



**Planning Committee
10th January 2023**

Application No	:	22/01413/FUL Full Application
Location	:	Broomfield Mill Mill Lane Broomfield Chelmsford Essex CM1 7BQ
Proposal	:	Construction of residential annexe in rear garden of Broomfield Mill.
Applicant	:	Mr PETER MARRIAGE
Agent	:	
Date Valid	:	23rd July 2022

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1. Executive summary

- 1.1. This application is referred to the Planning Committee as it follows an application for a similar development which was refused by the Planning Committee (21/01399/FUL refers). The application must be determined by the Committee because Officers are recommending approval.
- 1.2. The proposal is for the construction of a residential annexe in the rear garden of Broomfield Mill. The proposed development would replace existing buildings and convert an existing pillbox.
- 1.3. The proposal would not adversely impact the designation or function of the Green Wedge.
- 1.4. The proposal would not have an adverse impact on the non-designated heritage assets.
- 1.5. The proposal would not have an adverse impact on protected species.
- 1.6. The application site is located within Flood Zone 3b. The application addresses the previous refusal as it includes compensatory measures which mitigate against the loss of flood plain volume. The proposed development also incorporates flood resilient and resistance measures and would be safe in terms of flood risk.
- 1.7. Approval is recommended.

2. Description of site

- 2.1. The site is located within the Green Wedge, outside of any defined settlement.
- 2.2. Broomfield Mill House is located on the northern side of Mill Lane, roughly 350m to the east of the defined settlement of Broomfield. The house itself is of 18th century origins and is included on the Council's Register of Buildings of Local Value. The grounds are also comprised of a collection of outbuildings, a glasshouse and prominent boundary walls.

3. Details of the proposal

- 3.1. The application proposes the construction of a residential annexe in the rear garden of Broomfield Mill.
- 3.2. The proposals seek to replace the greenhouse with a new structure of matching design. Parts of the existing outbuildings would be converted, and new additions constructed. The new block would be attached to a pillbox, located within the grounds. The new buildings would have a modern appearance with low pitch metal clad roofs and timber cladding.
- 3.3. The proposal also includes the enlargement of an existing pond, to mitigate against the loss of flood plain storage.

4. Other relevant applications

21/01399/FUL - Refused 3rd May 2022
Construction of residential annexe in rear garden of Broomfield Mill.

5. Summary of consultations

Environment Agency

Object to this application in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. The Environment Agency therefore recommend that the application is refused planning permission on this basis.

The Environment Agency were engaged for further comment on the mitigation provided for the development and stated that:

Compensatory storage has been proposed, however this is in the functional flood plain and therefore does not address the loss of an capacity caused by the development. Our position remains unchanged with regards to the application, we maintain our objection in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located.

Public Health & Protection Services

No comments.

Broomfield Parish Council

No objection.

Local residents

No representations received.

6. Planning considerations

Main Issues

6.1. The main issues to be considered as part of this application are:

- Impact to Green Wedge
- Flood Risk
- Heritage
- Ecology

Green Wedge

6.2. Policy S11 of the Chelmsford Local Plan states that The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks.

6.3. Policy DM7 of the Chelmsford Local Plan states that planning permission will be granted for new buildings and structures where the development does not conflict with the purposes of the Green

Wedge designation and is for one of a number of prescribed developments. Part B relates to the redevelopment of previously developed land.

- 6.4. Part B of Policy DM7 states that planning permission will only be granted where the role and function of the Green Wedge, in maintaining open land between built-up areas, protecting biodiversity and promoting recreation would not be materially harmed, and where the development would have no greater impact on the character and appearance of the area than the existing use and/or development. The Council will assess the development based on the following:

the size, scale, massing and spread of the new development compared to the existing; and
the visual impact of the development compared to the existing; and
the impact of the activities/use of the new development compared to the existing.

