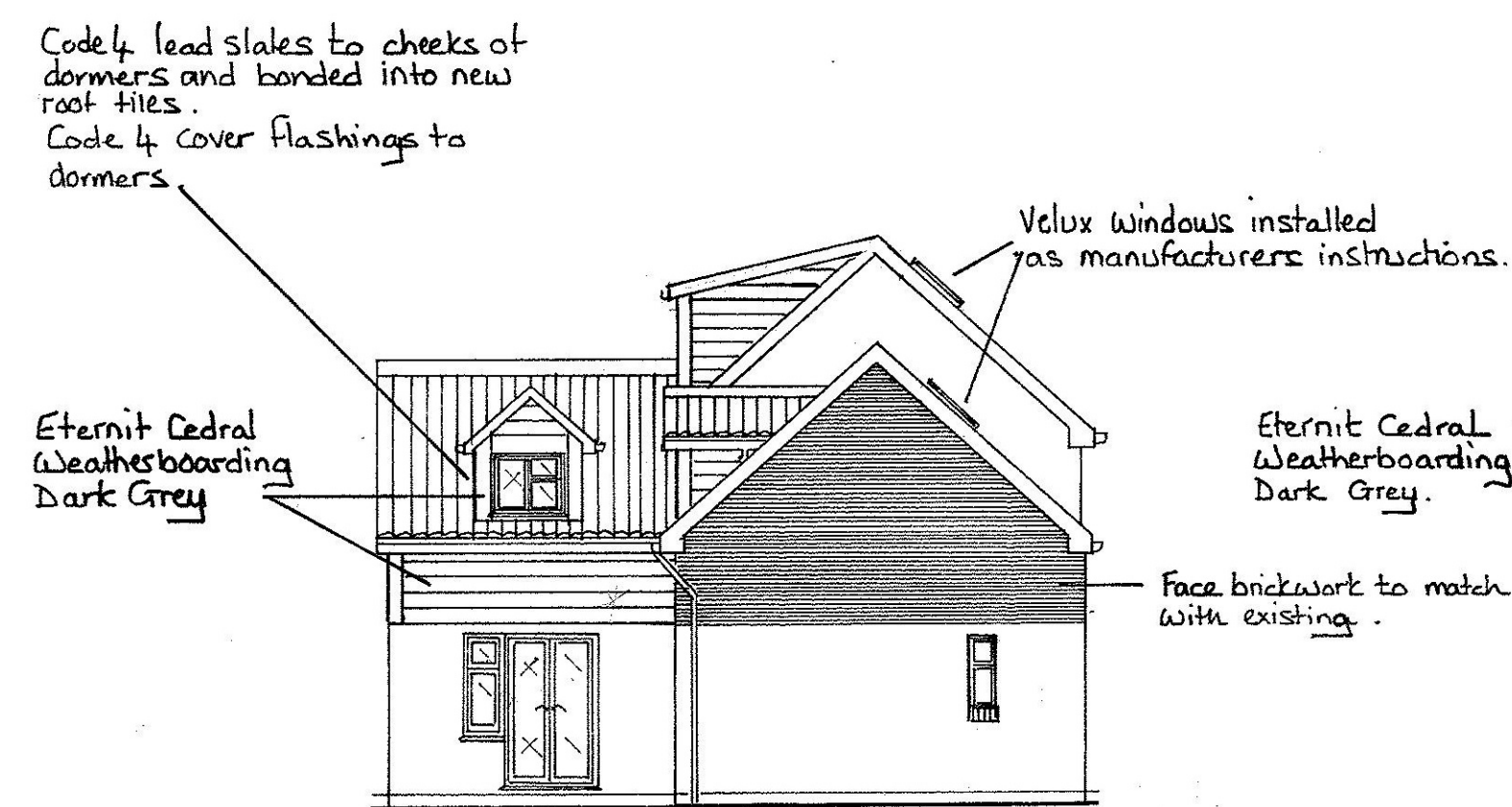
To match with existing style. To be double glazed safety glass. Windows fitted with 8000mm trickle vents. Perimeter edges to be sealed with flexible sealant externally and internally including under sill. All bedroom windows to have a min clear opening of 450x750mm and max 1m from finished floor level to opening as a means of escape.

