

# Planning Committee Agenda

**3 December 2019 at 7pm**

**Council Chamber  
Civic Centre, Duke Street  
Chelmsford CM1 1JE**

## **Membership**

Councillor J A Sosin (Chair)

## **and Councillors**

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

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. 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), call in at the Civic Centre or write to the address above.

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# PLANNING COMMITTEE

3 December 2019

## AGENDA

### PART I

Items to be considered when members of the public are likely to be present

1. **CHAIR'S ANNOUNCEMENTS**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATION OF INTERESTS**

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 held on 5 November 2019.

5. **PUBLIC QUESTION TIME**

Any member of the public may ask a question or make a statement at this point in the meeting. 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.

If a number of people wish to ask substantially the same questions or make the same points on a matter, they are encouraged to appoint one or more spokespersons to do so on their behalf in order to avoid repetition.

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.

6. **18-20 MILDMAY ROAD, CHELMSFORD - 19/01354/FUL**
7. **PLANNING APPEALS**

### PART II (EXEMPT ITEMS)

NIL

**MINUTES**

of the

**PLANNING COMMITTEE**

held on 5 November 2019 at 7:00 pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, P Clark, A Davidson, S Dobson, P V Hughes,  
R J Hyland, R Lee, G H J Pooley, R J Poulter, T E Roper,  
C Shaw, R J Shepherd, M Springett and I Wright

1. **Chair's Announcements**

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

2. **Apologies for Absence**

Apologies for absence were received from Councillor R J Hyland who had appointed Councillor P Clark as his substitute.

3. **Minutes**

The minutes of the meeting held on 8 October 2019 were confirmed as a correct record and signed by the Chair.

4. **Public Question Time**

Members of the public or Parish Council representatives attended to ask questions on each of the items on the agenda. Details are recorded under the relevant minute number below.

5. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda. Those declared are referred to in the relevant minutes below.

6. **Regiment Way Golf Centre, Pratts Farm Lane, Little Waltham – 19/00561/FUL**

The Committee considered an application for new facilities at the Regiment Way Golf Centre, Pratts Farm Lane, Little Waltham, as agreed under the fifth Deed of Variation to the Channels legal agreement (18/01251/MOD106). The proposals included provision for adventure golf, safety netting, extensions to the driving range, an operational hub to provide food and drink facilities, the provision of training equipment for the driving range, the extension of the existing car park, a patio area with outdoor furniture, signage, the relocation of two existing golf course holes, and associated landscaping and engineering works.

A representative of Little Waltham Parish Council expressed concerns about the viability of the development; the additional traffic congestion it would cause and the need to ensure that vehicles using the facility should do so via Essex Regiment Way rather than the smaller access roads to the site; the lack of detailed plans for the adventure golf facility; and the removal and relocation of two of the holes of the existing nine-hole course.

Officers informed the committee that the delivery of the facilities was an obligation of the Section 106 Agreement for Channels and its viability was based on a detailed assessment. The Highway Authority was satisfied that the majority of vehicle trips to the facility would be directed to, and use, Essex Regiment Way and only a small number would use other roads, and that most of those trips were likely to be outside of rush hours. The applicant was required to continue to operate the nine-hole course and had indicated that the relocation of the two holes affected by the development would be completed by Christmas 2019, before work on the rest of the site began in April 2020. England Golf and Sport England were content with the arrangements for the continued operation of the nine-hole course.

Asked by the Committee what par the two relocated holes were and would be, the officers said that the new holes would both continue to be par three. Members were also told that conditions relating to the provision of lighting for the existing driving range could be replicated for the new range, and that a condition relating to the hours of operation of the facilities in the application, as detailed in paragraph 6.38 of the report to the meeting, could be added. With those assurances in mind, the Committee had no objection to the application.

**RESOLVED** that the application 19/00561/FUL in respect of the Regiment Way Golf Centre, Pratts Farm Lane, Little Waltham be approved subject to the conditions set out in the report to the meeting and additional conditions requiring that the hours of operation of the facilities be restricted to those detailed in paragraph 6.38 of the report and to require approval to a lighting scheme prior to the commencement of development.

*(7.05pm to 7.30pm)*

7. **18-20 Mildmay, Chelmsford – 19/01354/FUL**

Councillor G H J Pooley said that he was predetermined on this application and, with local residents, would speak against it. He took no part in the discussion of and voting on it.

The application before the Committee was for the demolition of the existing commercial building at 18-20 Mildmay Road, Chelmsford, the construction of four residential flats at first and second floor, a replacement commercial unit at ground floor level and the additional provision of cycle and bin stores.

Five local residents and a ward councillor spoke against the application. Their objections centred on:

- their understanding that the occupiers of the property would have no right of access over the car park at the rear of the proposed building and would therefore have no access to the proposed cycle parking area required as part of the development;
- the belief that the proposed building would change the character of the area from one with a mixed type and height of buildings to one that predominantly comprised three-storey structures that would create an overbearing effect and result in the loss of the openness of the existing street scene;
- the view that the proposal represented overdevelopment of a confined site;
- the concern that there would be an associated loss of privacy and amenity to neighbours caused by overshadowing and loss of light;
- worries that the safety of pedestrians would be compromised as a result of the development; the difficulties emergency vehicles would have accessing surrounding roads; and the lack of vehicular access to the commercial unit on the ground floor;
- the apparent loss of street lighting and the effect of this on night-time safety; and
- a perception that the proposed flats would not meet national space standards and the fact that the site was not allocated for housing in the Local Plan.

Responding to those concerns, officers told the Committee:

- the question of whether a right of way existed over the car park was a matter for the developer and landowner to resolve; if they were unable to do so, the development may not proceed;
- the Highway Authority was satisfied with the proposed parking provision and highway safety aspects of the development. Any lampposts removed would be replaced; and
- in the view of officers, neighbours' privacy would not be unduly compromised and whilst there would be some overlooking and loss of privacy, it was no more than would normally be expected in an urban environment and was acceptable.

In response to a question from the Committee as to why a previous application for the development of the site had been withdrawn, officers said that their concerns about the scheme could not be resolved by the applicant, who had decided not to proceed with it.

A number of members had concerns about the development and were minded to refuse it on the grounds that there was insufficient parking associated with it in an area already lacking adequate parking, and that there would be an adverse effect on local residents as a result of overlooking and associated loss of privacy and the loss of light.

**RESOLVED** that the Committee being minded to refuse application 19/01354/FUL in respect of the site at 18-20 Mildmay Road, Chelmsford, consideration of it be deferred to the next meeting to enable officers to prepare detailed reasons for refusal based on the following concerns:

1. A lack of adequate parking associated with the development.
2. The adverse effect the development would have on neighbouring residents in terms of their loss of privacy caused by overlooking and the loss of light.

*(7.30pm to 8.15pm)*

8. **19 Leybourne Drive, Springfield, Chelmsford – 19/01619/FUL**

An application had been submitted for a part two storey, part single storey front extension with garage at 19 Leybourne Drive, Springfield, Chelmsford and the creation of an additional parking space in the front garden.

A local resident attended the meeting to speak against the application, which he objected to on grounds of loss of light to his property, the inaccurate representation on the submitted drawings of the party wall between his house and the application property, and the fact that proposed guttering would overhang his property. Officers acknowledged that there would be some loss of light in the early morning but it would be only for a short time each day. The question of the party wall was something for the two property owners to resolve and was not a planning consideration. The guttering would not overhang the neighbour's property and rainwater drainage was adequate.

The Committee had no objection to the application.

**RESOLVED** that the application 19/01619/FUL in respect of 19 Leybourne Drive, Springfield, Chelmsford be approved subject to the conditions detailed in the report to the meeting.

*(8.15pm to 8.26pm)*

9. **Planning Appeals**

**RESOLVED** that the information on appeal decisions between 26 September and 28 October 2019 be noted.

*(8.26pm to 8.27pm)*

10. **Urgent Business**

There were no matters of urgent business brought before the Committee.

The meeting closed at 8.27pm.

Chairman

## **PLANNING POLICY BACKGROUND INFORMATION**

### **DEVELOPMENT PLAN**

Section 38 (6) of the Planning and Compensation Act 2004 Act states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

### **DEVELOPMENT PLAN DOCUMENTS**

The Core Strategy and Development Control Policies Development Plan (DPD) was adopted by Chelmsford Borough Council on 20 February 2008. This contains Core and Development Control Policies (prefixed by CP or DC) which are applied Borough-wide. The Borough's area is covered by three further adopted development plan documents: Chelmsford Town Centre Area Action Plan (2008), North Chelmsford Area Action Plan (2011) and the Site Allocations DPD (2012). These development plan documents implement the Core Strategy by identifying land-use allocations, proposals and notations which are set out in their relevant Proposals Maps.

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

### **DEVELOPMENT PLAN DOCUMENT 2001 - 2021**

- 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.
- DC7** Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.
- DC17** Development Control Policy DC17 Conservation Areas - All development proposals within Conservation Areas must preserve or enhance the character or appearance of the area. Planning permission will be refused where the siting, form, massing, height, proportions, elevation design, or materials would harm the character and appearance of the Conservation Area. Additionally, the development must not prejudice the appearance, significant spaces, inward or outward views and must be compatible with the function of the Conservation Area.
- DC18** Development Control Policy DC18 Listed Buildings - Planning permission and/or listed building consent will be refused where development proposals or works affect both the exterior and interior of buildings on the statutory List of Buildings of Special Architectural or Historic Interest unless they preserve or enhance the special character and/or setting of those buildings. The City Council will only permit the change of use of a listed building where it is in the interests of the long-term preservation of the building and its setting.
- DC22** Development Control Policy DC22 Areas of Flood Risk - Sets criteria for the submission of Flood Risk Assessments for development in the Environment Agency's Flood Zones 2 and 3 and circumstances where planning permission will be granted.
- DC44** Development Control Policy DC44 Private Amenity Space - All new dwellings will be required to have a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location.
- 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.