- 6.5. The first consideration for the decision maker is whether the buildings constitute 'previously developed land'. The definition of 'previously developed land' is in Annex 2 of the National Planning Policy Framework 2021 (NPPF) and is as follows:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 6.6. In this instance, the buildings proposed for redevelopment include a greenhouse, and a former greenhouse, to the northeast of Broomfield Mill House. Firstly, the buildings, which are all located within the residential curtilage of the main dwellinghouse, were used for domestic horticultural purposes and not for any form of agricultural trade or business. The buildings to be replaced therefore fall under the definition of previously developed land.
- 6.7. The proposed residential annexe would have a floor area of roughly 190 sqm, which would replace a redundant former greenhouse measuring 105 sqm. This level of increase in floor area equates to 81% over and above the size of the existing built form.
- 6.8. The proposed annexe would be a much more robust and visually prominent building than the existing built form. Although, as the proposed development would be well-designed and sensitive to the context of the site, it would contribute to the setting of the rural street scene and the wider Green Wedge designation. The proposed annexe would also be entirely contained within the residential curtilage and spatial confines of the site, as demarcated by the prominent boundary wall, so would not represent an encroachment into the open countryside.
- 6.9. For these reasons, the proposal complies with Policies S11 and DM7 of the Chelmsford Local Plan.

Flood Risk

- 6.10. Strategic Policy S2 states that the Council, through its planning policies and proposals that shape future development, will seek to mitigate and adapt to climate change. In addressing the move to a lower carbon future for Chelmsford, the Council will require that all development is safe, considering the expected life span of the development, from all types of flooding and appropriate mitigation measures are identified, secured and implemented. New development should not worsen flood risk elsewhere.

- 6.11. The Council will require that development is protected from flooding and that appropriate measures are implemented to mitigate flood risk both within the development boundary and off-site in all flood zones, and to ensure that the development remains safe throughout its life. In line with Policy DM18, development within areas of flood risk will be required to provide a safe means of access or suitably manage risk through some other means.
- 6.12. In this case, the application site lies within the fluvial Flood Zone 3B, being located directly adjacent to the River Chelmer. Flood Zone 3B is classified as functional floodplain and is deemed to be the most at-risk land of flooding from rivers or the sea. The Council, in their Strategic Flood Risk Assessment, as adopted by the Local Plan, have classified areas at significant risk of flooding to be within Flood Zone 3B. This classification is usually classified as land which has a 1:30 probability of flooding chance (one in 30-year event).
- 6.13. This proposal follows an application which was recently refused by the Planning Committee (21/01399/FUL refers). This application was refused on the basis that the site is located in Flood Zone 3B, the development would have increased the risk of flooding elsewhere and the applicant did not submit any mitigation to compensate for the loss of flood plain.
- 6.14. The current application proposes the same building, in the same position as the previous refusal. The main difference between the proposals, however, is that the current scheme proposes to mitigate against the loss of flood plain storage. Included within the proposal is the enlargement of an existing pond, within the flood plain, located in the water meadow roughly 400 metres to the south of Broomfield Mill. The plans detail that 20 cubic metres of flood plain will be lost due to the proposed development, but this will be compensated by the enlargement of the pond which will create an additional 63.7 cubic metres of floor plain storage.
- 6.15. The Environment Agency have provided further comment on the proposed mitigation and have stated that whilst compensatory storage has been proposed, this is in the functional flood plain and therefore does not address the loss of capacity caused by the development.
- 6.16. The applicant has confirmed that the compensatory pond will work as follows. The proposed enlarged pond would connect to the river through an existing ditch to the southeast. As the river fills with flood water it reaches the level of the connecting ditch. The compensation pond fills from the river via the ditch and eventually the river overtops the bank and the flood plain floods. The stored water remains in the pond until the river level falls. Once the flood abates and the flow is contained in the channel, the level in the pond drops as the river level falls.
- 6.17. The Council accepts the enlargement of the pond as acceptable mitigation which compensates for the loss of flood plain volume. Based on these compensatory measures, the proposal would result in a net gain of flood plain storage which weighs in favour of the proposed development. Further, local circumstances (as prescribed by the NPPF) should be taken into full account as the site is well protected by historic (boundary walls) and natural (small earth bunds) barriers, minimising the impacts of flood risk. The Flood Risk Assessment submitted with the application shows that flood resilient and resistance measures have been incorporated into the scheme which ensures that the development will be safe in terms of flood risk.
- 6.18. For the reasons stated above, the application overcomes the previous refusal as it includes compensatory measures which mitigate against the loss of flood plain volume. As such the proposal is acceptable and meets the requirements of Policies S2 and DM18 of the Chelmsford Local Plan.