Cross Section BB to show suggested method of Construction





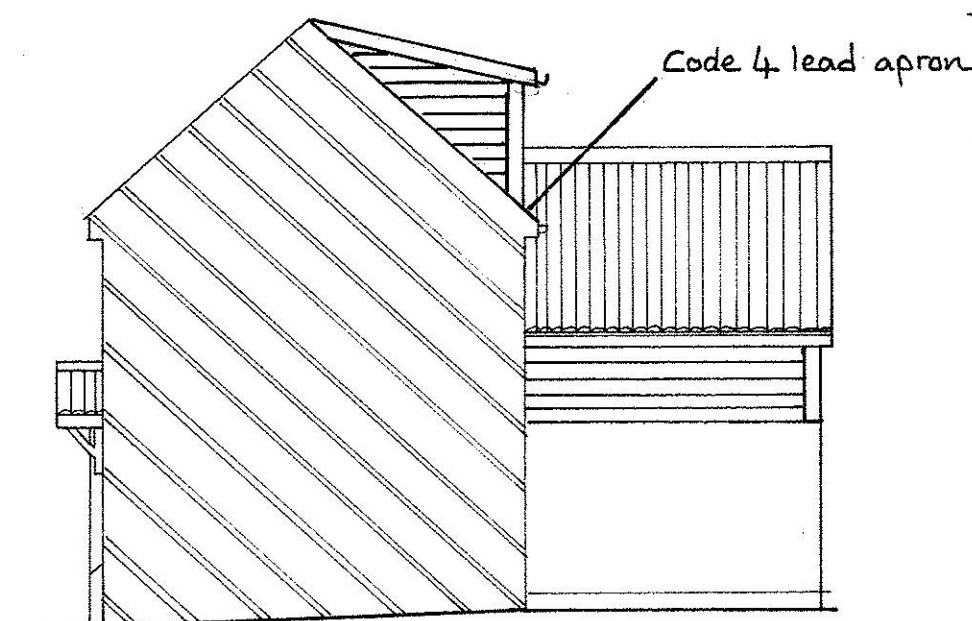
Proposed Front Elevation