## **EMERGING CHELMSFORD DRAFT LOCAL PLAN**

- LPHE1** Local Policy HE1 Designated Heritage Assets - The impact of any development proposal on a designated heritage asset, and the level of any harm, will be weighed against any public benefits arising from the proposed development. The Council will preserve listed buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- LPHE2** Local Policy HE2 Non Designated Heritage Assets - Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Any harm or loss will be judged against the significance of the asset.
- 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.
- LPMP4** Local Policy MP4 Design Specification for Dwellings - All new dwellings shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. All houses in multiple occupation shall also provide, amongst other matters, adequate cycle storage, parking and sound proofing.
- LPMP5** Local Policy MP5 Parking Standards - All development will be required to comply with the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended.
- LPNE3** Local Policy NE3 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.
- 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

## **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 July 2018. 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.

Paragraph 213 in the implementation section of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).



## Planning Committee

<b>Application No</b>	:	19/01354/FUL Full Application
<b>Location</b>	:	18 - 20 Mildmay Road Chelmsford Essex CM2 0DX
<b>Proposal</b>	:	<b>Demolition of the existing commercial building. Construction of 4 residential flats at first and second floor and replacement commercial unit at ground floor, additional provision of cycle and bin stores.</b>
<b>Applicant</b>	:	Mr J Eagle
<b>Agent</b>	:	Arcady Architects
<b>Date Valid</b>	:	12th August 2019
<b>Development Type</b>	:	Minor Dwellings (D13)
<b>Drawing No(s)</b>	:	; 17/11/21/Proposed; 17/11/20/Proposed;
<b>Target Date</b>	:	6th October 2019
<b>Consult Expiry</b>	:	26th September 2019

### 1. INTRODUCTION

This application was considered at the Planning Committee meeting on 5 November 2019. The Planning Committee resolved not to agree the recommendation for approval, and indicated they were minded to refuse the application for the following reasons:

1. Inadequate parking provision in an area of oversubscribed on-street parking;
2. The impact of the proposals on the amenity of neighbouring properties in respect of privacy and loss of light.

In accordance with the Council's Planning Code of Good Practice the application was deferred until the following meeting to allow consideration of the wording of the reasons for refusal, and for officers to advise on the implications of such a decision.

### 2. CONSIDERATION OF CONCERNS RAISED BY THE PLANNING COMMITTEE

#### ***(1) Inadequate parking provision in an area of oversubscribed on-street parking***

Members were concerned that the development of this site with only two parking spaces would fail to provide adequate on-site parking for the proposed development. Part of this concern is that the site is located within Zone 4 of the Council's Residents Parking Scheme which has oversubscribed on-street parking and the proposal would lead to further on-street parking pressures.

Due to the ongoing Local Plan review, the Council currently has two policies relating to parking provision which are applicable and relevant to this proposed development.

The Adopted Local Plan Policy DC7 states that all development will be required to comply with the vehicle parking standards set out at Appendix C within the Local Plan. It also indicates that “Public transport accessibility levels may also be used to further refine appropriate levels of parking provisions, with less parking provision in areas of high levels of public transport accessibility.”

Appendix C identifies that “For main urban areas and locations where access to public transport is good, 1 space per dwelling is appropriate. Where an urban location has poor peak public transport services, 2 spaces per dwelling is appropriate.”

Appendix C also sets out the approach to be applied to the consideration of parking provision: “The application of standards should relate to the location of proposed development. Minimal private parking provision should be applied to locations such as town centres, where access to public car parking facilities and alternative forms of transport is good. Conversely development which is proposed in more rural or isolated areas may be permitted to include greater levels of parking where the car is the only realistic means of travel.”

The Emerging Local Plan Policy MP5 is also relevant. Due to the advanced stage of the new Local Plan, this policy can be afforded significant weight when applied to the consideration of planning applications. The policy requires that all development complies “with the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009), or as subsequently amended.”

Proposals which provide parking below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard. The reasoned justification for this policy states that “In urban locations with high levels of public transport accessibility, the parking standards may be relaxed to minimise pressure on land and encourage alternative modes of transport.”

The Essex Parking Standards require a minimum of 1 parking space per dwelling for 1-bedroom properties. However, the informatives relating to this standard also indicate that reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport and refer specifically to the “Parking Standards in Urban Areas” section within the document.

The relevant section within the main body of the Essex Parking Standards states that “For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.”

In respect of the proposed development, two parking spaces are proposed for the residential element of the scheme. These two spaces would be allocated to two of the flats and the remaining two flats would have no parking provision. None of the proposed flats would be eligible for a Resident’s Parking Permit to park within Zone 4, which the site is located within.

Both the Adopted and Emerging Local Plan Policies relating to parking provision recognise that it can be acceptable to apply a reduced parking standard in respect of high-density development in urban areas.

This is a highly sustainable location with good public transport links and easy access to shops, services and employment opportunities. There is a public car park immediately to the northwest of the site, the railway station is a 14-minute walk or 6-minute bus journey away and multiple bus stops are located close by on

Parkway, the closest less than 90m from the application site. Within easy walking distance are shops and services on both Moulsham Street and the High Street.

In view of the above the only issue relates to parking of vehicles within the permit (and traffic) controlled nearby streets outside of the restricted hours – typically evenings and weekends. The planning issue would be that of additional strain being put upon existing parking spaces outside of the restricted hours which would be to the detriment of existing residents in that they may not be able to park conveniently close to their home but instead park further away.

Notwithstanding this, the Committee is minded to refuse the application in respect of insufficient parking provision. The following reason for refusal is suggested to Members in relation to this matter:

#### **Suggested Refusal Reason**

*The development fails to provide adequate parking provision for the proposed residential units. Only two of the four flats would have access to a parking space and this would lead to additional on-street parking within an area which already experiences on-street parking stresses. The proposal therefore fails to provide parking provision in accordance with the requirements of Adopted Local Plan Policy DC7 and Emerging Local Plan Policy MP5, which can be afforded significant weight in the decision-making process.*

#### ***(2) The impact of the proposals on the amenity of neighbouring properties in respect of privacy and loss of light.***

Members raised concerns regarding the impact of the proposed development on the amenity of neighbouring properties. This is specifically in respect of loss of privacy to properties within Alfred Mews and the terrace of properties on the opposite side of Mildmay Road. There is also concern regarding loss of light to neighbouring properties.

The Council's Adopted Planning Policy DC4 states:

"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 the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties."

The Emerging Local Plan Policy PA1 states:

"Planning permission will be granted for development proposals provided the development:

- i. safeguards the amenities of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements; and
- ii. is compatible with neighbouring or existing uses in the vicinity of the development and protects the wider amenities of the area by ensuring that the development, and its relationship with the surrounding area, avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained."

#### ***Loss of Privacy***

In respect of the concerns raised by Members, the policy requirements of Policy DC4 state that proposals should not adversely prejudice privacy or light enjoyed by the occupiers of nearby properties. Emerging Policy PA1 requires that development proposals do not result in unacceptable overlooking or overshadowing.

The policies do not require that no impact occurs to neighbouring properties as a result of new development, and such a requirement would be unreasonable. Sites that are located within urban areas, where higher density built form exists, will inevitably experience higher levels of overlooking than suburban or rural areas which would commonly have lower density development.

The interrelationship between existing properties currently allows views between the neighbouring properties and towards their garden areas. For example, the flats within the converted Marconi building have a back to back relationship with windows facing the Alfred Mews townhouses and their gardens and vice versa. This is a typical relationship experienced in an urban environment.

The proposed first and second floor windows in the side elevation of the proposed flats would allow limited views towards the rear elevations of the Alfred Mew properties and their rear gardens. The level of overlooking which could occur from the proposed development would not be different than that which is currently possible from the flats within the Marconi building.

In respect of the proposed relationship with the terrace of two-storey properties opposite the site on Mildmay Road, there would be a distance of 11m between the front elevations of the existing and proposed development. The front to front distances of other built form in the locality of the site varies and can be anything between 14m and 9m. There are also instances of wider relationships.

The position of the proposed building would have a similar relationship with the Mildmay Road terrace as a number of other buildings which are separated by a road, both in the local area and elsewhere within the Borough; this is not an uncommon relationship.

### *Loss of light*

The second amenity issue Members had concerns about relates to loss of light. In respect of this and taking each of the neighbouring “blocks” of buildings in turn:

**Marconi Building** – this building is located to the south of the application site. No loss of light would occur to this building due to its orientation with the application site.

**Alfred Mews properties** – These dwellings are located to the southwest of the application site. The proposed building would result in an element of overshadowing to the gardens and rear elevations of the two closest dwellings early in the morning. During winter this impact would be greater than that experienced during the summer. By midday at any time of year the proposal would have no impact on these properties in respect of loss of light.