Heritage

- 6.19. Policy DM14 of the Chelmsford Local Plan states that 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.
- 6.20. Broomfield Mill House is of 18th century or earlier origins, with an early 19th century front. The watermill formerly attached to it was demolished in 1919. There are a collection of outbuildings, a glasshouse, and boundary walls within the grounds. The building is included on the Council's Register of Buildings of Local Value for its architectural and historic interest, and prominence within the river valley. It should therefore be considered as a non-designated heritage asset.
- 6.21. To the northern corner of the plot is a WWII pillbox, part of the GHQ defence line, if forms part of a group of defences laid out to protect the river valley in the event of German invasion. The pillbox is a variant of a standard FW3/24 design, the plan form has been modified to fit the unusual shape of the site within the historic boundary wall within a fern garden created in the late nineteenth century. The survival of the original external door and the good condition of the internal shuttering are exceptional. The pillbox is included on the Council's Register of Buildings of Local Value for its historic interest at part of a group of WWII defences. This structure should also be considered as a non-designated heritage asset.
- 6.22. The proposals seek to replace the greenhouse with a new structure of matching design. Parts of the existing outbuildings would be converted, and new additions constructed. The new block would be attached to the pillbox, which would be converted into a study. The new buildings would have a modern appearance with low pitch metal clad roofs and timber cladding.
- 6.23. The existing glass house is in a poor condition, its replacement with a similar structure would maintain the character of the wall garden. The new buildings would be a low single storey in form and appear ancillary to the mill house. The main block would directly abut the pillbox and the living room would project on the southern side. The pill box was intended to be unobtrusive, hidden within the fern garden originally. The application proposes repair of the pill box. There would be no adverse impact on the setting of the Mill House. There would be a minor adverse impact on the setting of the pill box, but this would be outweighed by the benefit of its repair and re-use.
- 6.24. The proposal therefore complies with Policy DM14 of the Chelmsford Local Plan. Conditions attached to the permission will cover: details of materials; removal of permitted development rights; schedule of repairs to the pillbox; and large-scale details of windows, doors, eaves, verge, solar panels, plinths, vents, flues, external lighting, junctions between new and existing structures.

Ecology

- 6.25. The supporting Preliminary Roost Assessment has been carried out in accordance with published best practice. The structures were assessed for their likelihood to support protected species and signs of field signs indicating use were checked. The assessment found the site does not likely support bats and as such no further surveys are recommended. This is a proportionate and acceptable approach.
- 6.26. A condition will be attached to the permission which secures ecological enhancements including bird and bat boxes.

Other Matters

6.27. The proposal would not have a harmful impact on neighbouring properties and sufficient private amenity space would remain to the host dwelling.

7. Community Infrastructure Levy (CIL)

7.1. The proposal is CIL liable and CIL charge may be payable.

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

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

Reason:

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

Condition 4

A schedule of repairs and alterations to the pillbox and retained structures, shall be submitted to and approved in writing by the Local Planning Authority before the works are undertaken. The works shall then be carried out in accordance with the agreed schedule.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the non-designated heritage assets in accordance with Policy DM14 of the Chelmsford Local Plan.

Condition 5

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) doors
- (c) eaves
- (d) verge
- (e) solar panels

- (f) plinths
- (g) vents
- (h) flues
- (i) external lighting
- (j) junctions between new and existing structures

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

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the non-designated heritage assets in accordance with Policy DM13 of the Chelmsford Local Plan.

Condition 6

Prior to construction of the annexe hereby approved, the works to enlarge the pond shall be carried out in accordance with Approved Drawing No. FPC 1. Thereafter, the pond shall remain in this form in perpetuity.

Reason:

The pond is an essential compensatory measure which mitigates against the loss of flood plain volume. This condition ensures that the development is sustainable in flooding terms in accordance with Policies S2 and Policy DM18 of the Chelmsford Local Plan.