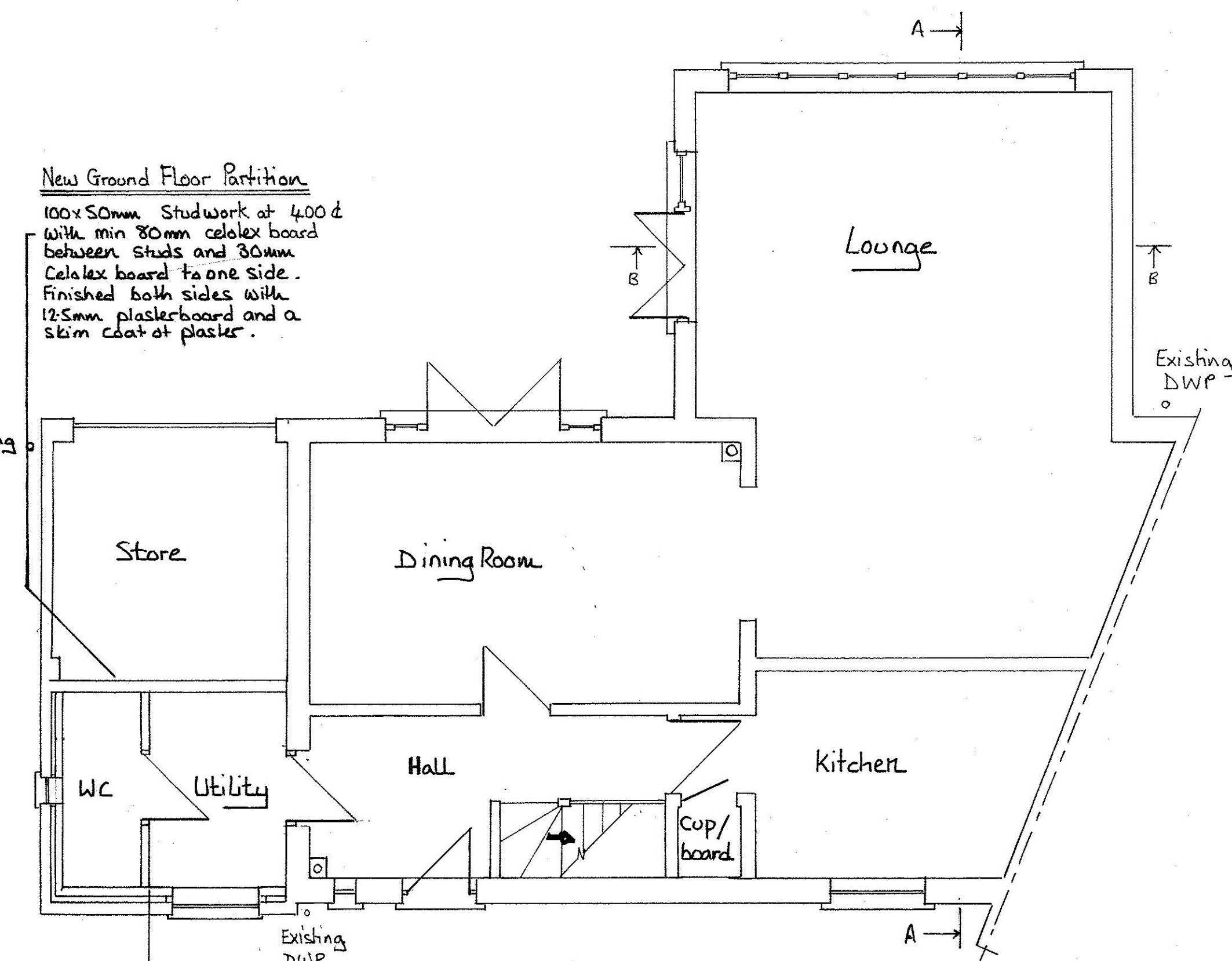
Proposed Side Elevation



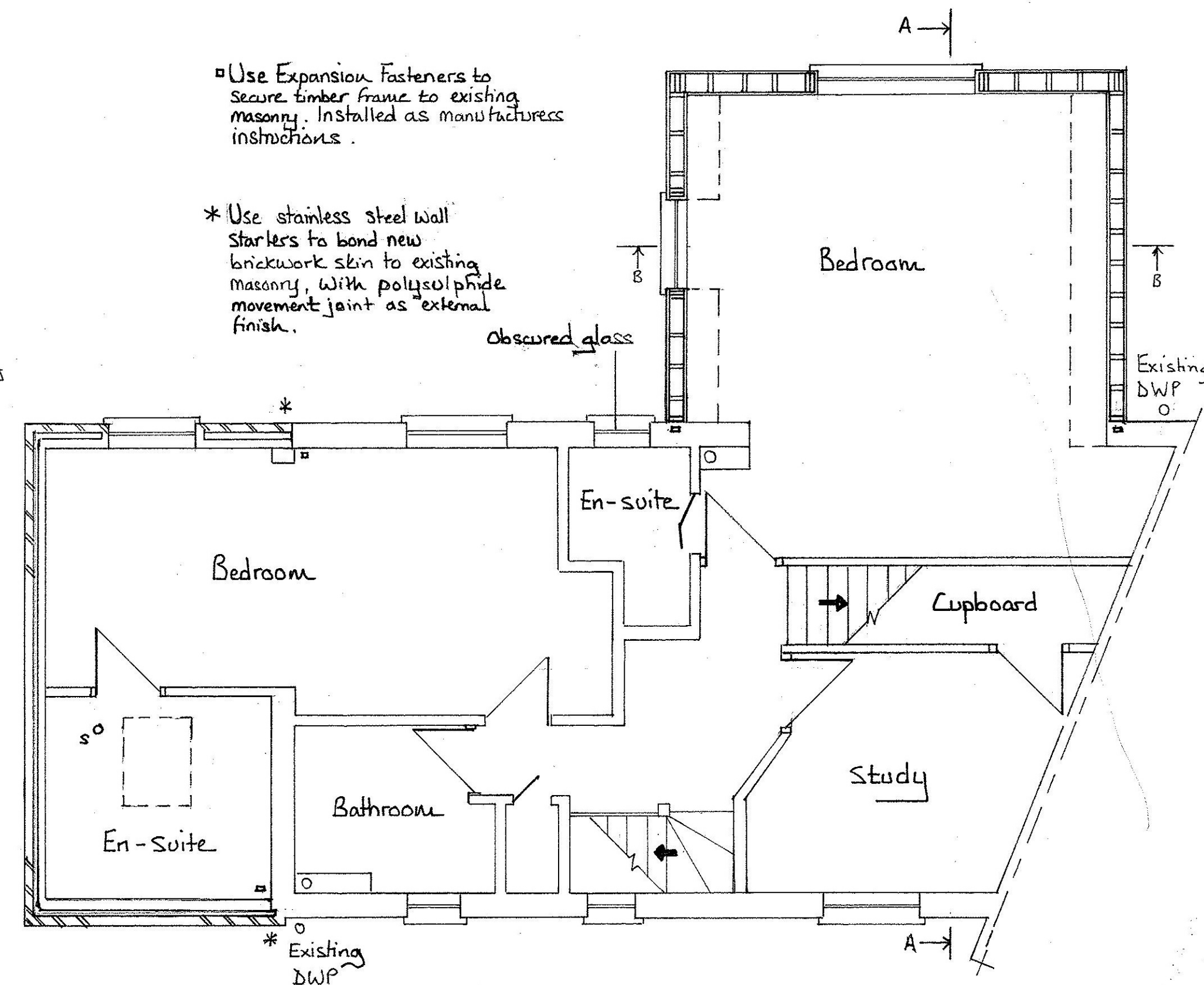