**Mildmay Flats** – These two blocks are located to the north of the application site. During the middle of the day, any shadow cast by the proposed building would mainly fall towards these buildings. In summer months any shadowing would be limited to the car park for these properties and the blank side elevation of the eastern building. During winter when the sun is lower in the sky, shadow would extend to the ground floor of the corner of the western building and part of the small front garden facing Mildmay Road to the eastern building, in addition to most of the car park and the blank side elevation of the eastern building. Any impact occurring from the proposed building would be limited to the middle part of the day.

**Mildmay Road Terrace** – These properties are located to the east of the site. Any overshadowing to these properties would be restricted to the end of the day. The shadow cast by the proposed building would be restricted to the width of the building and it would therefore not affect all three of the existing properties equally. The middle and end properties would experience some loss of light at the end of the day.

In addition to the above, it is important to remember that other buildings in the vicinity of the site have an existing interrelationship which includes casting shadows on their neighbours. At different times of day and depending on the different times of year the impact will vary. For example, the Marconi building will cast a shadow on the rear elevations and gardens of Alfred Mews in the morning and the Mildmay Road terrace overshadows the application site and the eastern building and garden of the Mildmay Flats.

Any consideration of the potential loss of light must consider the impact and harm that the proposal would result in, not just whether there would be an impact.

Should Members concerns remain in that the impact of the development will be harmful to the living environment of existing residents, the following reason for refusal is suggested:

#### **Suggested Refusal Reason**

*The proposed development would result in an unacceptable relationship with neighbouring properties. It would give rise to loss of privacy as a result of the position of windows in the southern and eastern elevations of the building resulting in overlooking to the detriment of the amenities of the occupants of Alfred Mews and the properties opposite the site on Mildmay Road.*

*In addition, overshadowing of neighbouring properties surrounding the site would occur as a result of the form and size of the proposed building. This would amount to an unacceptable loss of light to the existing, neighbouring properties.*

*The proposed development is contrary to Adopted Local Plan Policy DC4 and Emerging Local Plan Policy PA1, which can be afforded significant weight in the decision-making process.*

#### **Further consideration**

During the Committee meeting on 5 November some discussion was undertaken by Members regarding the amount of development proposed on this compact site. If Members are not content that the individual reasons for refusal can be substantiated at appeal, they may wish to consider whether the concerns raised cumulatively indicate that that proposal amounts to overdevelopment of the site. In this instance the following alternative reason for refusal is suggested:

#### **Alternative Refusal Reason**

*The proposed development would fail to provide parking provision for all the proposed flats. It would result in openings which, while restricted, would enable views towards neighbouring properties giving rise to a loss of privacy. Due to the building filling the extent of the site and being three storey, it would create an over-dominant structure to the detriment of the street scene and also give rise to overshadowing of neighbouring properties resulting in loss of light to the occupants.*

*These failings in the proposal are indicative that the scheme proposed would comprise an unacceptable amount of development on the site resulting in unacceptable effects on local residents, neighbouring property and their occupiers. The amount of development would be incompatible with its surroundings .*

*The proposed development is contrary to Adopted Local Plan Policy DC42 and Emerging Local Plan Policy MP1, which can be afforded significant weight in the decision-making process.*

The previous committee report is appended.



## Planning Committee

5<sup>th</sup> November 2019

<b>Application No</b>	:	19/01354/FUL Full Application
<b>Location</b>	:	18 - 20 Mildmay Road Chelmsford Essex CM2 0DX
<b>Proposal</b>	:	<b>Demolition of the existing commercial building. Construction of 4 residential flats at first and second floor and replacement commercial unit at ground floor, additional provision of cycle and bin stores.</b>
<b>Applicant</b>	:	Mr J Eagle
<b>Agent</b>	:	Arcady Architects
<b>Date Valid</b>	:	12th August 2019

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### Appendices:

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## 1. Executive summary

- 1.1. This application is referred to planning committee at the request of a local ward member so that the degree of development, the adequacy of parking and access to the commercial element and the effect on nearby properties and the streetscene can be considered by the Planning Committee.
- 1.2. The site is located within the Chelmsford Urban Area where the principle of new development is acceptable.
- 1.3. The existing single storey commercial building would be demolished and would be replaced with a three storey, flat roofed building. The re-provision of commercial space would be provided at ground floor with 4 x one-bedroom flats on the two floors above.
- 1.4. The proposed building would have a contemporary design which would not be out of keeping with the mixed nature of the built form in the vicinity of the site. It would not have a harmful impact on the heritage assets in proximity of the application site.
- 1.5. The relationship between the proposed building and neighbouring properties is acceptable.
- 1.6. The parking provision of two spaces for the residential properties and none for the commercial use is acceptable in this City Centre location close to public car parks and public transport links.
- 1.7. The proposal would not result in displacement of flood water elsewhere when compared to the existing built form.
- 1.8. Approval is recommended.

## 2. Description of site

- 2.1. The site lies within the Chelmsford Urban Area, where the principle of development is acceptable.
- 2.2. There is an existing single storey building on the site with a pitched roof to the front and flat roof extensions to the rear. The site itself is triangular with a frontage to Mildmay Road of approximately 9m, narrowing to a point at the rear.
- 2.3. The existing building has a commercial use and largely fills the extent of the site with a small area of open space to the rear.
- 2.4. The site is located within the Moulsham Street Conservation Area where there is a mix of historic properties and more modern developments.
- 2.5. To the south is the Grade II listed former Marconi Works building which has been converted to residential properties. To the west are modern three-storey townhouses on the former water company site. To the north are 2 x three-storey blocks of flats dating from the late 1970s, with Parkway beyond these further to the north.
- 2.6. Opposite the site is a terrace of two-storey Victorian properties and the Woolpack Public House and a flat roofed two storey residential building are located to the southeast.

### 3. Details of the proposal

- 3.1. The proposed development would have a triangular form, reflecting the shape of the site, with accommodation over three storeys and a flat roof.
- 3.2. At ground floor level there would be commercial floorspace with two parking spaces within undercroft parking and an internal bin store area.
- 3.3. To the rear there would be cycle storage and it is indicated that this would be accessed via an existing right of way through the car park of the adjacent flats.
- 3.4. On the first and second floors, above the commercial floorspace, there would be 2 x one-bedroom flats on each floor. The two parking spaces would serve two of the proposed flats.

### 4. Other relevant applications

- 4.1. 18/01790/FUL - Application Withdrawn 4th February 2019  
Full planning application for the demolition of the existing commercial building and erection of 4 residential flats at first and second floor and replacement commercial unit at ground floor, and provision of cycle and bin stores at 18-20 Mildmay Road, Chelmsford, Essex, CM2 0DX

### 5. Summary of consultations

- 5.1. The following were consulted as part of this application:
  - ECC Historic Environment Branch
  - Public Health & Protection Services
  - Essex County Council Highways
  - South Essex Parking Partnership
  - Environment Agency
  - Recycling and Waste Collection Services
  - Local residents
- 5.2. Full details of consultation responses are set out in appendix 1.
- 5.3. ECC Historic Environment Branch have highlighted that the site is located in an area of known, regionally-important archaeological remains. They have requested a condition is imposed on any approval requiring a programme of archaeological investigation work.
- 5.4. Public Health and Protection Service requested that the standard informative regarding construction times is added.
- 5.5. Essex County Council Highways raised no objections to the proposal as the parking standards allow reduced parking standards to be applied to developments located in the main urban areas with frequent and extensive public transport, cycling and walking links. Surrounding streets are protected by existing Traffic Regulation Order parking restrictions. The impact of the proposal is acceptable from a highway and transportation perspective subject to the imposition of appropriate conditions.

- 5.6. The South Essex Parking Partnership have highlighted that the occupants of this development would not be entitled to join the resident permit scheme.
- 5.7. The Environment Agency have no objection to the proposed development subject to the development meeting the requirements of the sequential test.
- 5.8. No response has been received from Recycling and Waste Collection Services.
- 5.9. A petition against the application has been received; this contains 15 signatures. 14 letters of objection have also been received. Concerns include:
- Revised scheme has not addressed previous concerns
  - Impact of development on character and appearance of heritage assets, i.e. the Conservation Area, listed and locally listed properties in the vicinity of the site
  - Impact of proposals on neighbour amenity in respect of loss of privacy, loss of light, overshadowing and overbearing impacts
  - Insufficient parking provision for the proposed development in an area where parking is already extremely restricted and oversubscribed
  - Highway safety concerns regarding the building creating blind spots at car park entrances to the Mildmay Road and Marconi building flats and vehicles manoeuvring in and out of the parking spaces
  - Proposed flats are cramped and contrived
  - No amenity space is proposed
  - Dispute that there is a right of access through the Mildmay Road flats car park to the rear of the application site
  - Bins will be left outside the building
  - Concerns about the proposed construction method statement details, such as proposed working hours, lack of information on site hoarding, position of existing street light restricting access, ability to store materials on the site and construct the building
  - The proposals are contrary to draft local plan policies
  - Overdevelopment of the site
  - Disruption from construction works
  - Loss of views from existing properties
  - Other "A" uses would not be appropriate in this location
  - How will the exterior of the building be maintained with no access except from third party land?
  - Negative impact of the construction works on tenanted, neighbouring properties and resultant loss of income for landlords

## 6. Planning considerations

### *Main Issues*

- 6.1. The main issues are whether:
- the proposal would have an acceptable design and layout in the context of the character of the surrounding area.
  - there would be harm to designated and non-designated heritage assets as a result of the proposals.
  - harm would be caused to neighbouring properties through overlooking, overshadowing or overbearing impacts.
  - there would be adequate amenity space for the proposed occupants.

