

MINUTES
of the
PLANNING COMMITTEE
held on 3 October 2023 at 7pm

Present:

Councillor J. Sosin (Chair)
Councillor S. Dobson (Vice Chair)

Councillors J. Armstrong, J. Frasca, S. Hall, R. Hyland, R. Lee, V. Pappa, E. Sampson, A. Thompson, A. Thorpe-Apps, N. Walsh and P. Wilson

Also Present:

Councillors J. Hawkins and M. Steel

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 Councillors Lardge and Tron. Councillor Frasca substituted for Councillor Lardge and Councillor Walsh for Councillor Tron.

3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had 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 became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

4. Minutes

The minutes of the meeting on 5 September 2023 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

Public questions and statements were asked on Items 6 and 7 and are detailed under the relevant items. [The statements submitted in advance can be viewed via this link.](#)

6. 23/00195/FUL – Garages Rear of 27 Medway Close, Chelmsford, Essex

The Committee considered an application for six affordable dwellings on an urban brownfield site, that consisted of 32 garages, of which only two were still used for parking. The Committee heard that as the application had been made by the City Council and objections had been received, the matter needed to be decided by the Planning Committee. The Committee were informed that access to the site would be from Medway Close on the eastern side, with the east and north boundaries of the site meeting long rear gardens of existing properties, with undeveloped woodland to the South and West. It was also noted that no protected trees were within the vicinity of the proposals. The Committee heard that two new garages would be built to replace the existing ones still in use, suitable pedestrian and vehicle access would be provided, alongside the provision of a pedestrian walkway and the retaining of any legal access points.

The Committee were reminded of the significant need the City Council had for housing of this type, crucially four bedroom, six person accommodation, which was the most undersupplied type in Chelmsford and which was vital in assisting with housing need in the City. It was noted that the proposal was for 100% affordable housing and would include five four bedroom, six person houses and a 1 bed, two person flat. The Committee heard that objections had been received regarding, neighbour impacts, parking displacement, design and flood risk. It was noted that the distance between the proposed dwellings and the end of existing rear gardens was 10m. The Committee heard that whilst the Local Plan's Appendix B recommended a distance of 15m from the rear of development to boundary, that the rear gardens of the existing rear properties were relatively long. This therefore meant that properties to the north are in excess of 30m from the proposed rear elevations and exceeded the recommended minimum back to back distance and achieved adequate remoteness to protect the amenity of the existing properties. It was also noted that the increase in noise would be minimal and the application therefore complied with DM29. The Committee also heard that the amount of parking spaces offered complied with the Essex Parking Standards and the survey detailed there would be no increase in kerbside parking stress. It was also noted that the existing design and character of nearby properties had been taken into consideration and met by the plans. The Committee heard that discussions had taken place with the Fire authority and they did not have any concerns with the application. It was noted that the Lead Local Flood Authority also had no concerns and some residual matters had been picked up by relevant mitigations in the plans.

In summary the Committee were informed that the application, would have a positive impact on affordable housing, an acceptable impact on neighbours, met amenity standards, had sufficient parking, adequate access provisions for all vehicles and was acceptable in terms of flood risk. Therefore the application was recommended for approval.

The Committee heard from members of the public who raised the following points;

- Incorrect measurements for Fire Vehicles had been used in the documents of 2.4m rather than the correct width of 2.9m, therefore they would not be able to enter into the site.
- Residents along Medway Close had always had rear access into their properties, that would be lost under the current plans.
- There would be an adverse impact to a nearby badger set and to newts and frogs in nearby ponds.