Condition 7

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

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

Reason:

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

Condition 8

Prior to first occupation of the development hereby approved, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The ecological enhancements shall include bird and bat boxes on retained trees and the details submitted to the Local Planning Authority shall specify the type of feature and its location.

Reason:

In order to promote biodiversity in accordance with Policy DM16 of the Chelmsford Local Plan.

Notes to Applicant

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

- 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, and further information can be requested by emailing 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 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.

Positive and Proactive Statement

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

Environment Agency

Comments

26.08.2022 - CONSTRUCTION OF RESIDENTIAL ANNEXE IN REAR GARDEN OF BROOMFIELD MILL

BROOMFIELD MILL, MILL LANE, BROOMFIELD, CHELMSFORD, CM1 7BQ.

Thank you for your consultation dated 4 August 2022. We have inspected the application as submitted and object in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. We therefore recommend that the application is refused planning permission on this basis.

Flood Risk

The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies within the fluvial Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event outline.

The proposed development is classified as 'more vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Flood Map Challenge

If the applicant does not believe the site does not fall within flood zone 3 they can seek to challenge the flood zones in the flood map for planning. To change the flood map, appropriate evidence must be supplied. We would require a detailed hydraulic model to confirm the classification of the site. The model would then be assessed by our Evidence and Risk team and if approved the map would then be updated. However the

flood map for planning will not be updated until all the proposed activities are completed on the site, such as land raising and the development itself. We will wait for a confirmation email that these have been achieved. Land can be deemed as "acting as a specific Flood Zone e.g. Flood Zone 1" for planning purposes, but for the purpose of the Flood Map we have a much stricter procedure. Please also be advised we cannot change the map based on a topographic survey. Model outputs and any new flood Zones should be provided as shapefiles for us to review.

The flood map for planning only identifies Flood Zone 2 and 3. As highlighted above Flood Zone 3b, the functional floodplain is identified within the Chelmsford Strategic Flood Risk Assessment. Chelmsford City Council would need to agree to any amendments to areas designated as Flood Zone 3b.

Other Sources of Flooding

In addition to the fluvial flood risk, described above, the site may also 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 this information is useful.

Yours Sincerely

Mr. Martin Barrell

Planning Specialist

Direct e-mail planning.ipswich@environment-agency.gov.uk

28.11.2022 - CONSTRUCTION OF RESIDENTIAL ANNEXE IN REAR GARDEN OF BROOMFIELD MILL

BROOMFIELD MILL, MILL LANE, BROOMFIELD, CHELMSFORD, CM1 7BQ.

Thank you for your e-mail dated 4 November 2022. We understand that having considered the application you are minded to approve the proposal. Our position remains unchanged with regards to the application, we maintain our objection

in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. However, given your indication that planning will be approved we have provided you with flood risk comments in the letter. Flood Risk The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies

within the fluvial Flood Zone 3b, the functional floodplain, as delineated by the 1 in 30 annual probability event outline. (Recently updated in the PPG) The development proposed is the construction of residential annexe in rear garden of Broomfield Mill which is classified as 'more vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

Flood Risk Assessment To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced Broomfield Mill, Broomfield,

Cont/d..

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Chelmsford and dated November 2020 are: Actual Risk

- o Development includes an increase in building footprint which would further reduce storage of the functional floodplain.

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

- o The site does not benefit from the presence of defences.

- o Finished ground floor levels have been proposed at 28.95m AOD. This is above the 1% (1 in 100) annual probability flood level including climate change of 28.79m AOD and therefore dry of flooding in this event.

- o The site level is a minimum of 28.20 m AOD and therefore flood depths on site are 0.59 m in the 1% (1 in 100) annual probability flood event including climate change.

- o 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.

- o 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).

- o Compensatory storage has been proposed, however this is in the functional flood plain and therefore does not address the loss of an capacity caused by the development.

- o Flood resilience/resistance measures have been proposed

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. 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 - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy

End

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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).

Sequential and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. 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 this information is useful.

Public Health & Protection Services

Comments

04.08.2022 - No PH&PS comments with regard to this application

Broomfield Parish Council

Comments

27.09.2022 - No objection

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Local Residents

Comments
No comments received