- adequate access and parking arrangements would be provided.
- development within Flood Zones 2 and 3 would be acceptable.

### ***Design and Layout***

- 6.2. Chapter 12 of the National Planning Policy Framework sets out the objectives towards achieving well-designed places. Points b) and c) of para 127 identify that developments should be visually attractive as a result of good architecture and layout as well as being sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.3. Adopted Local Plan Policy DC45 requires new buildings to be well designed in themselves and for the siting, scale, form, massing, materials and detail of the proposal to have an appropriate visual relationship with that of the character and appearance of development in the surrounding area.
- 6.4. Emerging Local Plan Policy MP1 also requires new development to respect the character and appearance of the area in which it is located as well as being well designed in itself.
- 6.5. The existing building on the site is single storey with a pitched roof over the front section and a flat roof extension to the rear. This building is of no architectural merit.
- 6.6. The design and appearance of the proposed building takes cues from the context of the site with curved corners, reflecting the curve of the Marconi Works building on the corner of Hall St, and a sympathetic but varied material palette. The immediate context of the site is that of two and three storey buildings whereas the current building is an anomaly at having a single storey height.
- 6.7. The height and scale of the proposed building would be well related to the surrounding scale of built form. Although the building would have a contemporary design and appearance, in addition to the historic form of buildings in the locality there are also buildings with a more modern range of designs and appearance, and as such the proposal would not be at odds with the surrounding built form.
- 6.8. The building would almost fill the extent of the site and in urban areas, such as this, higher density developments are not unusual. Due to the unusual shape and limited size of the site, in addition to the proposed design approach, the scale and proportions of the proposed built form would not appear as a large and alien feature within the streetscene.
- 6.9. The size, scale, proposed mix of materials and detailing of the building would result in a scheme which would have an appropriate visual relationship with the layout, scale, form, massing, materials, details and character and appearance of development in the surrounding area. The proposal complies with the objectives of Chapter 12 of the National Planning Policy Framework and the requirements of Adopted Local Plan Policy DC45 and Emerging Local Plan Policy MP1 which can be afforded limited weight in the decision-making process.

### ***Heritage Assets***

- 6.10. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where

a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.11. The site is located within the Moulsham Street Conservation Area and is adjacent to the Grade II Listed Marconi Works building to the south of the site. The Woolpack Public House to the southeast, on the opposite side of Mildmay Road is locally listed. The current building on the site is of poor quality and makes no positive contribution to the Conservation Area. There is no objection to the demolition of the existing structure.
- 6.12. The proposed building would result in views of the Marconi Works building from Parkway, between the two blocks of flats at 2 – 14 Mildmay Road, being obscured. However, views of the listed building from Mildmay Road and other sections of Parkway, to the northeast and northwest of the Mildmay Road flats, would not be adversely affected.
- 6.13. The Council's Conservation Officer has been consulted in respect of the proposed development and he has advised that, subject to the imposition of conditions regarding materials and large-scale details of the proposed building, there would be no adverse impact to the Conservation Area or to the setting of the adjacent listed building.
- 6.14. The proposal would comply with the objectives of Chapter 16 of the National Planning Policy Framework in respect of conserving the historic environment, in addition to Adopted Local Plan Policies DC17 and DC18 and Emerging Local Plan Policies HE1 and HE2, which can be afforded limited weight in the decision-making process.

### ***Neighbour Amenity***

- 6.15. Since the submission of the previous (withdrawn) application, the proposed scheme has been revised to address concerns regarding neighbour amenity. The south facing elevation of the building at first and second floors would have angled windows to prevent views out towards the existing properties at Alfred Mews. The submitted application drawings provide details of how the windows would allow views out of the flats to the south, over the adjacent car park, but would restrict views to the southwest.
- 6.16. There would be limited windows to the front elevation, facing properties on the opposite side of Mildmay Road. The windows would serve living rooms and bedrooms of the flats and they would be positioned approximately 11m from the front elevations of the properties opposite. This is comparable to the standard relationship between properties which are opposite each other with a road between. The addition of the solid balconies to the front of the building would provide an element of screening between the proposed and existing properties.
- 6.17. The front balconies would provide a limited area of amenity space. They would be modest in size which would not allow significant numbers of people to congregate on them. Their use would not result in an adversely prejudicial loss of privacy to the occupiers of properties opposite. The side of the balconies would face towards to the landing/entrance windows of the Mildmay Road flats to the north. The main southern elevation of this building has no windows facing the application site. As a result, there would not be any impact to the privacy of the occupiers of the flats from the front balconies.
- 6.18. The position of windows to the northern elevation has been designed to avoid a direct relationship with the adjacent blocks of flats. The stairwell windows would have vertical timbers in front of them which would restrict views however they would also face towards the blank side elevation of the flats.

- 6.19. The balconies located towards the centre of this elevation would face towards the gap between the two block of Mildmay Road flats. These balconies would be recessed and due to the 90-degree angle between the balconies and the western elevation of the closest block of flats, views between the balconies and windows to the flats would not be possible.
- 6.20. A distance of almost 13m would exist between the balconies and the second block of flats. This distance would prevent any adversely prejudicial loss of privacy occurring to the occupiers of the flats from residents using the recessed balconies.
- 6.21. The final windows in the north elevation of the proposed building would serve a small dining area to two of the flats. The position of these windows would look towards Parkway between the two blocks of flats. Due to the size of the respective dining areas, limited views out of the windows would be possible and combined with the distances which would exist to the two blocks of flats, there would no adversely prejudicial loss of privacy to the occupiers of the existing flats.
- 6.22. In respect of possible overshadowing and overbearing impacts arising from the proposal, the majority of any potential overshadowing impact would occur to the side elevation of the block of flats fronting Mildmay Road. This elevation has no windows except to the landing/stairwell areas and as such any overshadowing would not affect the amenity of the occupiers. Neither would there be any overbearing impact in respect of this side elevation. An element of overshadowing in the middle of the afternoon may occur to the west facing windows of this block however this would be limited and would end by late afternoon; it would not amount to a level which would warrant refusal of this application. The car park to the flats would be the area most affected by any overshadowing and this would not directly affect any of the occupants of the flats.
- 6.23. The position of the proposed building, and the distance between it, and the second block of flats would prevent both overbearing and adversely prejudicial overshadowing impacts occurring to the occupants of the existing flats.
- 6.24. In respect of the relationship with the existing dwellings on Mildmay Road, the narrow width of the front elevation, in addition to the curved corner detail and set back of the main three storey height, would reduce the visual impact of the building when viewed from the existing properties. The position of the building on the opposite side of Mildmay Road would be not dissimilar to other examples of relative the positions of buildings locally and would not give rise to overbearing impacts to the existing occupiers. An element of overshadowing of the existing properties may occur towards the end of the day, however the flat roof of the building and the triangular and narrow form would reduce this. The building would not result in adversely prejudicial overshadowing or overbearing impacts to the occupiers of the Mildmay road properties.
- 6.25. Due to the orientation of the proposed building to the north and northeast of the Marconi Works development and Alfred Mews, there would be no overshadowing impacts to these properties. In addition, as a result of the orientation and distance between them, the building would not appear as overbearing when viewed these properties.
- 6.26. The proposed building has an acceptable relationship with the neighbouring properties surrounding it and the proposal complies with the requirements of Adopted Local Plan Policy DC4 and Emerging Local Plan Policy PA1 which can be afforded significant weight in the decision-making process.

### ***Amenity Space***

- 6.27. Each flat would have the provision of a balcony. The units fronting Mildmay Road would have external balcony areas and the rear flats would have recessed balconies. These areas of amenity space would be limited in size however the flats would be located in a town centre location. In such locations where there is access to public open space nearby, a lower level of amenity space can be acceptable. In this instance “Sky Blue Pasture” is located within 320m of the site, approximately a 5-minute walk.
- 6.28. In light of the town centre location of the site, the proposed private amenity space which would be provided through the use of balconies is acceptable and complies with Adopted Local Plan Policy DC44 and the requirements Appendix A in the Emerging Local Plan regarding the provision of amenity space.

### ***Access and Parking***

- 6.29. The site currently has an area of hardstanding to the front of the building which has been used for parking. The proposals would remove access to this however two new parking spaces would be provided within the front of the ground floor of the building. These would be located behind garage doors, screening vehicles from view.
- 6.30. The site is located in a highly sustainable location, close to public car parks, shops, services and public transport. In such locations a lower parking provision can be acceptable. Parking in the surrounding streets is controlled through parking restrictions and a resident’s parking permit scheme operates in the area. The occupants of new dwellings within these areas are not eligible for parking permits. The provision of two parking spaces would provide a level of parking for the development which would be acceptable in light of the site’s sustainable credentials.
- 6.31. The proposed development would not provide a parking space for the proposed commercial use however in town centre locations, this is not uncommon. For example, on the northern side of Parkway, businesses located within Baddow Road often have no parking provision.
- 6.32. In light of the site’s close proximity to public car parks, the lack of provision for the proposed commercial unit would not justify refusal of this application. In the event that goods are required to be loaded or unloaded to or from the commercial unit, the logistics of this will need to be addressed by the occupant. Given the modest area of commercial floorspace proposed, it is likely that deliveries could be made by small vehicles which would be no different to other businesses further along Mildmay Road which also have to operate within the parking restrictions in this area.
- 6.33. In respect of highway safety, the Local Highway Authority (LHA) has been consulted on this application. They have no objections to the proposal subject to the imposition of appropriate conditions regarding parking and cycle storage provision. They have also requested conditions regarding the provision of residential travel information packs and a construction method statement. The Council does not require the provision of travel information packs and a construction method statement for developments of fewer than 10 dwellings. The applicant has submitted a construction method statement with the application documents and this demonstrates that it is possible to construct the proposed development while acknowledging the site’s physical constraints. In light of the LHA’s consultation response, the proposed development would not have a detrimental impact on highway safety.



