

# Planning Committee Agenda

**14 January 2020 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

14 January 2020

## 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 3 December 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. **LAND ADJACENT TO 27 HIGH STREET, STOCK – 19/01486/FUL**
7. **CHELMSFORD RUGBY FOOTBALL CLUB, CORONATION PARK, TIMSONS LANE, CHELMSFORD – 19/01755/FUL**

8. **LAND ADJACENT TO RYE COTTAGE, LARKS LANE, BROAD GREEN, GREAT WALTHAM – 19/01261/FUL**
9. **PLANNING APPEALS**

PART II (EXEMPT ITEMS)

NIL

**MINUTES**

of the

**PLANNING COMMITTEE**

held on 3 December 2019 at 7:00 pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, P Clark, A Davidson, S Dobson, P V Hughes,  
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 Councillors H Ayres and RJ Hyland. Councillor Hyland had appointed Councillor P Clarke as his substitute

3. **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.

4. **Minutes**

The minutes of the meeting held on 5 November 2019 were confirmed as a correct record and signed by the Chair.

5. **Public Question Time**

There were no questions or statements from members of the public.

6. **18-20 Mildmay Road, Chelmsford – 19/01354/FUL**

(M7, PL18, 2019) The Committee at its last meeting had been minded to refuse this application 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. It had deferred it for consideration of two detailed reasons for refusal, which were set out in the officers' report to the meeting. The officers had also proposed the wording for an alternative reason for refusal, which was essentially an expanded combination of the two other reasons. Councillor Pooley, who had spoken at the last meeting on behalf of residents objecting to the application, took no part in the discussion and voting on this item.

The Committee received advice on the procedure to be followed in the determination of an application which it was minded to refuse and had been deferred for the consideration of the detailed reasons for refusal. It was also told of the options available to it in deciding whether or not to approve the reasons for refusal presented.

Some Members spoke in support of the two detailed reasons for refusal and the alternative put forward. Others, however, expressed doubts that any of the reasons could be sustained and believed that the application was acceptable. After discussion, the majority of the Committee's members came to the view that the alternative reason set out in the report best represented their concerns about the application and were the strongest grounds on which to refuse it.

**RESOLVED** that application 19/01354/FUL in respect of the site at 18-20 Mildmay Road, Chelmsford be refused for the following 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 storeys, 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.

*(7.04pm to 7.24pm)*

7. **Planning Appeals**

**RESOLVED** that the information on appeal decisions between 28 October and 22 November 2019 be noted.

*(7.24pm to 7.25pm)*

8. **Urgent Business**

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

The meeting closed at 7.25pm.

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.
- DC14** Development Control Policy DC14 Protected Trees and Hedges - Planning permission will be refused for any development that would be liable to cause demonstrable harm to protected woodland, trees and hedgerows, unless conditions can be imposed requiring the developer to take steps to secure their protection.
- 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.
- DC21** Development Control Policy DC21 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.
- 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.
- LPHE3** Local Policy HE3 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.
- 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.
- LPNE2** Local Policy NE2 Trees, Woodland and Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
- 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
- SPS5** Strategic Policy S5 Conserving and Enhancing the Historic Environment - The Council will protect and enhance the historic environment. When assessing applications for development there will be a presumption in favour of the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to protect the significance of non-designated heritage assets.
- SPS6** Strategic Policy S6 Conserving and Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures.



## **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**  
**14<sup>th</sup> January 2020**

<b>Application No</b>	:	19/01486/FUL Full Application
<b>Location</b>	:	Land Adjacent 27 High Street Stock Ingatestone Essex
<b>Proposal</b>	:	<b>Demolish existing buildings and tennis court, construct new dwelling with detached double garage. Incorporating new access road from front parking area and new garden wall.</b>
<b>Applicant</b>	:	Mr Peter Stoner
<b>Agent</b>	:	Mr Daniel Washbourn
<b>Date Valid</b>	:	6th September 2019

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**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application is referred to the Planning Committee at the request of a local ward member so that the impact of the proposal on the Stock Conservation Area can be considered by the Planning Committee.
- 1.2. The site is located within the Defined Settlement of Stock where the principle of new development is acceptable. Compass Green (No. 27), is of 17<sup>th</sup> Century origins, is a Grade II listed building and the site lies within the Stock Conservation Area.
- 1.3. The existing tennis court would be removed and the rear garden to No. 27 would be formally subdivided and a new detached dwelling would be constructed in the eastern part of the site in a similar location to the tennis court.
- 1.4. The proposed dwelling would have a simple H-form, would be one and a half storey and have an outbuilding character and design. The low level of the proposed dwelling, combined with the flat green roofs to the garage and study, existing screening and set back nature of the scheme in the site means that the proposed dwelling would not be visible in key views from the High Street.
- 1.5. The proposal would not adversely impact on the setting of the listed building or the character and appearance of the conservation area.
- 1.6. Given the size, scale, height and positioning of the proposed development the proposal would maintain an acceptable relationship with all neighbouring properties.
- 1.7. The proposal would use the existing vehicular access onto the High Street and would provide sufficient off-street parking provision. The scheme would provide five spaces for the existing dwelling and four spaces for the proposed dwelling.
- 1.8. Approval is recommended.

## **2. Description of site**

- 2.1. The site lies within the Defined Settlement of Stock, where the principle of new development is considered acceptable. The site is currently the residential garden to Compass Green (No. 27), which is a Grade II listed building and the site lies wholly within the Stock Conservation Area. The plot is an irregular shape and is bounded by residential properties to the north and south, the High Street to the west and The Paddock to the east.
- 2.2. The existing garden includes one outdoor tennis court which is located within the eastern part of the rear garden.
- 2.3. The existing dwelling has an existing gate and vehicular access from the west which provides access onto the High Street.

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

- 3.1. The proposal would construct a part single, part one and a half storey dwelling. The dwelling would be made up of narrow span ranges in an H-shaped form. The one and a half storey part of

the dwelling would be T-shaped and would be the easternmost range which is located closest to the boundary with The Paddock. The ridge height of the one and a half storey part of the proposal would measure approximately 6m. To the north of the proposed dwelling a detached garden room would be constructed, this would be single storey have a flat green roof. This garden room would have a maximum height of 3.1m and would be accessed via a glazed link from the north corner of the proposed dwelling.

- 3.2. To the south of the proposed dwelling a detached double garage is proposed. This structure would have a flat green roof and a height of 3.1m. In between the dwelling and detached garage is a large parking and turning area which, when combined provide 4 off-street parking spaces for the proposed dwelling.
- 3.3. The dwelling would be accessed by a private access drive. This access drive would run along the southern part of the application site and would link to the existing parking area for No. 27 located behind the gated access in the western boundary wall.

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

- 4.1. 15/02058/FUL - Approved 5th February 2016  
A new vehicular gate in the existing front boundary wall, with landscaping in the garden for 3 additional parking spaces.
- 4.2. 15/02059/LBC - Approved 5th February 2016  
A new vehicular gate in the existing front boundary wall, with landscaping in the garden for 3 additional parking spaces
- 4.3. 19/00567/FUL - Application Withdrawn 24th June 2019  
New dwelling with detached double garage, new access road from front parking area and new garden wall with all associated works.

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

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

- Stock Parish Council
- Public Health & Protection Services
- Essex County Council Highways
- Recycling & Waste Collection Services
- ECC Historic Environment Branch
- Historic England
- Local residents

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

5.3. Stock Parish Council have objected to the proposal on the basis that the minor reduction in footprint of this scheme (in comparison to the withdrawn scheme) does not address the impact of the development on the surrounding listed buildings within the conservation area.

- 5.4. Public Health and Protection Services have no comments to make on the proposal.
- 5.5. Essex County Council Highways raised no objections to the proposal on the basis that the proposal would meet the parking standards as well allowing for vehicles to both enter and leave the site in forward gear. The local highway authority have requested conditions relating to construction method statement, inspection of the grass verge and gravel track prior to commencement and following completion of the development, requirement for parking and turning areas and access drive to be available for use prior to first occupation of the new dwelling, cycle parking and residential travel information packs.
- 5.6. No response has been received from Recycling and Waste Collection Services.
- 5.7. ECC Historic Environment Branch have highlighted that the site is located in an area of known archaeological features and deposits. They have requested a condition is imposed on any approval requiring a programme of archaeological investigation work.
- 5.8. Historic England have been consulted on the application. The requirement is to notify this statutory consultee should the development potentially affect the character or appearance of a conservation area where the development involves the erection of a new building and the area of land in respect of the application is more than 1,000 square metres. Historic England have responded noting that they do not raise an objection to the proposal and do not need to be notified or consulted on the proposed development.
- 5.9. Two neighbour representations have been received both objecting to the proposal. The objections raised the following concerns:
- Access from the front is tight and would cause damage to the green and footpath
  - Intensification of this access will increase and there is conflict between the site and pedestrians
  - Construction traffic would present a hazard to other highway users
  - No opportunity for vehicles to pass each other on the gravel track in front of Nos. 27 and 29 High Street

## **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 proposal
  - There would be harm caused to neighbouring properties through overlooking, overshadowing or overbearing impacts
  - The proposal would have an acceptable relationship with the protected trees
  - There would be adequate amenity space for the proposed occupants
  - Adequate vehicular access and parking arrangements would be provided

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

- 6.2. Chapter 12 of the National Planning Policy Framework (NPPF) sets out the objectives towards achieving well-designed places. Points b) and c) of Paragraph 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 siting, low level form and orientation of the proposal would satisfactorily complement the existing detached and semi-detached properties within the street scene and would not cause harm to the visual amenities of the area. Whilst in terms of overall footprint the scheme would be relatively large in size, the removal of permitted development rights, secured by condition, would be attached to this permission for extensions, outbuildings and roof enlargements. This would ensure that the proposed dwelling remains acceptable in respect of design, layout and size.