- The parking survey that quoted 84 spaces was not correct as it had counted both sides of Thames avenue as available whereas it was not possible to park cars on both sides and it had also included curved sections of road which were not safe for parking.
- Concerns with access to the site and for existing accesses to existing properties.
- The pedestrian walkway being provided would not be wide enough for someone to use with children and a pram, so how would residents safely walk in and out of the development.
- The number of trips from the development was stated as only three during 8 and 9am, it was felt that this was significantly lower than expected, especially if there were families with schoolchildren living in the new houses.
- Why did the Local Plan rules on 15m being required to existing property boundaries not apply, just because some of the residents had long gardens.
- The proposals breached multiple areas of the Local Plan and Fire Safety Regulations.
- The access road should be 6m wide and the turning heads used on the plans were incorrect.
- It was not acceptable for emergency services vehicles to have to reverse more than 20m and the plans would have to be amended at a later stage if approved, to meet fire safety regulations.
- Existing residents had a right to privacy in both their houses and gardens.
- The 15m requirement for new houses to existing boundaries should be adhered to and it could not be traded off due to residents having longer gardens, it was a clear minimum standard.
- The rules made by the City Council in its Local Plan, also had to apply to itself when making applications and the plans should be resubmitted on a smaller basis, or the Council as landowner should use the site for rewilding.
- The current plans blocked access for existing residents whose deeds highlighted access rights.
- A recent test involving a concrete lorry demonstrated that the access was not wide enough as it became stuck in the road.
- Would the construction company be considerate of existing residents.
- Asbestos was on the site, but this had not been referred to in the application as an issue.

The Committee also heard from a local ward member, who stated that the affordable housing was much needed and the plans included positives such as solar panels and EV charging, but there were some concerns that needed addressing too. The Committee heard that many of these had already been raised by the local residents, but some issues needed highlighting further. It was noted that the access would be extremely narrow in an area with an existing severe parking problem, so options such as parking on existing green spaces, access to front drives or dropped kerbs and parking restrictions before work commencing would need exploring. The Committee also heard that pedestrian access to the site was unsafe in the current plans and this would need looking at alongside concerns about the size of the car ports and whether they were actually practicable, especially for larger family vehicles. The local ward member also raised concerns about community harmony during the development, the need for designated site traffic routes, elements of the plan related to this currently only as guidance, a dedicated communication channel for residents, unobstructed emergency access and a community liaison officer. They felt that these would be essential to balance the needs of the project with the quality of life for existing residents in the area.

In response to the various points raised, officers informed the Committee that;

- The 5m boundary deficit referred to was considered insufficient harm as there was in excess of 30m distance between buildings and so no demonstrable harm to loss of light, privacy or overbearing for residents.
- The windows in plots 1-5 had been amended so only one clear glazed window would now face neighbours.
- Various informatives would be included on any granted permission regarding noise of building works and breaches would be dealt with by the Public Health and Protection Services department.
- A construction management plan has been conditioned in agreement with the Highways Authority covering off issues for parking whilst working on the site.
- The access was wide enough for two vehicles to pass and was suitable for Fire and other emergency vehicles, this had been confirmed by the Fire authority and the tracking had been modelled by a transport consultant.
- All but 2 of the garages were empty. The parking needs of the development were met within its own application, so there would be limited displacement elsewhere, it was also not a valid material consideration if any unauthorised parking was taking place on the site.
- Some existing properties did have legal access rights and these had been adhered to within the plans, but some were not legally recognised and these would continue to be looked at by Property Services. It was noted that if other legal accesses were identified then these could probably be incorporated accordingly into the plans.
- An informative on contamination would resolve any asbestos concerns alongside the recommended condition to cover possible site contamination.

In response to questions and comments from the Committee, officers stated that;

- The parking surveys which had been carried out at various times detailed there was enough availability to deal with any displacement from the development and it was expected that this would be less than 10 cars.
- The Local Plan made allowances for residential remoteness standards leading to the less than 15m distance referred to being acceptable.
- 30 Medway Close had been acquired by the Council to improve and widen access to the site.
- There was no risk of flooding from rivers onto the site and the lead local flood authority had signed off their assessment and were happy with the concept surface water scheme.
- Solar panels were not included on the plans but are referenced in the planning statement and they would be installed as part of the development.
- The Committee were duty bound to consider the application before them, rather than any alternative ideas as to how the application could have differed.
- In terms of vehicle tracking, there was not any physical overlap onto structures as this has been tracked by professional software, this was just a display issue on the drawing, the fire authority were happy they could access the site and any other issues would be picked up at the building regulations stage.
- The footpath was a shared surface environment on an estate road and it was acceptable to terminate a footpath and then walk onto a road in situations such as this.