### ***Flooding***

- 6.34. The site lies within flood zones 2 and 3a and the Environment Agency has been consulted on the proposed development and the submitted flood risk assessment. They have no objections to the proposals on the basis of the 'more vulnerable' residential uses being located above ground floor level on the first and second floors. The proposed re-provision of retail use at ground floor falls within the 'less vulnerable' classification and this is acceptable within the flood zones. The amount of building form at ground floor level would be similar to that which currently exists. As such the proposal would not result in displacement of flood water elsewhere when compared to the existing built form.
- 6.35. The proposed development is acceptable in respect of the safety of the proposed development from flood water in addition to having no greater impact on the potential for flooding of neighbouring properties and complies with the objectives of Chapter 14 of the NPPF and the requirements of Adopted Local Plan Policy DC22 and Emerging Local Plan Policy NE3, which can be afforded limited weight in the decision-making process.

### ***Other Matters***

- 6.36. Concerns have been raised regarding the impact of additional dwellings in generating authorised parking in neighbouring private car parks. The proposal would provide adequate parking provision for the number of units indicated. When determining planning applications, the Council cannot take into account something which may occur on third party land without the owners' consent. There is no evidence that this proposal would result in unlawful parking occurring outside the site.
- 6.37. The Local Highway Authority has considered the proposals and has no objections in relation to highway safety. The proposed building would be located at the back edge of the pavement and would not impede visibility for drivers or pedestrians. Both pedestrians and drivers of vehicles have a responsibility to assess the presence or absence of each other when crossing access points. In the absence of any highway safety concerns this is not a matter which would warrant refusal of this application.
- 6.38. The Council has not adopted space standards for new dwellings however if the proposal is compared with the national space standards, the floor areas exceed the figures stated for a one-bedroom, one-person unit and they are slightly lower than those for a one-bedroom, two-person unit. The proposed flats would not be unduly cramped.
- 6.39. The applicant has indicated that a right of access exists through the car park and has completed Certificate B with the application form indicating that notice of the application has been served on the owners of the car park. The Council does not hold details of land ownership and the planning system allows for planning applications to be submitted, and planning permission subsequently granted if appropriate, on land that the applicant does not own. This does not override the landowner's ability to prevent development taking place on their land and this would be a civil matter between the various parties. Planning applications cannot be refused on the basis of disputes about land ownership and rights of access subject to the correct landownership certificates having been submitted with the planning application.
- 6.40. The layout of the proposed ground floor would allow vehicles to enter and leave the parking spaces without affecting the access to the bin store.



- 6.41. Access for ongoing maintenance for the exterior of the building will be a matter for the landowner to address. In common with any requirement for scaffolding on adjacent land, these are civil matters which fall outside the remit of Planning legislation and are not material considerations when determining planning applications.
- 6.42. The grant of planning permission will inevitably result in construction activity on a site. By its nature, this is a temporary impact and as such it is not a matter which can be taken into account when determining planning applications. Recommended working hours are attached to planning decision notices and any disturbance or disruption which constitutes a statutory nuisance can be dealt with under Environmental Health legislation.
- 6.43. The impact of a development on the ability to let a nearby property is not a matter which can be considered when assessing planning applications.

## **7. Community Infrastructure Levy (CIL) and RAMS**

- 7.1. This application may be CIL liable and there may be a CIL charge payable.
- 7.2. 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. The applicant has signed and completed a unilateral undertaking securing a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) project.

### **RECOMMENDATION**

**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**

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 DC21 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 4**

Prior to their use, samples 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.

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 DC17 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 5**

All new brickwork shall be constructed to give the appearance of Flemish bond, with either a flush or recessed mortar joint.

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 DC17 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 6**

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

- (a) Windows;
- (b) Eaves, verges, hips and ridges;
- (c) Doors;
- (d) Brick detailing;
- (e) Parapets;
- (f) Balconies;
- (g) Flues and vents;
- (h) Junctions between changes in materials;
- (i) Meter boxes;
- (j) Satellite dishes;
- (k) External lighting;
- (l) Screens.

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 DC17 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 7**

All rainwater goods shall be metal.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the Conservation Area in which the development is situated in accordance with Policy DC17 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 8**

No flat shall be occupied until space has been laid out within the site for cars to be parked in the identified parking spaces shown on drawing no. 17/11/20 and that space shall thereafter be kept available at all times for the parking of vehicles.

Reason:

To ensure that sufficient parking is available to serve the development in accordance with Policy DC7 of the Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 9**

No dwelling shall be occupied until secure and covered bicycle parking has been laid out within the site in accordance with details which shall previously have been submitted to and approved in writing by the local planning authority. Those spaces shall thereafter be kept available for the parking of bicycles only.

Reason:

To ensure that sufficient bicycle parking is available to serve the development in accordance with Policy DC7 of the Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 10**

The ground floor premises shall be used for retail A1 use and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DC4 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 11**

The A1 retail use hereby permitted shall only take place between the following hours:

08.00 – 18.00 Mondays - Fridays;

08.00 – 18.00 Saturdays; and

10.00 – 16.00 Sundays and Bank Holidays.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with Policy DC4 of the adopted Core Strategy and Development Control Policies Development Plan Document.

## 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 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.
- 3 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.
- 4 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.

- 5 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.
- 6 You are reminded that this application is subject to a Unilateral Undertaking, which requires that a payment should be made to the local authority upon commencement of the development (or at any other time as varied by the Undertaking).
- 7 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 8 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).
- 9 The proposed demolition in the scheme should not be carried out until you have given notice to the Chelmsford City Council (Building Control Manager) of your intention to do so pursuant to Section 80 of the Building Act 1984.  
  
Notice should be in writing and accompanied by a block plan (e.g. 1/500) clearly identifying the building(s) to be demolished.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted. 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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**ECC Historic Environment Branch**

Comments
<p>11.09.2019</p> <p>RE: 19/01354/FUL - Site at 18-20 Mildmay Road, Chelmsford, Essex</p> <p>The above application has been identified on the weekly list and checked on the web site by the Historic Environment Advisor 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 within the defences of the Roman town of Chelmsford and adjacent to an area where excavation has shown the survival of Roman features. 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 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.</p> <p>(ii) 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.</p> <p>The archaeological work will comprise excavation following the demolition of the existing building. Demolition must not be carried out below current ground level. 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>

**Public Health & Protection Services**

Comments
<p>27.08.2019 - 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 parking space.</p> <p>Please add the construction times informative.</p>

**Essex County Council Highways**

Comments
<p>19.09.2019</p> <p>This recommendation is consistent with the earlier and similar application 18/01790/FUL submitted and subsequently withdrawn by the applicant late in 2018.</p> <p>The Parking Standards allow a reduced parking standard, which has been applied to this proposal. Reduced parking standards may be applied to residential developments proposals located in main urban areas with</p>

frequent and extensive public transport, cycling and walking links.

The proposal is located very close to regular frequent public transport services in Parkway/New London Road and public car parking facilities.

The surrounding streets are protected by existing TRO parking restrictions and

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. No development shall take place, including any ground works or demolition until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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. wheel and underbody washing facilities

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

Notes for 1 above

a. 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.

b. The submission of the Construction Method Statement is welcomed however details for wheel and under vehicle cleaning must be included to meet condition 1 above.

2. Prior to first occupation of the development, the 2no. undercroft vehicle parking spaces shown in the Proposed Ground Floor Plan, drawing no 17/11/20 shall be constructed ready for use. The vehicle parking area shall be retained in this form 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.

3. Six cycle parking spaces shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per 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

### South Essex Parking Partnership

#### Comments

Please note that this development would not be entitled to join the resident permit scheme as per the Traffic Regulation Order . Andy Clay, TRO Manager South Essex Parking Partnership.

### Environment Agency

#### Comments

23.09.2019

Thank you for your consultation dated 19 August 2019. We have inspected the application, as submitted, and have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

#### Flood Risk

Our maps show the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the demolition of the existing commercial building and construction of 4 residential flats at first and second floor and replacement commercial unit at ground floor, additional provision of cycle and bin stores, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, prepared by Ingent Consulting Engineers Ltd, referenced 1802-146 and dated October 2018 are:

The site lies within the flood extent for a 1% (1 in 100) annual probability event, including an allowance for climate change.

The site does benefit from the presence of defences. The defences (have an effective crest level below the 1% (1 in 100) annual probability flood level including climate change and therefore the site is at actual risk of flooding in this



event.

Finished ground floor levels have been proposed at 24.275m AOD. This is below the 1% (1 in 100) annual probability flood level including climate change of 24.45 AOD and therefore at risk of flooding by 0.71 m depth in this event.

Flood resilience/resistance measures have been proposed.

Finished first floor levels have not been detailed, but based upon the confirmed ground floor level, would provide refuge above the 0.1% (1 in 1000) annual probability flood level of 24.721m AOD.

The site levels range from 24 - 24.2mAOD and therefore flood depths on site could reach 0.25-0.45 m in the 1% (1 in 100) annual probability flood event ,including climate change.

Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 1% (1 in 100) annual probability flood event including climate change.

Therefore this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 1% (1 in 100) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant but you should determine its adequacy to ensure the safety of the occupants.

Compensatory storage is not required because the built footprint proposed is not greater than the existing.

A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a flood.

Guidance for Local Council

Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding. You should determine whether the proposed measures will ensure the safety and

sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at:  
[http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf).

Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at: <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

Safety of Inhabitants - Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.

Safety of Inhabitants - Emergency Flood Plan

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be:

- A danger to most people (e.g. there will be danger of loss of life for the general public)

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services on the evacuation proposals.

Partnership funding for new/upgraded defences

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application.

Sequential Test / and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 158 of the National Planning Policy Framework. The Exception Test is set out in paragraph 160. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

We trust that this advice is useful.

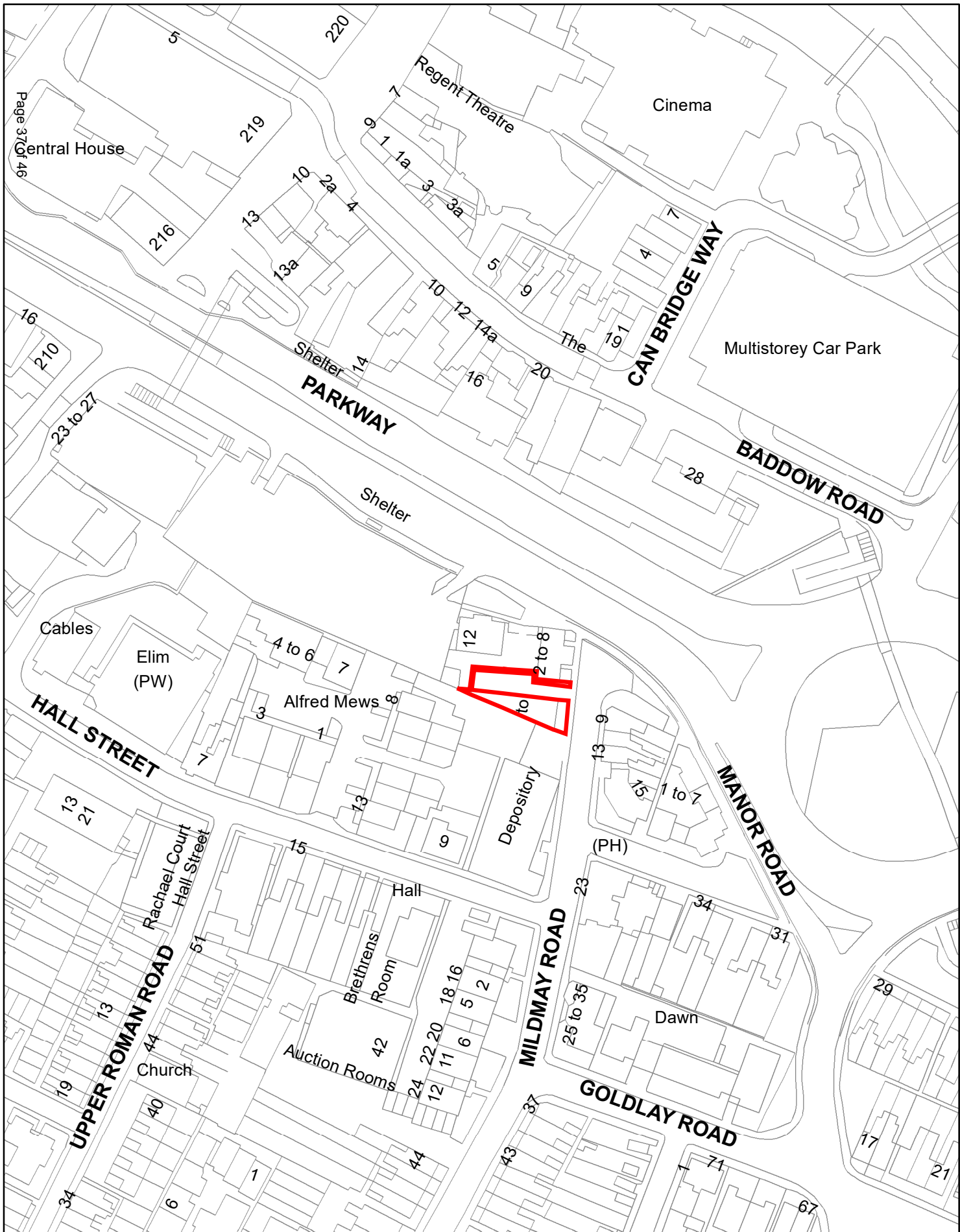
## Recycling & Waste Collection Services

Comments
No response received

## Local Residents

Comments
<p data-bbox="148 309 1428 376">One petition has been received with 15 signatures titled “Petition of local neighbourhood against planning application 19/01354/FUL”</p> <p data-bbox="148 416 922 448">14 Representations received. Main points and objections raised:</p> <ul data-bbox="301 452 1444 1980" style="list-style-type: none"> <li>- The revised plans have not addressed previous concerns</li> <li>- Impact of more new development on the listed and locally listed properties in the vicinity of the site</li> <li>- Concerned about the effect the new building will have on the character and appearance of the Conservation Area</li> <li>- Loss of light and overshadowing of adjacent properties</li> <li>- Proposed building will overlook the gardens of properties at Alfred Mews</li> <li>- Insufficient parking provision for the proposed development – this is an area where parking is already extremely restricted and oversubscribed</li> <li>- Proposed position of the building adjacent to Mildmay Road would create blind spots at car park entrances to the Mildmay Road and Marconi building flats</li> <li>- Size and position of building will detract from the immediate setting</li> <li>- Existing parking space will be lost with only two spaces proposed</li> <li>- Concerns regarding highway safety in respect of vehicles manoeuvring to access/leave parking spaces</li> <li>- Disagree with the Conservation Officer’s comments</li> <li>- The proposed flats are cramped and contrived</li> <li>- No amenity space is proposed for the flats</li> <li>- Dispute that there is a right of access through the Mildmay Road flats car park to the rear of the application site</li> <li>- Concerns regarding bins being left outside the front of the property and not being taken back to bin store area</li> <li>- Concerns about the proposed construction method statement details, such as proposed working hours, lack of information on site hoarding, position of existing street light restricting access, ability to store materials on the site and construct the building</li> <li>- The proposals are contrary to a number of draft local plan policies</li> <li>- No parking is proposed</li> <li>- Loss of privacy between site and dwellings on Mildmay Road opposite</li> <li>- Overdevelopment of the site</li> <li>- Disruption from construction works</li> <li>- Loss of views from existing properties</li> <li>- Will generate unauthorised parking in neighbouring private car parks</li> <li>- There is no bin store for the commercial unit</li> <li>- Parked cars would obstruct access for the bins store</li> <li>- Query whether there is a demand for a proposed commercial space in this location</li> <li>- Other “A” uses would not be appropriate in this location</li> <li>- How will the exterior of the building be maintained with no access except from third party land?</li> <li>- Development of other adjacent sites has been disruptive to neighbouring properties and this would result in similar disturbance</li> <li>- Proposed scaffolding on the neighbouring land would affect the usability of car parking spaces</li> <li>- Impact of dirt and dust from construction works on neighbouring properties</li> </ul>

- Negative impact of the construction works on tenanted, neighbouring properties and resultant loss of income for landlords