### ***Heritage Assets***

- 6.6. 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. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regards to be paid to the desirability of preserving the setting of a listed building. Chapter 16 of the NPPF deals with conserving and enhancing the historic environment.
- 6.7. 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, including its setting. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significances of a heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Paragraph 201 states that not all elements of a conservation area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the conservation area should be treated either as substantial harm under Paragraph 195 or less than substantial harm under Paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.
- 6.8. Policy DC17 deals with conservation areas. This policy seeks to preserve or enhance the character of Conservation Areas. Amongst other matters, it states that planning permission will be refused, where the form, elevational design and materials would harm the character and appearance of the Conservation Area, or it would prejudice the appearance and surroundings of a Conservation Area.

- 6.9. Policy DC18 deals with Listed Buildings. This policy seeks to preserve or enhance the special character and/or setting of listed buildings.
- 6.10. Stock Conservation Area includes the length of the High Street, parts of Mill Road, The Square, Back Lane and Common Road, together with significant public open spaces around the All Saints Church and The Common. There is some evidence of prehistoric activity in the wider area, but the first recorded settlement is in the medieval period, in 1232 there is reference to a rector at All Saints Church and in 1239 Henry III granted the right to hold a market. The village then prospered in part due to its location on the route between Chelmsford and Billericay. In the seventeenth and eighteenth centuries the area was well known for brick and pottery manufacturing. The market place, between the current High Street and The Square was progressively infilled with permanent buildings from the seventeenth century.
- 6.11. Historically, the development of the village was concentrated on the High Street, set within a wooded area. The village has expanded in the twentieth and twenty-first centuries, particularly to the east and west. The relationship with the wider rural setting is more apparent to the edge of the village to the northeast and southwest sides.
- 6.12. Compass Green, No. 27 High Street, is of 17th Century origins and is Grade II Listed. The house lies within the Stock Conservation Area and adjacent to a group of listed buildings lining the High Street, which includes the war memorial on the green sward to the front of the site and Oak Cottage to the west. The site is located towards the eastern end of the High Street.
- 6.13. The existing site is a large, verdant garden to No. 27. The rear (eastern) part of this garden currently has an outdoor tennis court, which is already visually separated from the main garden, and is well screened and set back from key views and public viewpoints from the High Street. To the roadside (west) there is a white painted brick boundary wall, behind which is a mature evergreen hedge and two large lime trees. There is a gated vehicular access to the southwest side of the wall serving a car parking area beyond. To the rear of the garden is a mature Sycamore tree and further small trees and hedges surrounding the tennis court. To the rear of the site, beyond the Conservation Area boundary, is The Paddock, a private close of modern houses. Historically, the site of the tennis court was beyond the garden of No. 27.
- 6.14. The war memorial is a square column on an octagonal plinth designed by F A Wright. It was erected in 1920 and paid for by public subscription. It was dedicated to those of Stock and Buttsbury who fell in the Great War, with those of the Second World War added. The structure is Grade II listed due to its strong community value, its craftsmanship and group value with the adjacent listed buildings. The green sward and the immediate High Street surroundings form part of its setting. The boundary wall and trees form part of the back drop to the memorial and the adjacent listed buildings form part of its wider setting. The part of the site subject to the development makes no contribution to the setting of the memorial.
- 6.15. Oak Cottage lies to the west of the site and is an eighteenth century brick cottage, which is Grade II listed. It forms part of a group of traditional buildings along the High Street and has group value with the adjacent listed buildings. The wider street scene forms part of its setting. Compass Green is a timber framed house of seventeenth century origins, which is also Grade II listed. Its large garden forms part of its setting. The Conservation Areas has a mixed character and the group of buildings lining the High Street are significant. The garden to Compass Green forms a verdant gap in the street scene.

- 6.16. The large garden provides a break in the development along the High Street frontage, and, due to its open setting and mature trees provides an attractive private green space. It reflects the more spacious gardens to the east of the village and the status of Compass Green. The spacious garden setting and mature trees positively contribute to the setting of the listed building and the Conservation Area.
- 6.17. The proposals, as described above, construct a large predominantly single storey dwelling incorporating rooms within the roof space. Access would be via the existing gated entrance. A narrow driveway would be provided to the rear of the site and a boundary wall constructed to create an enclosed garden.
- 6.18. The existing access would remain unaltered. The new driveway would not require the removal of any significant trees and would take the form of a narrow sinuous gravel track with a passing place. The plot would be separated off from the remainder of the garden with a brick boundary wall. The new house has a large footprint, but its scale is broken up by the use of an H-plan with narrow space gable roofs reflecting the prevalent linear form of buildings within the area, but with joined blocks. The garage and garden room would have flat green roofs. The north western range of the building has a ridge height of approximately 5.5m and limited fenestration. It would have a clay plain tile roof covering and black timber weather boarded walls. Whilst the building would be sizeable, its set back position, low form and the screening provided by the existing trees and vegetation, together with the new and proposed boundary walls mean that it would be inconspicuous in the street scene and its simple design would give the character of an outbuilding. The retention of the majority of the existing garden with Compass Green would retain its significant garden setting and preserve the verdant gap in the street scene.
- 6.19. The Council's Principal Heritage 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.
- 6.20. 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 significant weight in the decision-making process.

### ***Neighbour Amenity***

- 6.21. The site is bounded by residential properties to the north and south. To the rear (east) of the site is The Paddock a private road.
- 6.22. Given the size, scale, height and positioning of the proposed development the proposal would not adversely affect the amenity of any neighbouring properties.

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

- 6.23. The existing house has an existing area of off-street parking accessed from a gated access in the front boundary wall (15/02058/FUL and 15/02059/LBC refers). The new dwelling would utilise the existing gated vehicular access to No. 27 which is from the High Street and along the gravel track which runs between the western (front) boundary and green sward.
- 6.24. The proposal seeks to extend the existing access with an access drive through the southern part of the site, to the south east corner of the site. Approximately half way along the access drive in



the site to the new dwelling is a passing place to allow for two vehicles to pass one another. The proposed development would provide 5 off-street parking spaces for the existing dwelling and four spaces for the new dwelling, two to the front of the dwelling and two within the proposed double garage.

- 6.25. Representations have been made objecting to the proposal, mainly with regard to the proposed access arrangements during and post construction.
- 6.26. There would be additional vehicle movements during the construction period and there would be space within the site for the reception and storage of materials, and the parking of vehicles. There is also limited on-street parking on the High Street. Notwithstanding the above a construction method statement is recommended to be included in this instance. This statement would be secured by condition. In any event, the construction period would be temporary in nature.
- 6.27. There are no opportunities for vehicles to pass one another along the gravel track in front of No.27. The local highway authority has advised that based on the scale of proposed development, (one additional residential unit), the TRICS database calculates that 6 additional vehicle movements would likely occur between 7am and 7pm. This means that the likelihood of two vehicles meeting one another, travelling in opposite directions, on the gravel track would not be very likely. The impact of the proposal on the highway is not considered to be severe and the proposal is therefore considered acceptable in terms of highway safety and efficiency. There are existing bollards on the track immediately to the south west of the gated access, on the boundary between the site and the neighbouring property, No. 31 High Street. These bollards restrict any vehicle movements along the track in this south westerly direction.
- 6.28. The proposal would retain sufficient off-street parking for the existing dwelling and would provide sufficient off-street parking provision for the new dwelling.
- 6.29. The local highway authority has raised no objection to the proposal subject to conditions requiring a construction method statement, inspection of the gravel track and green sward prior to commencement and making good of any damage post completion and the provision of parking and turning areas prior to occupation of the new dwelling. All of these requirements would be secured by conditions. On this basis, the proposed development is considered to be acceptable in highway safety, efficiency and parking terms.

### ***Trees***

- 6.30. The trees located on the site (except those on the eastern boundary) are protected by virtue of the conservation area designation. Within the site a mature Sycamore and Ash tree are noteworthy specimens, with others forming garden specimen trees, hedges and shrubs.
- 6.31. In order to facilitate the proposal, the scheme would necessitate the removal of a few garden trees, which would be considered acceptable.
- 6.32. The proposed access drive to the new dwelling would encroach through the root areas of the Sycamore and Ash. Given the site is relatively level a specialist cellular construction could be used to construct the access drive. This approach would have an acceptable impact on the root areas of the trees concerned and would not be detrimental to their health, provided a specific method statement and arboricultural supervision is followed, which would be secured by condition.

- 6.33. Subject to the above referenced condition<sub>2</sub> and a further condition relating to location of drainage and service runs, the proposal would have an acceptable relationship with the protected trees on the site. The proposed development would comply with Adopted Local Plan Policy DC14 Emerging Local Plan Policy NE2, which can be afforded significant weight in the decision-making process.

#### **Other matters**

- 6.34. The two dwellings (existing and proposed) would be served with large rear private gardens. These would meet the standards as set out with Adopted Local Plan Policy DC44 for houses of this size in this location.
- 6.35. Stock was a centre of brick, tile and pottery manufacture in the post-medieval period. The Historic Environment Record shows that post-medieval brick and tile kilns of an 18th century date have been excavated to the north of this site (EHER 5507), and post medieval pottery from a kiln was found to the east of this site (EHER 48334). There is the potential that archaeological features and deposits may extend into the proposed development area. Subject to a pre-commencement condition for trial trenching and excavation which has been agreed with the applicant the proposal would be considered acceptable in archaeology terms.

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

- 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.