Proposed Rear Elevation



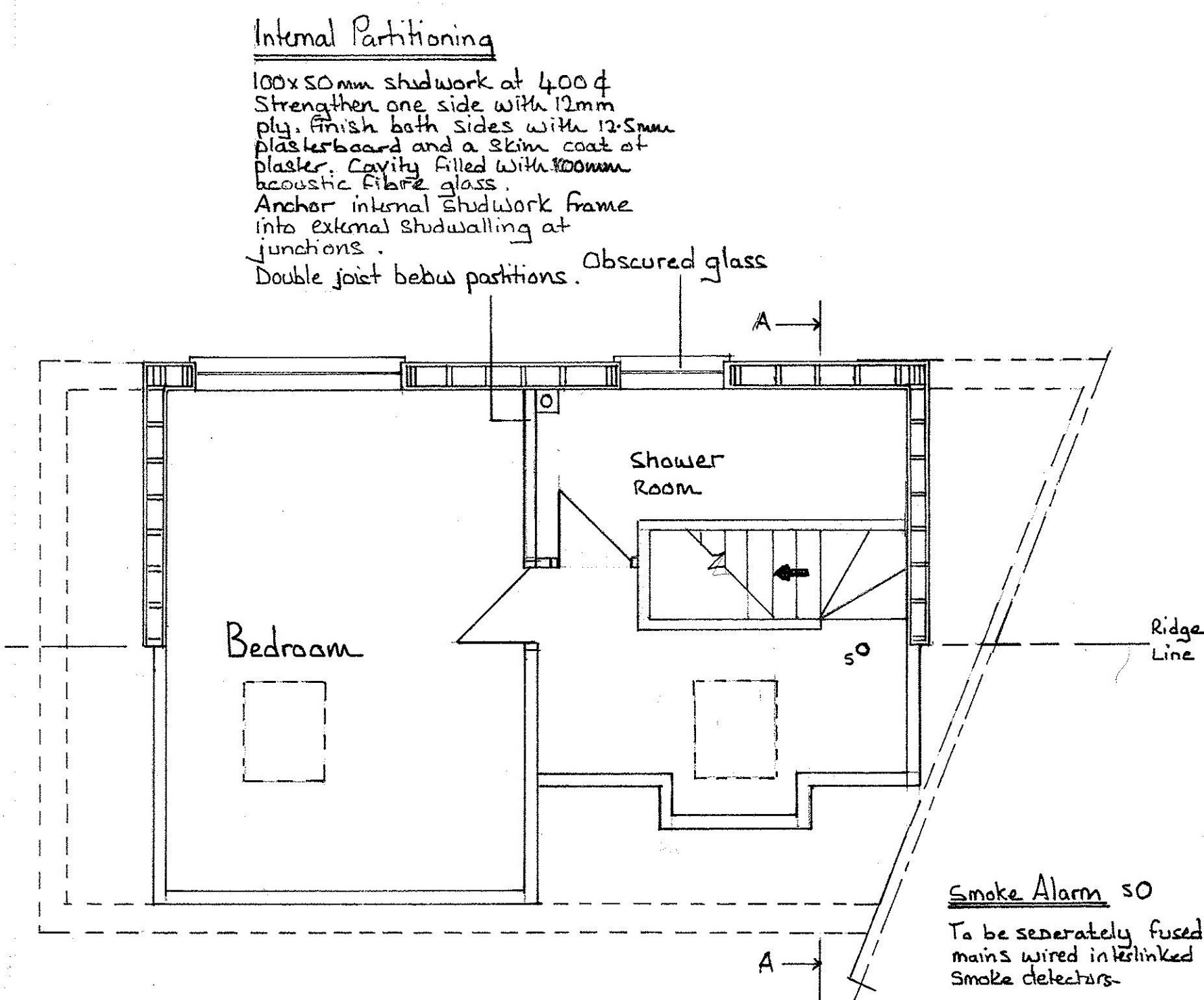
Proposed Side Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan

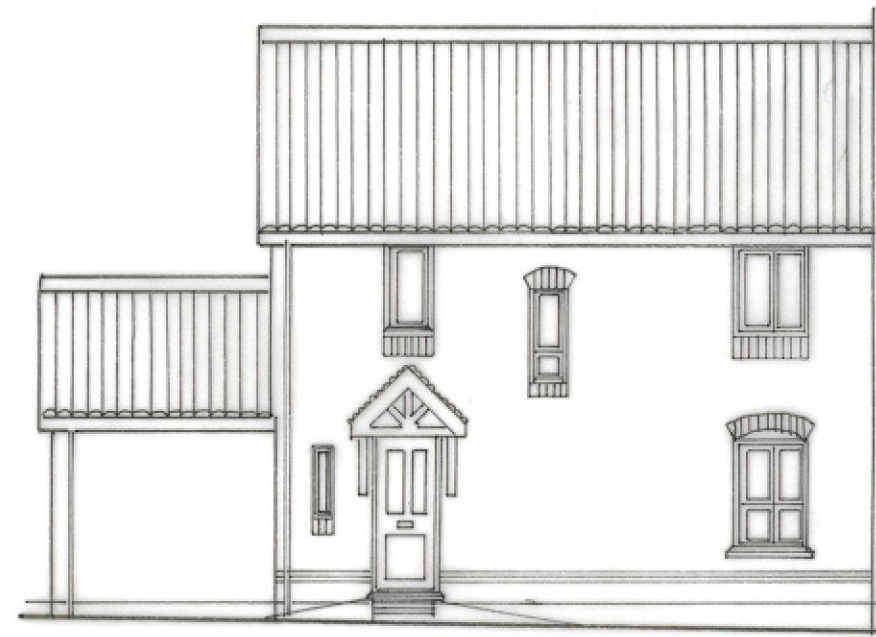
New timber frame to form internal skin

Allow a 50mm cavity between existing masonry external skin and newly constructed internal skin of timber frame. 100x50mm studwork at 400 & finished on the cavity side with a vapour barrier and 12mm OSB. Fill studwork with 100mm celotex insulation close internal side of studwork frame with 50mm celotex board to receive 12.5mm plasterboard with vapour barrier polythene on the internal frame of studwall. Finish internally with a skim coat of plaster.