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**19/01354/FUL**

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

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

Telephone: 01245 606826





PROPOSED STREETSCENE



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



angled reveals restrict views towards Alfred Mews

PLAT 2  
47sqm

PLAT 1  
41sqm

LIVING ROOM

DINING

KITCHEN

BATH ROOM

BEDROOM

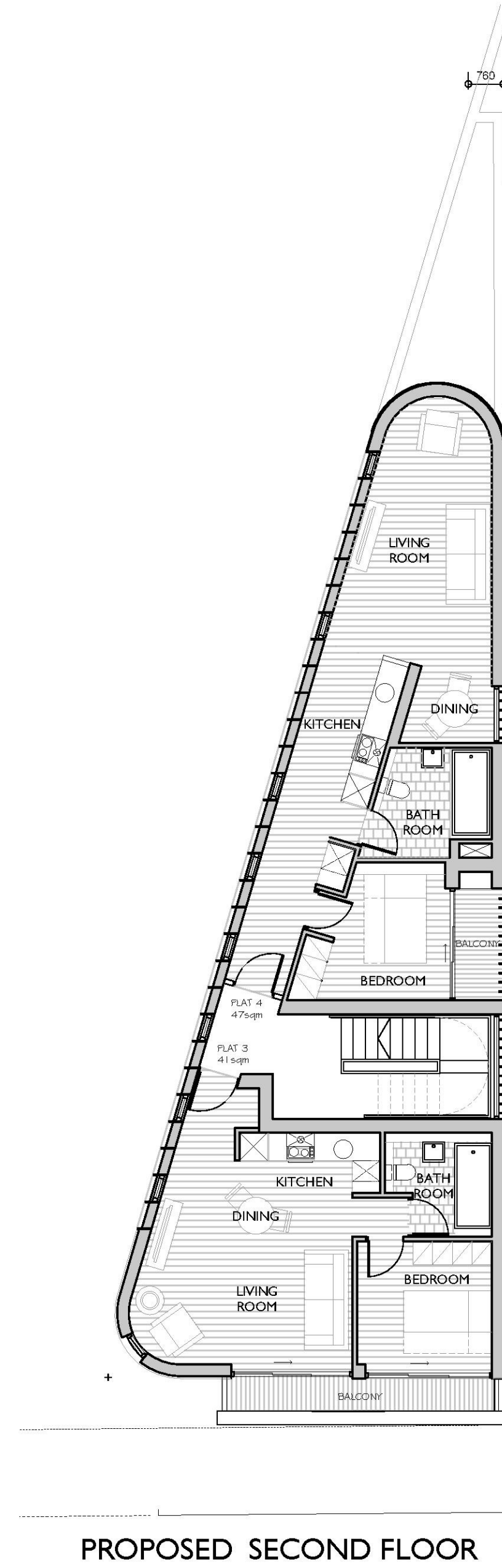
BALCONY

STAIRS

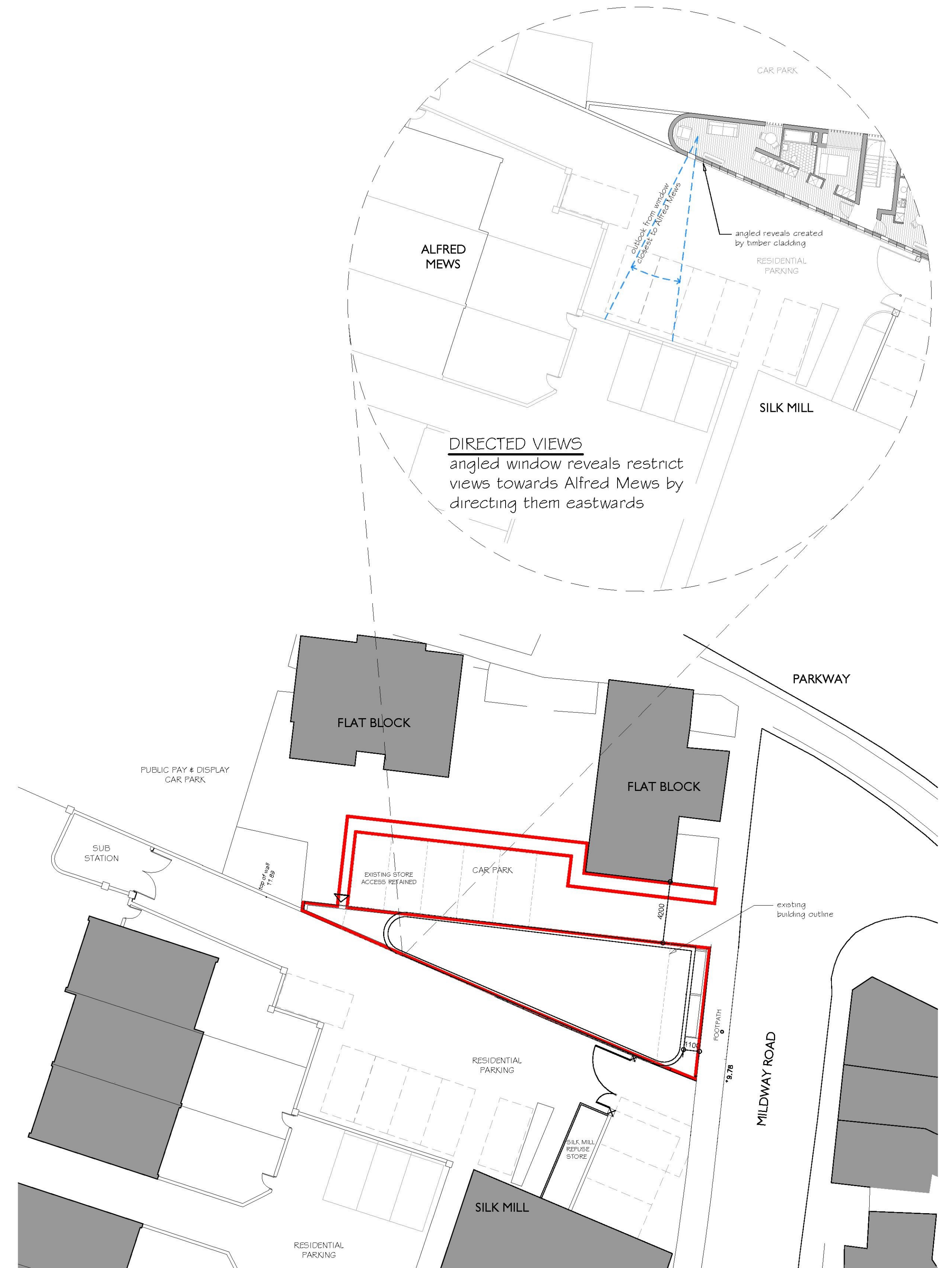
750

PROPOSED FIRST FLOOR

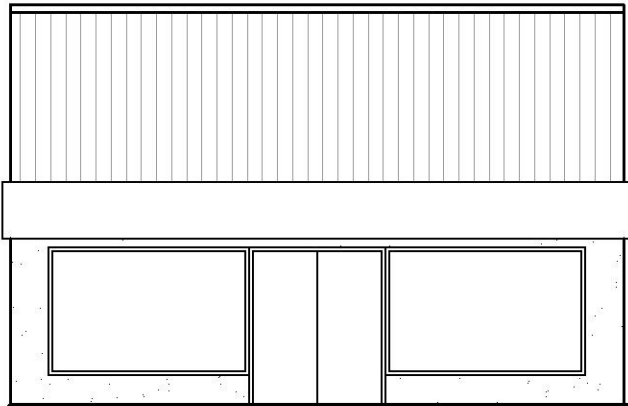
PROPOSED FIRST FLOOR



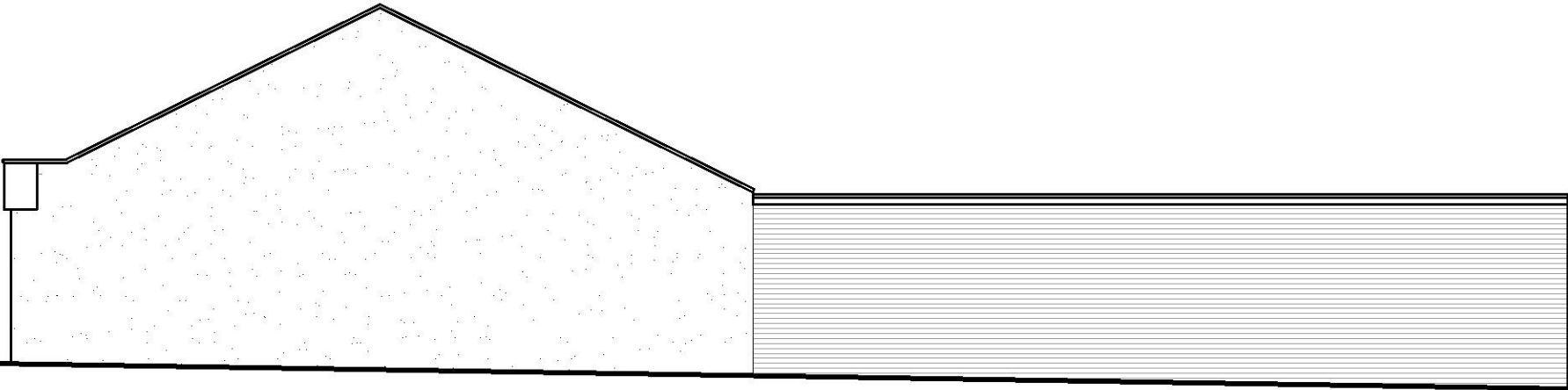
PROPOSED SECOND FLOOR



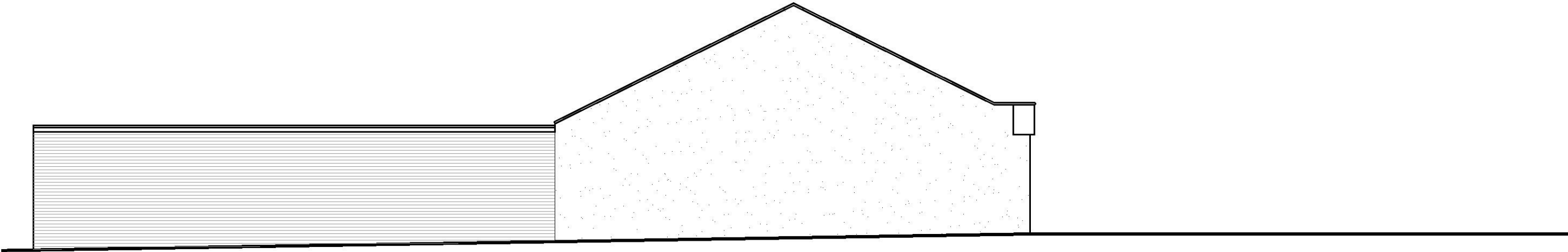
## PROPOSED SITE PLAN



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION





EXISTING SITE PLAN

# Appeals Report

Appeal Decisions received between 28/10/2019 and 22/11/2019

## PLANNING APPEALS

Total Appeal Decisions Received	12	
Dismissed	9	75%
Allowed	3	25%
Split	0	0%

### Written Reps

#### Site At Writtle Wick Family Centre Chignal Road Chelmsford

<b>Reference</b>	19/00144/FUL
<b>Proposal</b>	Change of use from children's day centre (D1) to 3x dwellings (C3) and construction of additional 4x dwellings, including garage, parking spaces and all associated works.
<b>Appeal Decision</b>	Appeal Dismissed - 20/11/2019
<b>Key Themes</b>	<ul style="list-style-type: none"> <li>- Listed Building</li> <li>- Harm to neighbour by overlooking</li> <li>- Impact on protected trees</li> <li>- Harm to private access and highway safety</li> </ul>
<b>Agreed with CCC on</b>	The Inspector agreed that it should be dismissed.
<b>Disagreed with CCC on</b>	The Inspector disagreed with the Council that there would be no harm to the listed building. They also disagreed that there would be harm to the neighbours amenities, protected trees or highway safety.
<b>Costs Decision</b>	None