#### **List of Conditions:**

1	PR01	Full permission commence. time limit PC
2	PR06	Details - comp. with plans & cond. CC
3	DE04	Materials to be submitted Samples CS
4	U0087237	Green Roofs
5	U0087238	Detailed large scale drawings CA
6	DE07	Details of boundary treatment CS/CA
7	TRL01	Hard/soft landscape design & Manage. CS/CA
8	ENV06	Archaeology scheme of investigation PS/PA
9	TRL05	Building methods under trees CS/CA
10	TRL08	Arboricultural supervision CS/CA
11	TRL07	Drainage and service runs CA/XC
12	HI02	No unbound surface within 6 metres CA/XC
13	HI03	Highways surface water CA
14	U0087242	access drive
15	U0087243	parking and turning areas
16	PMD03	Removal PD rights for extensions PD
17	U0087239	PD - Removal PD rights outbuildings
18	U0087843	PS Construction Method Statement
19	U0087844	PA/XA - construction vehicle route

**List of Informatives:**

1	11	Hours of work during construction
2	19	Contact ECC Works affecting highway
3	36	CIL Liable
4	25	Unilateral undertaking
5	42	Net new dwellings
6	9	Contact PBCS St naming and numbering

**RECOMMENDATION****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, 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.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area and that it does not detract from the historical value or character and appearance of the listed building in accordance with Policies DC17 and DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 4**

Prior to their installation full details of the green roofs shall be submitted to and approved in writing by the local planning authority. The green roofs shall then be constructed and installed as approved.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area and that it does not detract from the historical value or character and appearance of the listed building in accordance with Policies DC17 and DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**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) Fenestration, including elevations, the setback from face brickwork, sections through the head, jamb and cill, and details of stiles, mullions, meeting rails and glazing bars;
- (b) Eaves, verges, hips and ridges;
- (c) Doors, door casings and surrounds;
- (d) Brick detailing;
- (e) Rainwater goods and soil or vent pipes;
- (f) Balconies;
- (g) Chimneys and flues;
- (h) Vents and extractor fans;
- (i) Meter boxes
- (j) Soffit, gutter brackets and verges
- (k) Satellite dishes
- (l) Burglar Alarms
- (m) Security lighting and video cameras
- (n) Tile or ridge vents
- (o) plinths

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 and that it does not detract from the historical value or character and appearance of the listed building in accordance with Policies DC17 and DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 6**

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

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

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **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 DC13 and DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 8**

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 9**

No development shall take place within the root protection area of the T7 & T3 as shown on drawing number P05-TPP until an arboricultural method statement setting out arrangements for the building operations and excavations within the root protection area of the T7 & T3 has been 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:

The use of the correct excavation methods will ensure that the tree roots are not damaged in order to safeguard the existing trees in accordance with Policy DC14 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 10**

Before any works are carried out to T7 & T3 including any activity carried out within the root protection area as shown on the approved drawing number P05-TPP a written scheme of arboricultural supervision, which shall include a timetable for carrying out the supervision, shall be submitted to and approved in writing by the local planning authority. The works shall then be implemented in accordance with the approved details subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

To safeguard the existing trees in accordance with Policy DC14 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 11**

Drainage and service runs shall not be laid beneath the root protection area of T7 & T3 as shown on the approved drawing P05-TPP.

Reason:

To safeguard the existing trees in accordance with Policy DC14 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 12**

No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.

Reason:

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

**Condition 13**

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

Reason:

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

**Condition 14**

Prior to first occupation of the new dwelling the proposed private drive shall be constructed as shown on drawing no. PL02 including the passing place provision. The private drive and passing place shall be retained in this form at all times.

Reason:

In the interests of highway safety

**Condition 15**

Prior to first occupation of the new dwelling the vehicle parking areas including the garage parking shown in the shall be constructed ready for use as shown in drawing no. PL02 and Proposed Site Plan, drawing no. PL03. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason:

In the interests of highway safety and to ensure adequate space for parking off the highway is provided in accordance with Policy DC7.

**Condition 16**

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

Reason:

The construction of the development hereby permitted in addition to any other extensions or enlargements which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) would be contrary to Policy DC17 and Policy DC18 of the Core Strategy and Development Control Policies Development Plan Document

**Condition 17**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, enclosure or swimming pool shall be permitted within the curtilages of the new dwelling hereby permitted without the grant of an additional planning permission by the local planning authority.

Reason:

The construction of the development hereby permitted in addition to any other outbuilding(s) which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order

2015 (or any Order revoking or re-enacting that Order with or without modification) would be contrary to Policy DC17 of the Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 18**

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.

#### **Condition 19**

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

Reason:

In the interests of highway safety

#### **Notes to Applicant**

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 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).

- 3 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.
- 4 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).
- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 6 This development will result in the need for a new postal address. Applicants should apply in writing, email or by completing the online application form which can be found at [www.chelmsford.gov.uk/streetnaming](http://www.chelmsford.gov.uk/streetnaming). Enquires can also be made to the Address Management Officer by emailing [streetnaming@chelmsford.gov.uk](mailto:streetnaming@chelmsford.gov.uk).

### **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.

### **SUMMARY OF RELEVANT ADOPTED AND EMERGING PLANNING POLICIES:**

#### **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.

#### DC14

Development Control Policy DC14 Protected Trees and Hedges - Planning permission will be refused for any development that would be liable to cause demonstrable harm to protected woodland, trees and hedgerows, unless conditions can be imposed requiring the developer to take steps to secure their protection.

#### 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.

#### DC21

Development Control Policy DC21 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.

#### 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.

#### 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

#### 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.

#### 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.

#### SPS5

Strategic Policy S5 Conserving and Enhancing the Historic Environment - The Council will protect and enhance the historic environment. When assessing applications for development there will be a presumption in favour of the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to protect the significance of non-designated heritage assets.

#### 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.

#### SPS6

Strategic Policy S6 Conserving and Enhancing the Natural Environment - The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. The Council will plan for a multifunctional network of green infrastructure. A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures.

#### LPNE2

Local Policy NE2 Trees, Woodland and Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.

#### 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.

#### LPHE3

Local Policy HE3 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.

### **Background Papers**

#### Case File

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**Stock Parish Council****Comments**

Stock Parish Council are not supportive of this application. The marginal reduction of the building footprint does not address the issue of the impact a new dwelling would have on the surrounding listed buildings within the conservation area

**Public Health & Protection Services****Comments**

No PH&PS comments with regard to this application.

**Essex County Council Highways****Comments**

The existing vehicular access and gate which will serve the existing and proposed new dwelling can accommodate large SUV vehicle turning manoeuvres, was subject to approval 15/02058/FUL.

The proposal retains for the host dwelling (no. 27), 5no. existing off-street parking spaces in accordance with the EPOA Parking Standards with the capability to turn and leave in forward gear. The proposed new dwelling will be served by a new access drive which includes a passing place with appropriate off-street parking provision in accordance with the EPOA Parking Standards and the capability to turn and leave in forward gear.

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.

Note - MUD / DEBRIS ON HIGHWAY

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the

highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

2. Prior to the commencement of any work on the site a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.

Reason: In the interests of highway safety in accordance with policy DM1.

3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed as shown in principle in the Proposed Block Plan, drawing no. PL02 including the passing place provision.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. Prior to first occupation of the proposed development the vehicle parking areas including the garage parking shown in the shall be constructed ready for use as shown in drawing no. PL02 and Proposed Site Plan, drawing no. PL03. The vehicle parking area and associated turning 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.

5. Cycle parking 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.

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

## Recycling & Waste Collection Services

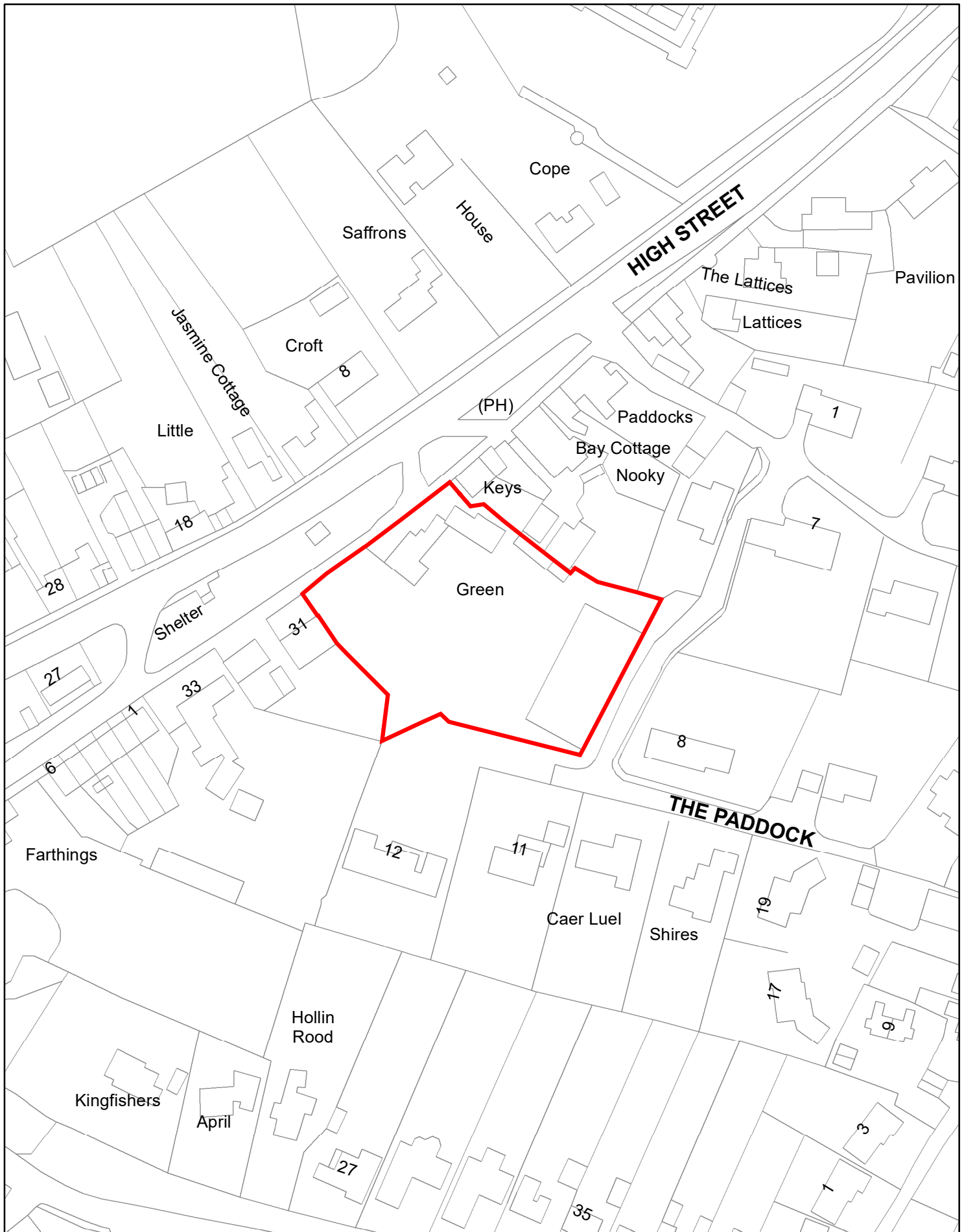
Comments
No response received

## ECC Historic Environment Branch

Comments
<p>Stock was a centre of brick, tile and pottery manufacture in the post-medieval period. The Historic Environment Record shows that post-medieval brick and tile kilns of an 18th century date have been excavated to the north of this site (EHER 5507), and post medieval pottery from a kiln was found to the east of this site (EHER 48334). There is the potential that archaeological features and deposits may extend into the proposed development area. In view of this, the following recommendation is made in line with the National Planning Policy Framework:</p> <p>RECOMMENDATION: Trial trenching and excavation</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 of archaeological evaluation which may be followed by excavation or monitoring depending on whether archaeological features are found. 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>