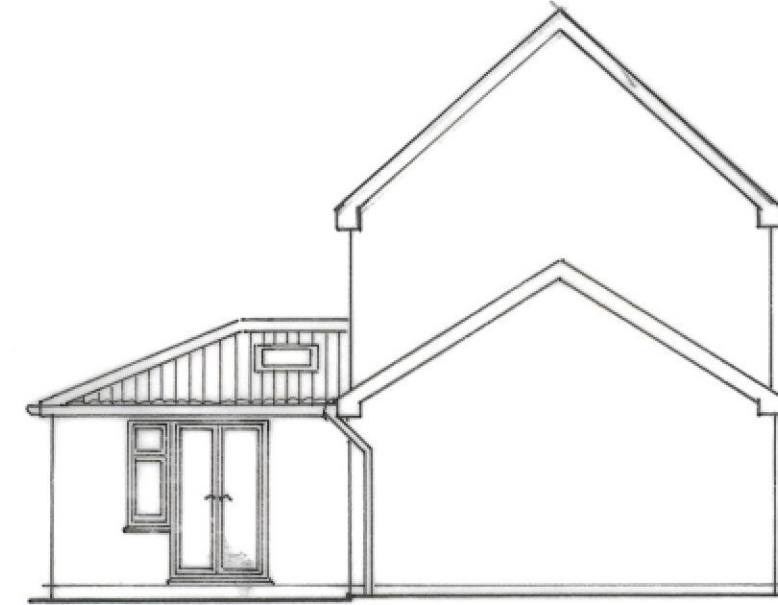
New Internal doors

All new internal doors to be fire resistant to a minimum of 20 minutes. Install intumescent seal strips.