It was proposed by a member of the Committee and then seconded, that the application should be deferred to allow a site visit to be undertaken by the Committee. This was on the grounds that it would allow the Committee to look at issues surrounding safety, access points and privacy concerns and make a more informed decision. This was voted on and carried by the Committee.

RESOLVED that the application be deferred to a future meeting, pending a site visit by the Committee to look at issues surrounding safety, access points and privacy concerns, to make a more informed decision.

(7.03pm to 8.13pm)

7. 23/01167/FUL - Little Cleatop, South Street, Great Waltham, Chelmsford, Essex, CM3 1DP

The Committee considered an application for a proposed extension to a single storey bungalow to raise the roof, creating a first floor with dormers and balconies to the rear and a single storey front and rear extension, within the defined settlement of Great Waltham. The Committee were reminded of the green sheet of amendments, that had moved the external heat pump to a more suitable location and removed the external staircase that had been planned. The Committee heard that this was the first property when entering the village and the roof would be raised to match the neighbouring property. The Committee were informed that the application had been called in by a local ward member due to concerns regarding the impact on the amenity of the neighbouring property, Claremont and the design of the proposal. The Committee were informed that the proposal would alter the view from the window of Claremont, but it would be limited as the dormer would only extend 2m forward of the existing roof slope. It was also noted that the first floor extension would be set at the other side of the dwelling and would not be considered overbearing, therefore the proposed changes to the roof frontage had an acceptable relationship with the neighbour. The Committee also heard that the street was made up of a mix of properties with varied designs and that the proposal would suitably relate to the existing dwelling and the character of the area, it was therefore recommended for approval.

The Committee heard from the applicant who referred to the bungalow in question, needing significant improvement and changes in personal circumstances since its purchase, that meant extra space was required for them and their family. They stated that they had prioritised building a larger two storey family home, maximising energy efficiency where possible, with solar panels and heat pumps and environmentally friendly materials to blend in with the rest of the village. They referred to the extensive pre application processes which had led to amendments of their design after hearing local concerns and had removed the external staircase and relocated the external heat pump away from the neighbouring property. They asked the Committee to consider the amended layout and design which they hoped would work for everyone.

The Committee also heard from a member of the public who raised concerns with the application. They stated they understood their neighbour would want to extend their property and make it a larger home and were happy to adjust to change but felt the plans posed problems for themselves. They stated that the rooms on the upper floor of their house would lose substantial natural views and light would be blocked, compromising both the privacy and peace of their bedroom. They also referred to issues with the heat pump but acknowledged these had since been amended suitably.

The Committee also heard from a local ward member, Cllr Steel, who firstly declared a non-registrable interest as they were a close associate of one of the neighbours objecting. They addressed the Committee and then left the meeting after submitting their views. They informed the Committee that the plan was for quite an extensive enlargement of the property, with an impact on Claremont, the neighbouring property. They highlighted the loss of view, which they acknowledged was not a right but felt a less intrusive extension would be more sympathetic to the neighbours view and light. They stated that the dwelling to the East had been extended but the adjacent part was only single storey. They felt that DM29 of the Local Plan, detailed neighbour amenity should be safeguarded and that this would impact negatively upon that. They acknowledged that the heat pump had been moved to a more sensible location and hoped that a compromise could be met between the neighbours generally.

In response to the various points raised, officers informed the Committee that;

- The site was in the defined settlement and it was often less impactful to build upwards as in this instance, rather than extending the building outwards.
- The proposal matched the neighbouring property in terms of height and despite there being an impact on long established views, this was not a material planning concern and it also did not completely obstruct the existing view.
- The nearby dormer window would not have enough of an adverse impact for a refusal.

Members of the Committee acknowledged the efforts that had been made to amend and improve the application. They also stated that there would clearly be a significant impact on the neighbours view from their bedroom, but that this could not be considered as earlier confirmed by officers.

RESOLVED that the application be approved subject to the conditions detailed in the report and the amendments on the green sheet.

(8.14.pm to 8.39pm)

8. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 21st Augst and 20th September 2023 be noted.

The meeting closed at 8.39pm.

Chair