## Local Residents

Comments
<p>Two representations received – both objecting to the proposed development broadly based on the following grounds:</p> <ul style="list-style-type: none"><li>- The access would have a detrimental impact on the Memorial opposite the site entrance</li><li>- The site access would be directly along the gravel pathway used by pedestrians</li><li>- During construction large vehicles would require more access into the site</li><li>- Access into the site would damage the green sward</li><li>- Construction traffic would share the gravel pathway with pedestrians going to The Hoop Public House, bus stop, village shops and primary school</li><li>- There would be potential conflict when construction vehicles leave the site with impaired visibility caused by the front wall</li><li>- There are no passing places or opportunities for vehicles to pass along the gravel pathway</li><li>- Post construction any deliveries or refuse vehicles would also need to use the gravel pathway</li><li>- The gated access to the front should not have been allowed</li></ul>



0 12.5 25 50 Metres

1:1,250



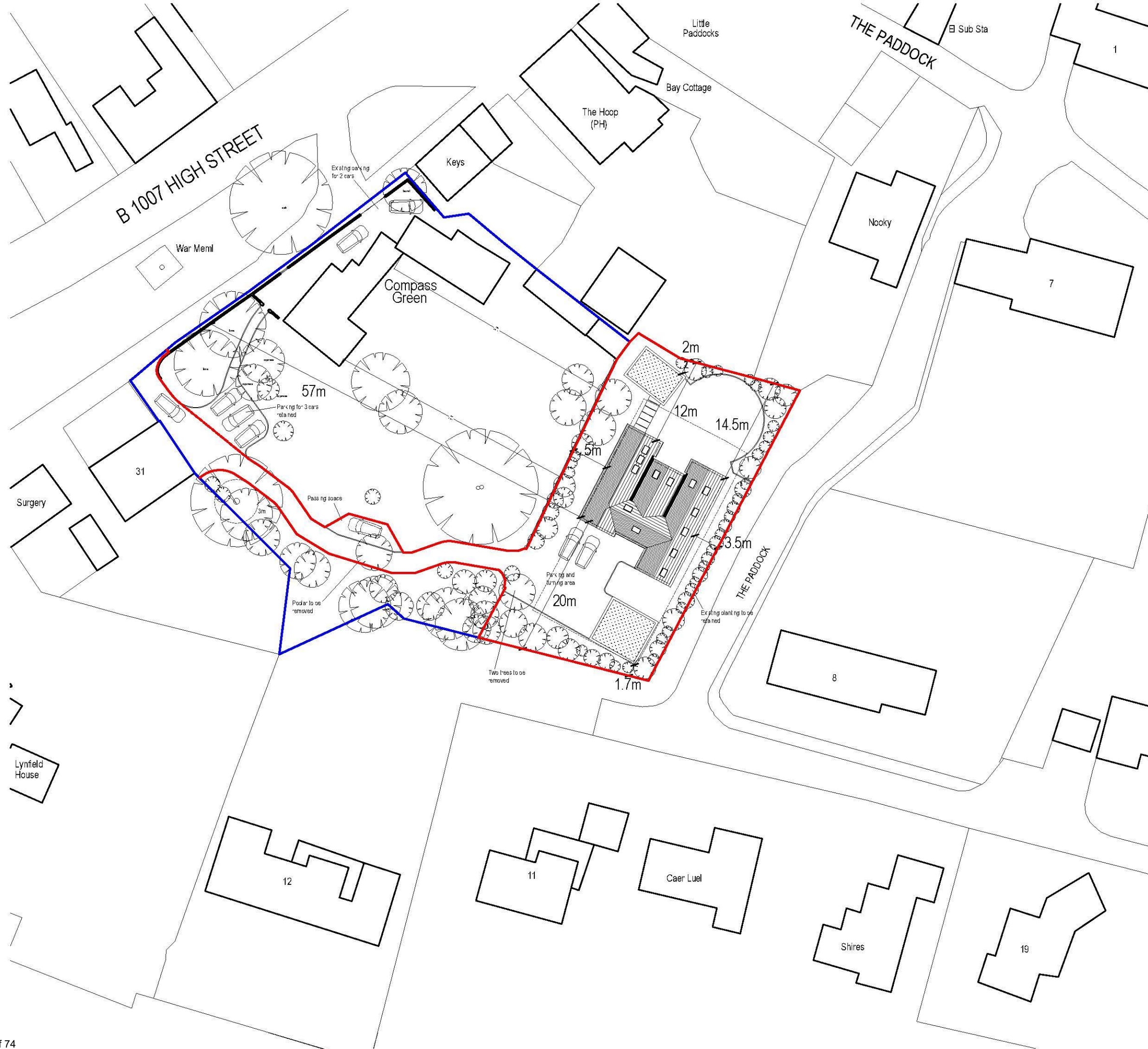
**Planning Committee**  
**19/01486/FUL**

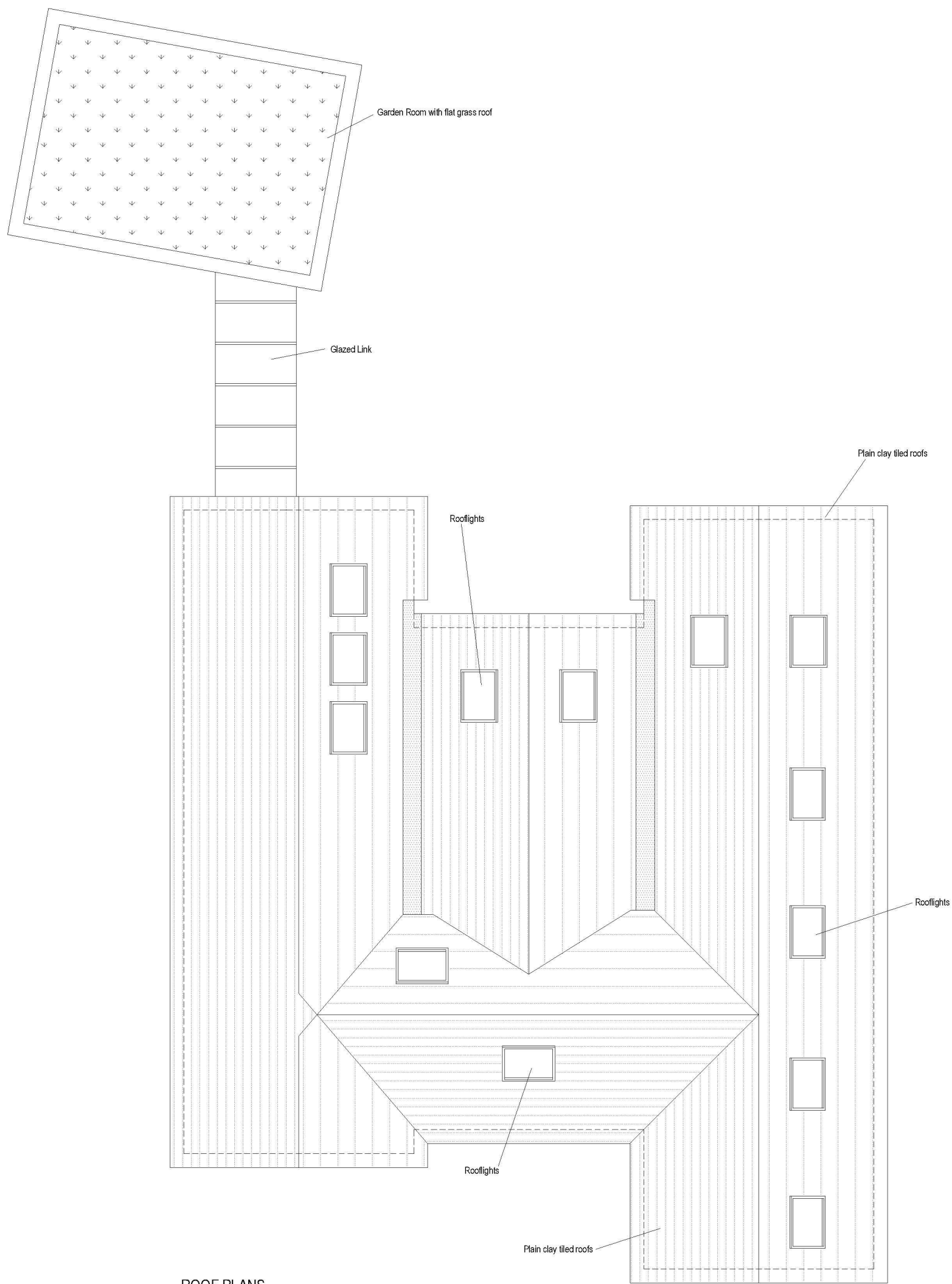
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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