Notes: Although the Council raised no objections to the effect of the proposal on this Grade II listed building, the Inspector considered that the new terrace would adversely affect the setting of the Grade II listed building, causing less than substantial harm

#### Byways Smallgains Lane Stock Ingatestone CM4 9PP

<b>Reference</b>	19/00350/FUL
<b>Proposal</b>	Retrospective application to retain portable garage, hard standing and implement store.
<b>Appeal Decision</b>	Appeal Dismissed - 14/11/2019
<b>Key Themes</b>	Whether inappropriate development, effect on openness and purposes of the Green Belt, effect on character and appearance of the area, any very special circumstances
<b>Agreed with CCC on</b>	Inappropriate development, harmful to openness and purposes of Green Belt, harmful to intrinsic character and beauty of the countryside, no very special circumstances outweigh the harm.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Barn 35 Little Boyton Hall Farm Boyton Hall Lane Roxwell Chelmsford

<b>Reference</b>	18/02122/FUL
<b>Proposal</b>	Erection of a new warehouse building for the purposes of Storage/Distribution and Business uses (Use Classes B1, B2, and B8)
<b>Appeal Decision</b>	Appeal Allowed - 07/11/2019

<b>Key Themes</b>	Character of the countryside; rural employment area
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	Emerging policy EM1 (rural employment areas) does not preclude employment development outside of the area. No harmful effect on wider rural landscape.
<b>Costs Decision</b>	None

#### De Beauvoir Farm Equestrian Centre Church Road Ramsden Heath Billericay Essex CM11 1PW

<b>Reference</b>	19/00534/MAT
<b>Proposal</b>	Variation to approved planning application 18/00582/FUL for alterations to plot 1 dwelling.
<b>Appeal Decision</b>	Appeal Dismissed - 04/11/2019
<b>Key Themes</b>	Design, Green Belt, character and appearance
<b>Agreed with CCC on</b>	Poor detailed design, harm to the character and appearance of locality
<b>Disagreed with CCC on</b>	Not inappropriate development in Green Belt through harm caused
<b>Costs Decision</b>	None

#### Land South Of Homecroft Southend Road Great Baddow Chelmsford Essex

<b>Reference</b>	19/00388/FUL
<b>Proposal</b>	Proposed bungalow with all associated works.
<b>Appeal Decision</b>	Appeal Dismissed - 13/11/2019
<b>Key Themes</b>	Residential Infilling, Highway Safety, Impact on Neighbours Living Conditions, Effect of European Designated Site, Impact on Rural Character
<b>Agreed with CCC on</b>	Not an Infill Plot, Urbanisation of the Rural Area, Detrimental Impact to Protected Trees, Not a Sustainable Location, Detrimental Impact to Highway Safety, Financial Contribution secured under Section 106, Material Harm to the Occupiers of Neighbouring Properties
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land Adjacent 35 Vicarage Lane Great Baddow Chelmsford

<b>Reference</b>	19/00522/FUL
<b>Proposal</b>	Demolition of detached garage. Construction of a single storey dwelling with formation of new vehicular accesses.
<b>Appeal Decision</b>	Appeal Dismissed - 31/10/2019
<b>Key Themes</b>	Character and appearance of the area
<b>Agreed with CCC on</b>	Harmful to the character and appearance of the area
<b>Disagreed with CCC on</b>	-
<b>Costs Decision</b>	None

#### All Seasons Farmhouse (Formerly Baddow Park Farmhouse) Brook Lane Great Baddow Chelmsford CM2 7SX

<b>Reference</b>	19/00830/FUL
<b>Proposal</b>	Retrospective application for the construction of an outbuilding to facilitate Canine Day Care.
<b>Appeal Decision</b>	Appeal Dismissed - 08/11/2019

<b>Key Themes</b>	- impact on the green belt and character of the countryside - noise disturbance to the neighbours and locality
<b>Agreed with CCC on</b>	The outbuilding harms the openness of the Green Belt and the intrinsic character of the countryside. 'Very special circumstances' do not exist to overcome the harm to the Green Belt
<b>Disagreed with CCC on</b>	The proposed business does not impact the locality by virtue of noise.
<b>Costs Decision</b>	None

#### Land North Of Edwins Hall Road Woodham Ferrers Chelmsford

<b>Reference</b>	19/00397/FUL
<b>Proposal</b>	Erection of 6 new stables and hay barn. Construction of manege, hardstanding, gate posts and access
<b>Appeal Decision</b>	Appeal Dismissed - 13/11/2019
<b>Key Themes</b>	Rural Area, Highway Safety, Protected Lane
<b>Agreed with CCC on</b>	Impact on highway safety, stables and gate posts causing harm to the character and appearance of the area
<b>Disagreed with CCC on</b>	Harm caused from hard standing and engineered ledge to accommodate the proposed manege.
<b>Costs Decision</b>	None

Notes: The Inspector did not address the third reason for refusal which was impact on a Protected Lane. He did not identify it as a main issue despite the Council raising it in their appeal statement and nor did he address it as an 'Other Matter' in the conclusion.

#### Little Belsteads Back Lane Little Waltham Chelmsford CM3 3PP

<b>Reference</b>	18/01811/FUL
<b>Proposal</b>	Proposed new building for severe learning difficulties in conjunction with existing Little Belsteads School on site.
<b>Appeal Decision</b>	Appeal Allowed - 08/11/2019
<b>Key Themes</b>	Green Wedge
<b>Agreed with CCC on</b>	none.
<b>Disagreed with CCC on</b>	No harm to visual openness or overall character.
<b>Costs Decision</b>	None

### Householder

#### Wakeford Howe Green Chelmsford Essex CM2 7TN

<b>Reference</b>	19/00733/FUL
<b>Proposal</b>	Two storey rear extension.
<b>Appeal Decision</b>	Appeal Dismissed - 04/11/2019
<b>Key Themes</b>	Whether the proposal would be inappropriate development in the Green Belt including any effects on the openness of the Green Belt
<b>Agreed with CCC on</b>	Reduction in openness of the Green Belt and therefore inappropriate development
<b>Disagreed with CCC on</b>	-
<b>Costs Decision</b>	None

#### 8 Nalla Gardens Chelmsford Essex CM1 4AX

<b>Reference</b>	19/00843/FUL
<b>Proposal</b>	Retrospective for front dormer.
<b>Appeal Decision</b>	Appeal Allowed - 12/11/2019

<b>Key Themes</b>	Protecting Amenity, High Quality Development
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	Does not cause unacceptable harm to the character or the appearance of the area. No unacceptable loss of privacy.
<b>Costs Decision</b>	None

## 2 Victoria Road South Woodham Ferrers Chelmsford CM3 5LR

<b>Reference</b>	19/01086/FUL
<b>Proposal</b>	Retrospective application for 1.8m high fence
<b>Appeal Decision</b>	Appeal Dismissed - 21/11/2019
<b>Key Themes</b>	Effect of the Development on character and appearance of the area.
<b>Agreed with CCC on</b>	Out of keeping with the area, Incongruous on the street scene, No comparisons within the local area, Harmful to openness of frontages.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

## TREES APPEALS

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

## Householder

## 17 Lodge Road Writtle Chelmsford Essex CM1 3HY

<b>Reference</b>	19/05100/TPO
<b>Proposal</b>	G1 - Yew - Fell - Reason: Too close to house, causing damage;G2 - Sycamore - Fell - Reason: Tree is in bad health;G3 - 6x Yew - Fell - Reason: Imposing onto other trees and pond area, need to make space for new hedge;G4 - 2x Yew - Fell - Reason: To all
<b>Appeal Decision</b>	Appeal Dismissed - 19/11/2019
<b>Key Themes</b>	Removal of 9 Yew trees within the grounds of a grade II listed building.
<b>Agreed with CCC on</b>	Trees are important to the conservation area, setting of listed building and local biodiversity network. Their removal would have a negative impact on the public amenity of the locality.
<b>Disagreed with CCC on</b>	none
<b>Costs Decision</b>	None

## HIGH HEDGES APPEALS

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

### Householder

#### Winstanley House Fitzwalter Lane Danbury Chelmsford Essex CM3 4DZ

<b>Reference</b>	18/00003/HH
<b>Proposal</b>	High Hedges Complaint
<b>Appeal Decision</b>	Appeal Dismissed - 04/11/2019
<b>Key Themes</b>	whether the Council's decision not to issue a Remedial Notice to manage the height of the hedge was appropriate and reasonable
<b>Agreed with CCC on</b>	The hedge was not adversely affecting the complainant's reasonable enjoyment of the domestic property. The vegetation should not be the subject of a high hedge remedial notice.
<b>Disagreed with CCC on</b>	None.
<b>Costs Decision</b>	None