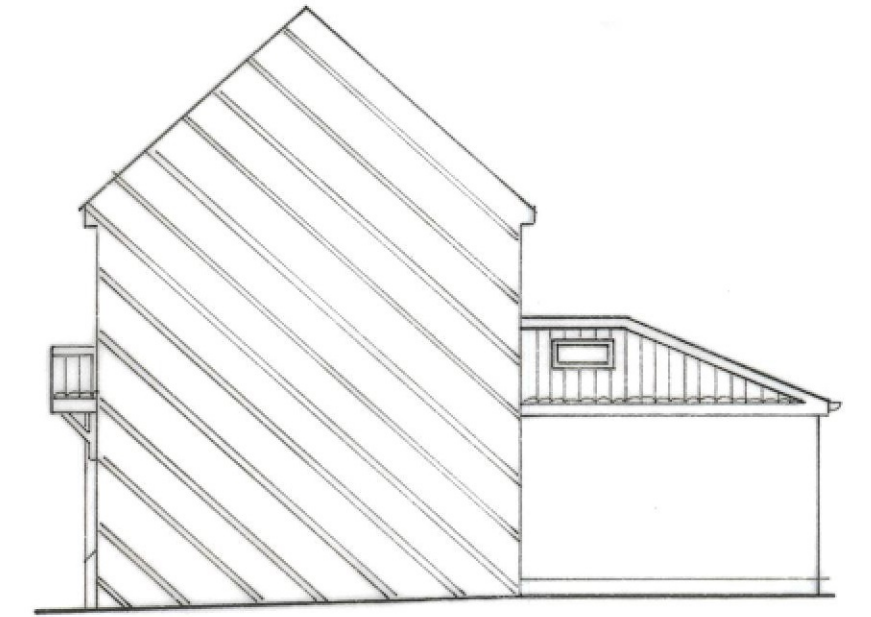
Existing Front Elevation



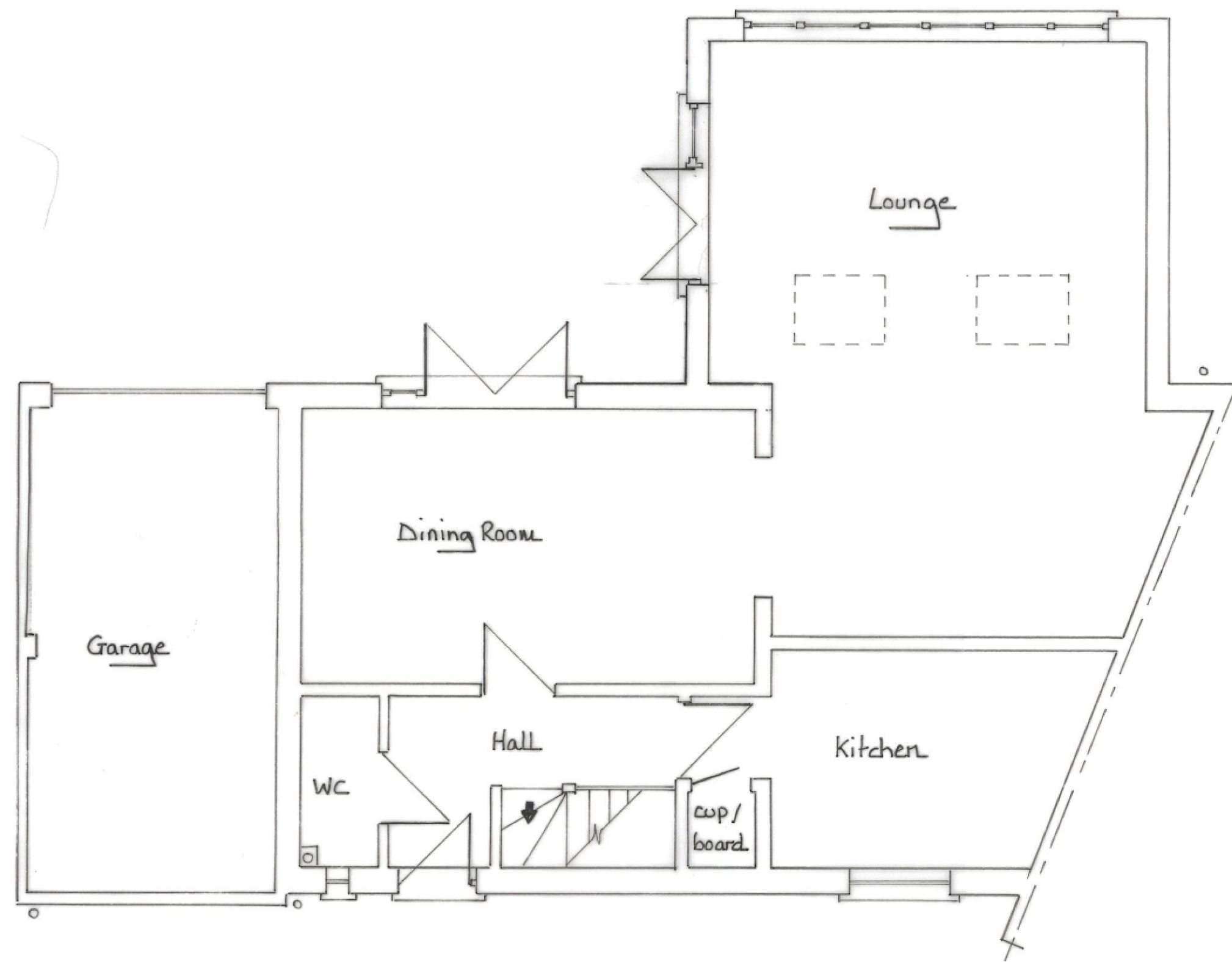
Existing Side Elevation



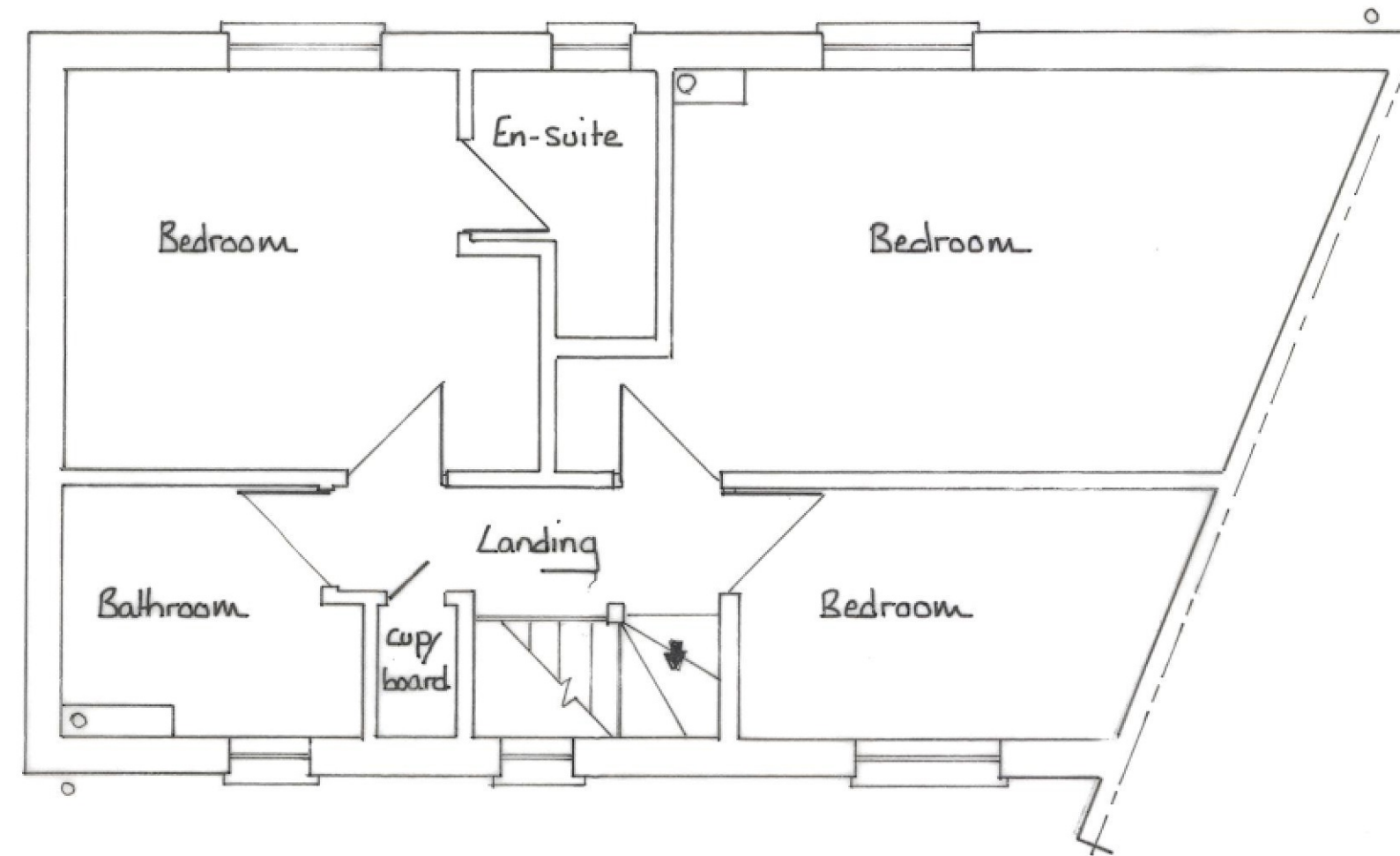
Existing Rear Elevation



Existing Side Elevation



Existing Ground Floor Plan



Existing First Floor Plan



Location Plan



# Appeals Report

Appeal Decisions received between 18/08/2020 and 16/09/2020

## ENFORCEMENT APPEALS

Total Appeal Decisions Received	1	
Dismissed	1	100%
Allowed	0	0%
Split	0	0%

## Written Reps

### Land Rear Of The Chalet Roxwell Road Writtle Chelmsford Essex

<b>Reference</b>	18/00204/ENFB
<b>Proposal</b>	Use of the land to the rear of The Chalet for storage of vehicles and caravans
<b>Appeal Decision</b>	Appeal Dismissed - 24/08/2020
<b>Grounds of Appeal</b>	Change of use of land for storage - appeal under grounds (a) planning permission should be granted; (d) too late to take enforcement action; (f) steps to comply are excessive; and (g) time to comply is too short.
<b>Agreed with CCC on</b>	The appeal on grounds (a), (d), (f) and (g) has been dismissed.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None