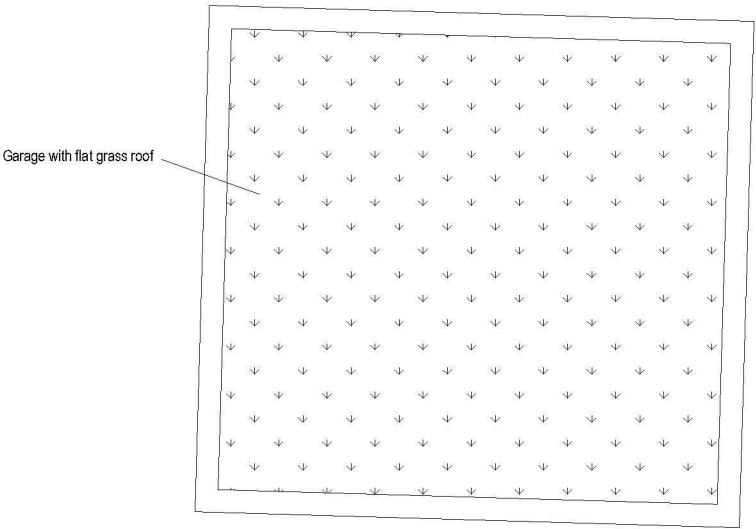
Telephone: 01245 606826



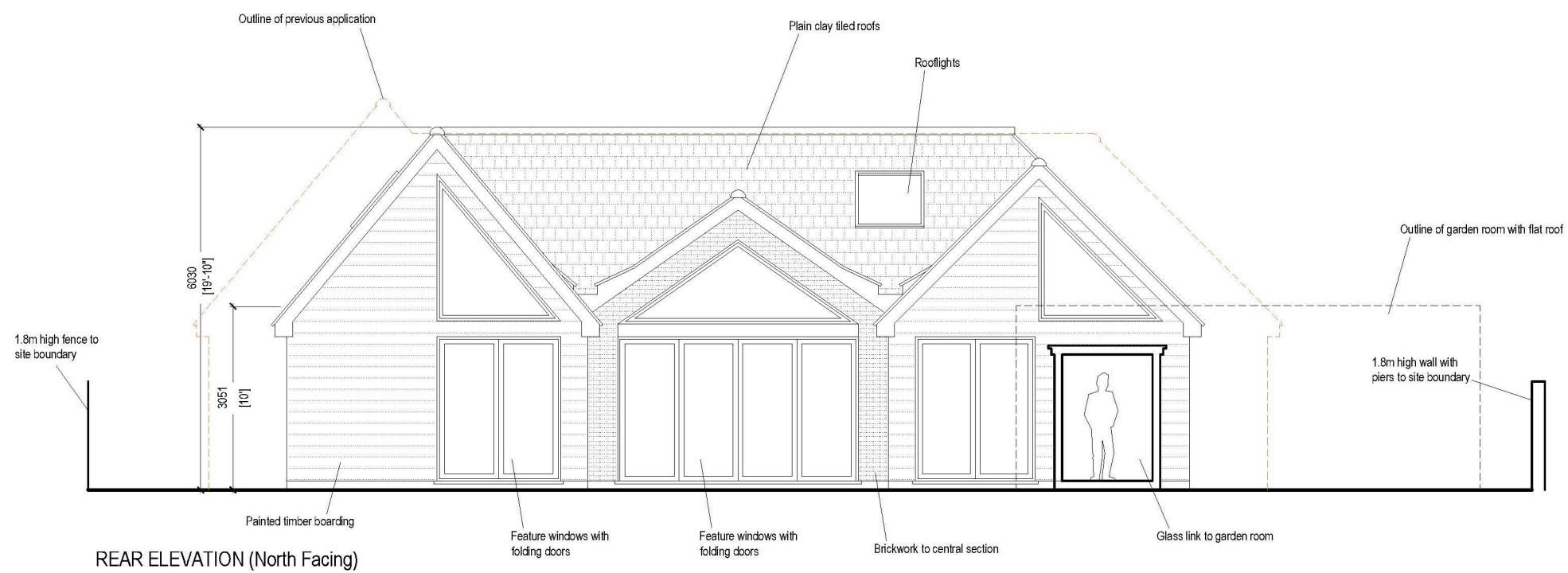
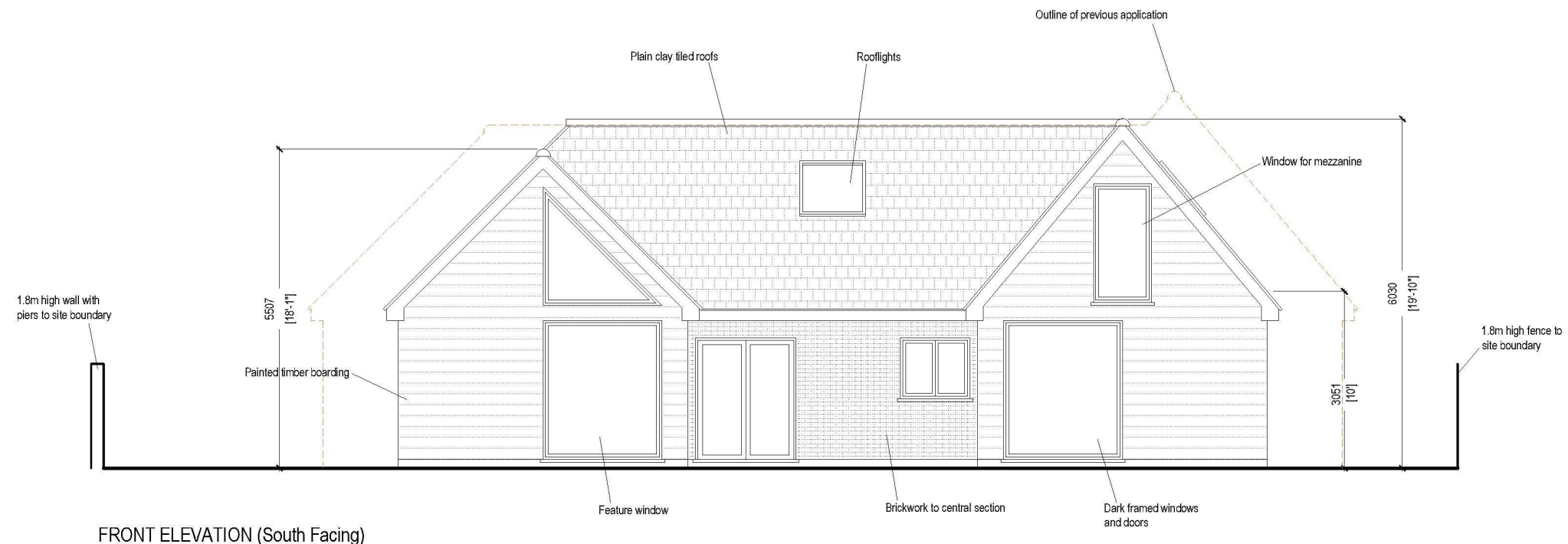


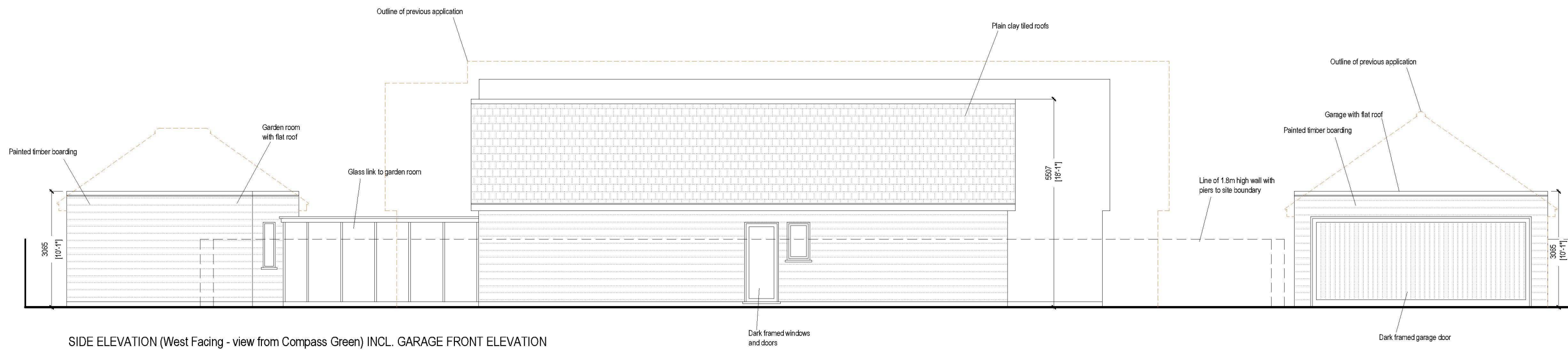


ROOF PLANS

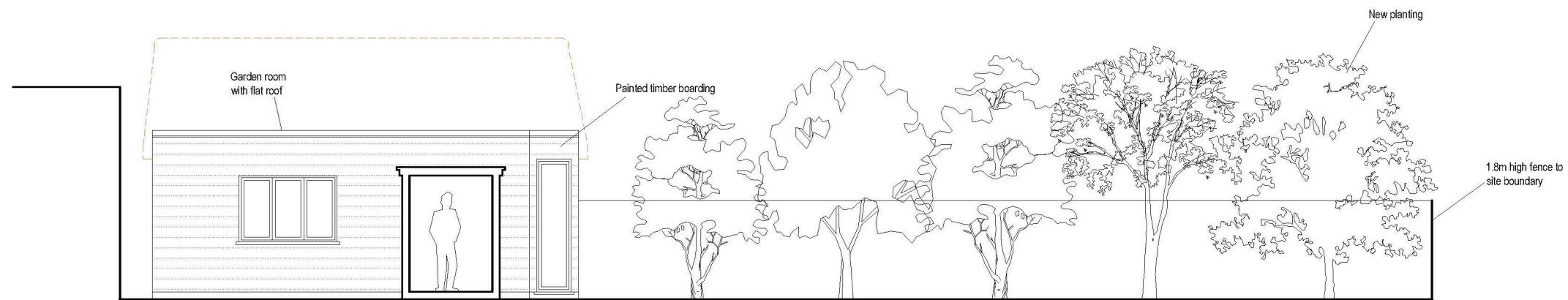




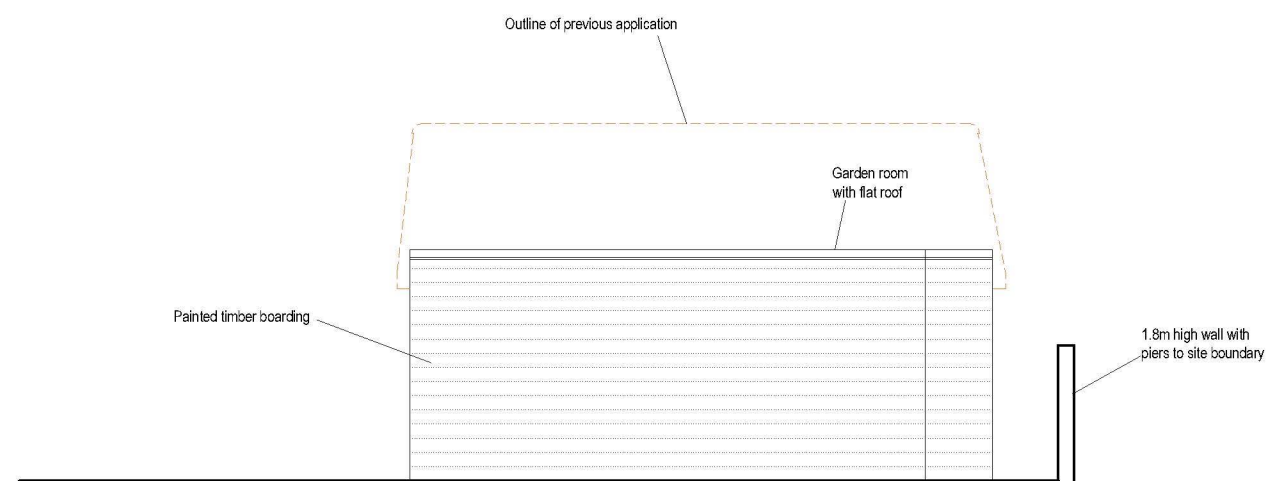




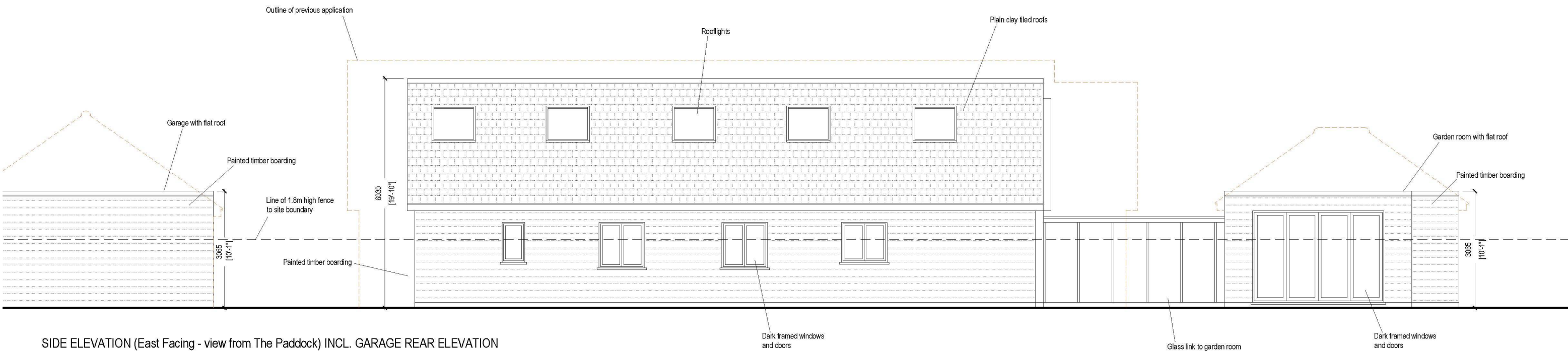
SIDE ELEVATION (West Facing - view from Compass Green) INCL. GARAGE FRONT ELEVATION



GARDEN ROOM SIDE ELEVATION (South Facing)



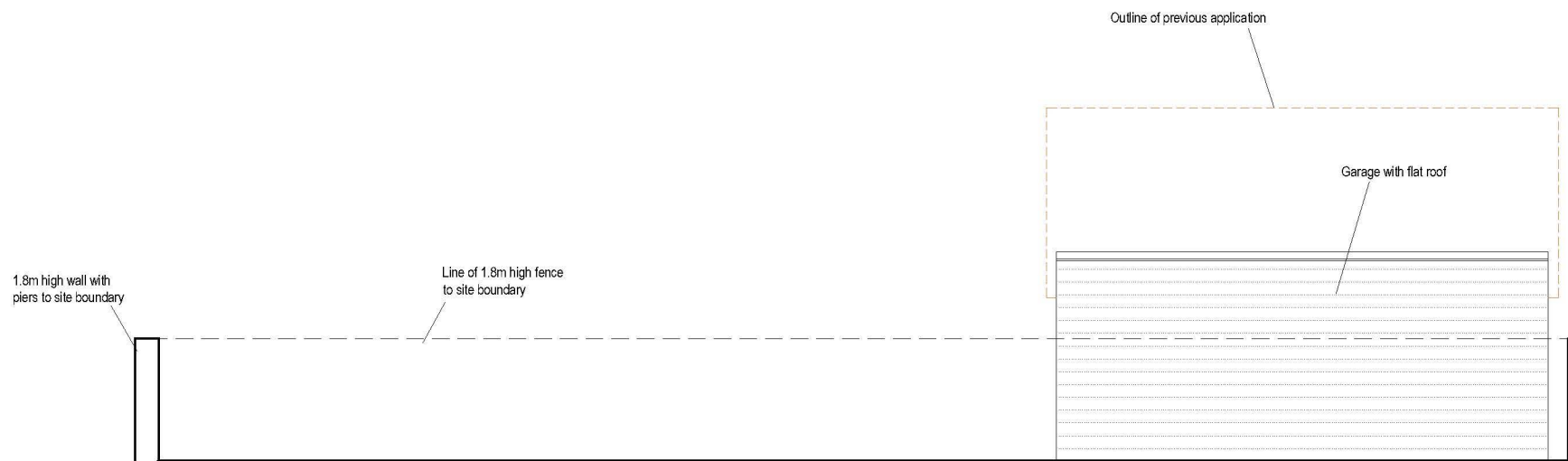
GARDEN ROOM REAR ELEVATION (North Facing)



SIDE ELEVATION (East Facing - view from The Paddock) INCL. GARAGE REAR ELEVATION



GARAGE SIDE ELEVATION (North Facing)



GARAGE SIDE ELEVATION (South Facing)







**Planning Committee**  
**14<sup>th</sup> January 2020**

<b>Application No</b>	:	19/01755/FUL Full Application
<b>Location</b>	:	Chelmsford Rugby Football Club Coronation Park Timsons Lane Chelmsford Essex CM2 6AG
<b>Proposal</b>	:	<b>Extension of balcony to west elevation and construction of new associated external staircase.</b>
<b>Applicant</b>	:	Rob Evans Chelmsford Rugby Club
<b>Agent</b>	:	Mr Steven Higgon
<b>Date Valid</b>	:	25th October 2019

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**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application is referred to the Planning Committee at the request of a local ward member so that the impact of the proposal on the amenity of nearby residential properties can be considered by the Planning Committee.
- 1.2. The site is located within the Urban Area and is designated as Open Space.
- 1.3. The proposal would construct a first-floor external balcony along the entire existing western elevation of the Rugby Football Clubhouse. The proposal also includes an external staircase which would provide access to the balcony. This staircase would be located on the northern elevation of the building.
- 1.4. The proposal would have an acceptable design and would have a visually acceptable relationship with the existing Rugby Football Clubhouse facility.
- 1.5. Given the size, scale and scope of the proposal, the external balcony and staircase would maintain an acceptable relationship between the site and all neighbouring residential properties.
- 1.6. Approval is recommended.

## **2. Description of site**

- 2.1. Coronation Park is an established recreation park used by Chelmsford Rugby Football Club and Springfield Cricket Club. The park is also used for informal recreation by the general public.
- 2.2. The Rugby Football Club building is located close to the eastern boundary of the park adjacent to Chelmer Road which runs north along the eastern boundary of the park site. The clubhouse facility is accessed through the car park and then along a vehicular access which runs parallel to Chelmer Road.
- 2.3. Along the northern and western boundaries of the park are residential properties. Along the north west boundary of the park the cricket club facility is located.
- 2.4. To the west of the Clubhouse building the park is laid out with rugby and cricket pitches.

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

- 3.1. The proposal would construct an external balcony and staircase to the existing building. The balcony would extend along the entire western elevation, which fronts onto the park and would be accessed from within the clubhouse or via an external staircase located at the north-west corner of the building. No other changes or alterations are proposed to the building.
- 3.2. The external balcony would measure approximately 29m in length (full length of the western elevation), 3.8m in height and would have a depth of 2.8m from the building.

## **4. Other relevant applications**

- 4.1. 04/02362/FUL – Approved 11<sup>th</sup> January 2005  
Erection of new clubhouse, access and car parking.

- 4.2. 08/01725/FUL – Approved 2<sup>nd</sup> December 2008  
Two storey addition to existing clubhouse to for two additional changing rooms, gymnasium/treatment room with additional club room over.
- 4.3. 11/01297/ADV – Approved 18<sup>th</sup> October 2011  
1 non-illuminated fascia sign.

## 5. Summary of consultations

- 5.1. The following were consulted as part of this application:
- ☐ Parks & Open Spaces
  - ☐ Public Health & Protection Services
  - ☐ Local residents
- 5.2. Full details of consultation responses are set out in appendix 1.
- 5.3. No response has been received from Parks and Open Spaces
- 5.4. Public Health and Protection Services have no comments to make with regard to this application.
- 5.5. Three neighbour representations have been received objecting to the proposal. The objections are broadly based on the following grounds: there is the potential for increased noise pollution from the proposal with no mitigation measures proposed to keep noise within the building rather than allowing for noise to travel across Coronation Park, previous summer functions in the clubhouse have resulted in excessive noise (particularly amplified music), no restrictions in place to mitigate any noise pollution, conditions should be added to protect neighbours from amplified music, there is no protection from the noise between the clubhouse and the neighbouring properties around Coronation Park, the enlarged balcony would provide partygoers with an outside space to dance and sing.

## 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 surrounding area
  - The proposal would be harmful to the amenities of neighbouring residential properties in terms of overlooking and noise.

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

- 6.2. Chapter 12 of the National Planning Policy Framework (NPPF) sets out the objectives towards achieving well-designed places. Points b) and c) of Paragraph 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 development to be well designed 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 proposed balcony and staircase would use similar materials to those within the existing club house building. In design terms the balcony and staircase would relate well to the existing built form. The siting of the balcony along the western elevation, scale and materials of the proposal would be acceptable in respect of design and layout.

### ***Residential Amenity***

- 6.6. Adopted Local Plan Policy DC4 of the Core Strategy and Development Control Policies Development Plan Document states that all development proposals should safeguard the amenities of the occupiers of any nearby properties.
- 6.7. Emerging Local Plan Policy PA1 also requires all development proposals to safeguard the living environments of existing and future residents.
- 6.8. The existing clubhouse facility is a modern building constructed for Chelmsford Rugby Football Club (04/02362/FUL refers). The clubhouse is two storey and includes a first-floor recessed covered balcony feature within the western elevation. The floor plans to the building show that this existing balcony is accessed internally through the clubroom.
- 6.9. The building is used by the Rugby Football Club for matches, training and functions. The building has an existing licence which allows for the sale of alcohol and playing of music from 10.00 hours until 00.00 hours (Monday to Sunday) and the permitted opening hours of the facility are 10.00 hours until 00.30 hours (Monday to Sunday).
- 6.10. Planning condition 9 which was attached to 04/02362/FUL restricts the operational hours of use of the clubhouse facility. This condition states *"No persons other than cleaning or security staff may be in the building other than between the hours of 8.00AM and 11.30PM Monday to Saturday and between the hours of 9.00AM and 11.00PM Sundays, Bank and Public Holidays"*.
- 6.11. Representations have been received objecting to the proposal on the basis that the balcony will be harmful to the amenity of neighbouring residential properties. The objections are primarily founded on the late-night use of the balcony for functions rather than during the day for watching the rugby. Whilst the application does not specify any particular use of the balcony it is likely that the proposal would have a dual use for both watching the rugby and for functions using the facility.
- 6.12. Coronation Park is bounded by residential properties to the north and west. The nearest properties to the north on Timsons Lane (Nos. 41 and 43) are located over 150m away from the clubhouse facility. To the west the nearest residential properties on Coppins Close (Nos. 16 to 24 (evens)) are located over 180m away. To the east the nearest residential properties are in Beeleigh Link, over 100m away from the site. These properties are also physically separated from the Park by Chelmer Road and the Beeleigh Link Roundabout which is a busy vehicular thoroughfare.



- 6.13. Objections have been raised in terms of noise affecting properties to the north and west. Given the distance between the site and these neighbouring properties, and that the proposal is solely for an external first floor balcony and external staircase the proposed development would not have a significant adverse impact upon the living environment of these properties.
- 6.14. Although the nearest properties are located to the east, any noise emanating from the use of this facility is predominantly absorbed by the road noise associated with the highway between the site and these nearby residential properties.
- 6.15. Public Health and Protection Services have confirmed that should any complaints be forthcoming about noise then these will be investigated by their service. However, they have not raised any concerns that the proposed balcony in itself would lead to unacceptable impacts on the amenities of any neighbouring residential properties.

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

- 7.1. The proposal would not be CIL liable.

### **List of Conditions:**

- |   |      |   |
|---|------|---|
| 1 | PR01 | Full permission commence. time limit PC |
| 2 | PR06 | Details - comp. with plans & cond. CC   |

### **List of Informatives:**

- |   |    |                                   |
|---|----|-----------------------------------|
| 1 | 11 | Hours of work during construction |
|---|----|-----------------------------------|

## **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

## **Notes to Applicant**

- 1 In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.
- Noisy work
- Can be carried out between 0800 and 1800 Monday to Friday
  - Limited to 0800-1300 on Saturdays

- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work

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

In some circumstance further restrictions may be necessary.

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

### **Positive and Proactive Statement**

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

### **SUMMARY OF RELEVANT ADOPTED AND EMERGING PLANNING POLICIES:**

DC4

Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.

DC45

Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.

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

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.

### **Background Papers**

Case File

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**Parks & Open Spaces**

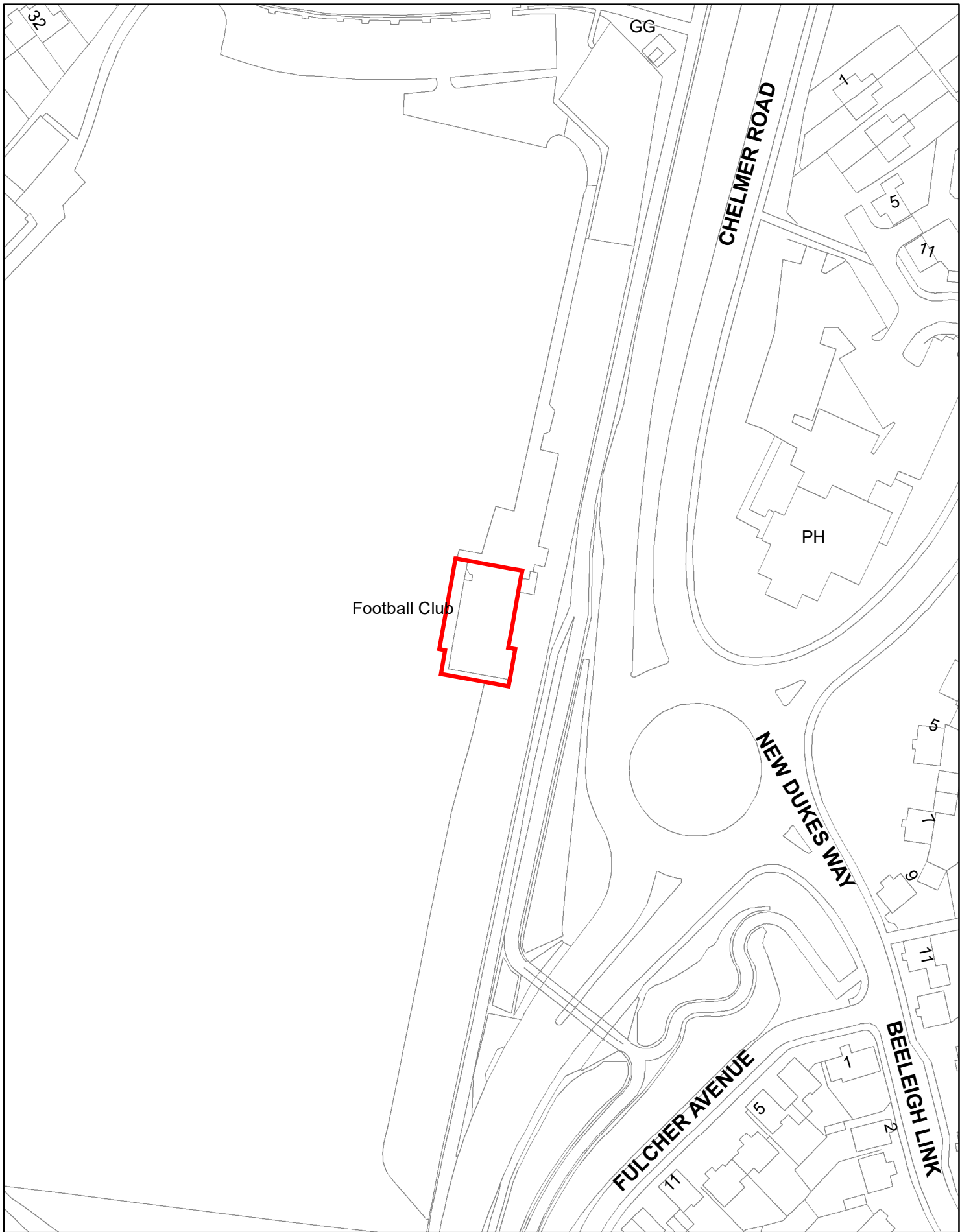
Comments
No response received

**Public Health & Protection Services**

Comments
No PH&PS comments with regard to this application.

**Local Residents**

Comments
<p>Three representations received – all objecting to the proposed – broadly based on the following grounds:</p> <ul style="list-style-type: none"> <li>- there is the potential for increased noise pollution from the proposal with no mitigation measures proposed to keep noise within the building rather than allowing for noise to travel across Coronation Park,</li> <li>- previous summer functions in the clubhouse have resulted in excessive noise (particularly amplified music), along with windows being opened in the building</li> <li>- no restrictions in place to mitigate any noise pollution,</li> <li>- conditions should be added to protect neighbours from amplified music,</li> <li>- there is no protection from the noise between the clubhouse and the neighbouring properties around Coronation Park,</li> <li>- the enlarged balcony would provide partygoers with an outside space to dance and sing.</li> </ul>



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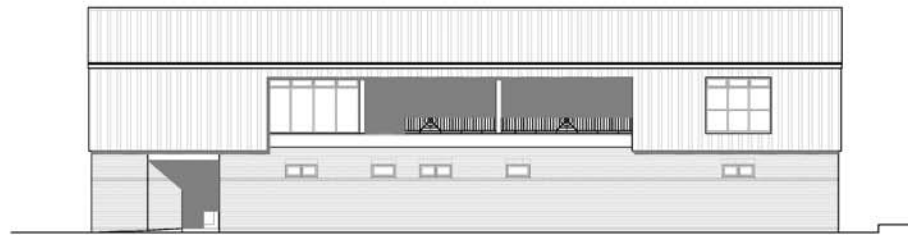


**Planning Committee**  
**19/01755/FUL**

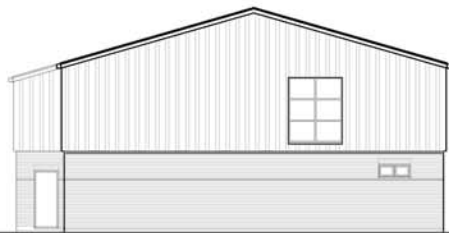
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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

Telephone: 01245 606826



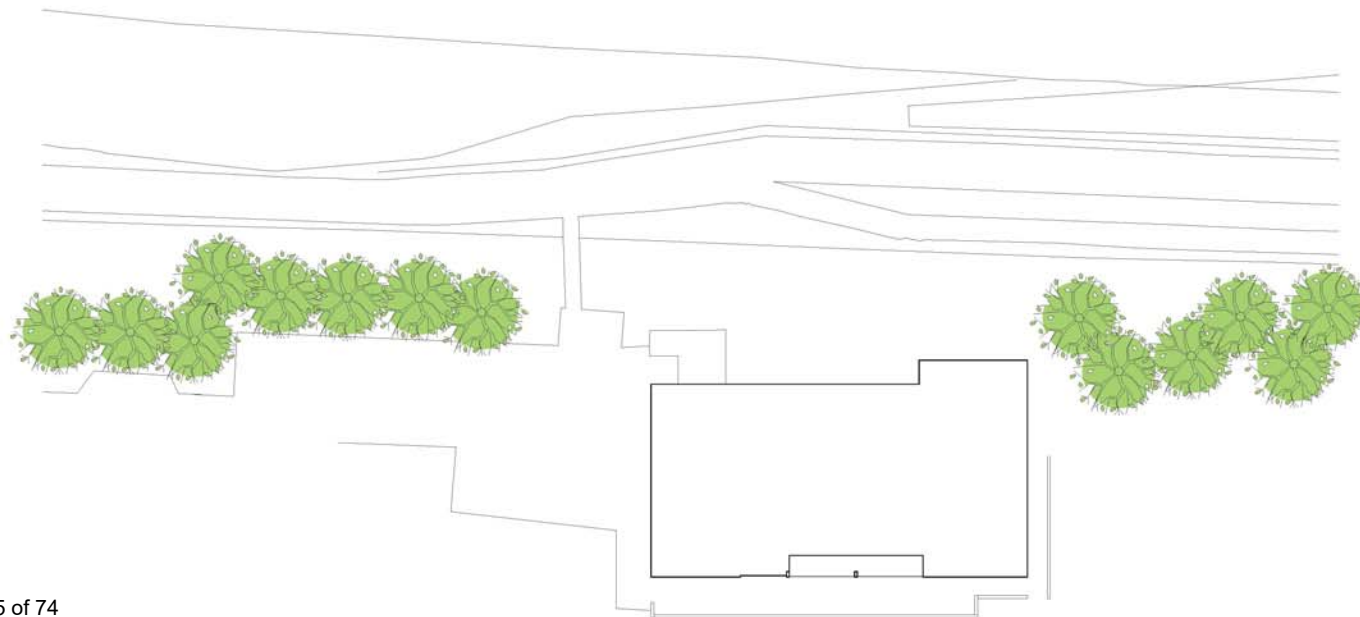
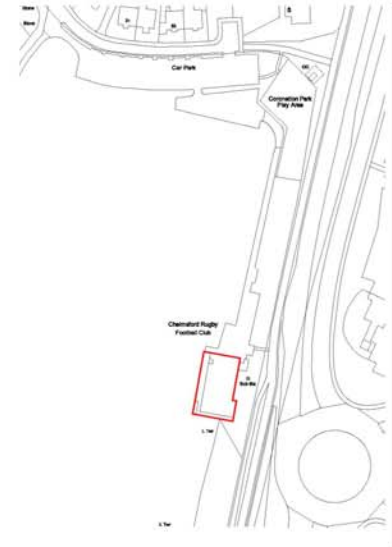
Existing West Elevation



Existing North Elevation



Existing South Elevation



Existing Block Plan



Final dimensions and details for construction to be prepared on workshop drawings by steel fabricator.

Proposed balcony extension and new external stair.

Proposed West Elevation



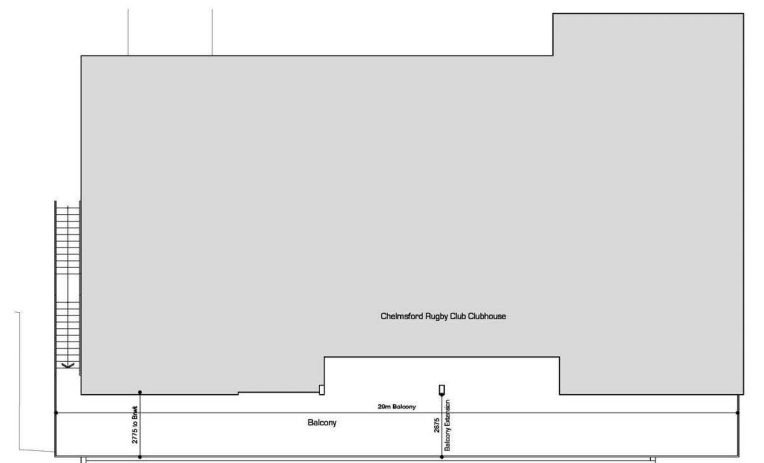
Proposed North Elevation



Proposed South Elevation



Proposed Block Plan



Balcony Plan



**Planning Committee**  
**14<sup>th</sup> January 2020**

<b>Application No</b>	:	19/01261/FUL Full Application
<b>Location</b>	:	Land East Of Rye Cottage Larks Lane Great Waltham Chelmsford Essex
<b>Proposal</b>	:	<b>Demolition of existing stables, with construction of two residential dwellings with detached car ports &amp; associated works including a new vehicular access.</b>
<b>Applicant</b>	:	Mr N Dawson
<b>Agent</b>	:	Arcady Architects
<b>Date Valid</b>	:	23rd July 2019

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## Appendices:

Appendix 1	Consultations
Appendix 2	Drawings



## 1. Executive summary

- 1.1. The application is referred to planning committee at the request of a Councillor Steel in the interests of the objections from local residents.
- 1.2. The site is situated on the south side of Larks Lane which runs through the hamlet of Broads Green. Broads Green is situated between Broomfield and Great Waltham and does not benefit from pavement links or public transport. There are no facilities in the hamlet other than a public house. Great Waltham is around one mile away. There is an established ribbon of dwellings on the south side of the lane, such that there is a recognisable rhythm of houses and a built-up frontage.
- 1.3. The proposal is for two three-bedroom dwellings to be provided as a semi-detached pair. The building block would be similar in width to Rye Cottage to the west and the pair of Thatched Cottages to the east. Similarly, the width of the site is comparable to the width of the neighbouring plots. This means that the development of two houses in this gap as a semi-detached pair would be in keeping with the pattern of development in the area.
- 1.4. The proposal is well-designed and sympathetic to the traditional buildings, including the adjacent Listed Buildings. The proposal would retain a spacious and landscaped layout which reflects the rural character of the development in Broads Green.
- 1.5. The proposal therefore complies with the Council's adopted and emerging policies in relation to residential infilling.
- 1.6. Essex County Council Highway Authority have carefully considered the application, including the achievability of the required visibility splays. These are shown correctly on the submitted plans and an agreement has been submitted by the owners of Rye Cottage confirming that the visibility splays can be provided over their land. A planning condition could secure the provision of the visibility splays. Sufficient parking and turning space would be provided within the site. The Highway Authority have no objection to the application.
- 1.7. The site does not support European Protected Species (including bats and Great Crested Newts). New native hedgerows are proposed which would be a biodiversity benefit and planning conditions are suggested to ensure integral bat and bird boxes are provided.
- 1.8. The proposal would maintain an acceptable relationship with neighbouring properties and a planning condition is suggested to prevent materials being burned within the application site during construction. This would offer protection to the thatched roof Listed Buildings adjacent to the site.
- 1.9. When considered in the round, the disbenefit of the site's location away from public transport options and community facilities are considered to be sufficiently outweighed by other considerations such that the development would be sustainable.
- 1.10. Approval of the application is recommended, subject to conditions.

## 2. Description of site



- 2.1. The application site sits on the southern side of Larks Lane, which runs through the rural hamlet of Broads Green. Larks Lane is a narrow rural road. Broads Green contains residential properties and a public house (The Walnut Tree) arranged around a central green. The site is approximately 1 mile south of Great Waltham.
- 2.2. The site is between two traditional rural properties. Rye Cottage to the west and Thatched Cottages to the east. Thatched Cottages are Listed Buildings. Beyond these neighbouring properties are other detached houses to the east and semi-detached houses to the west.
- 2.3. At present the land is associated with Rye Cottage and has been used for grazing in the past. A small stable building is present within the site. The land is overgrown. Whilst a pond is shown on some maps, this appears to be dry and also overgrown. In ecological reports this has been referred to as a 'shallow depression'.
- 2.4. There is no existing vehicular access to the site. Larks Lane is narrow and subject to a 30mph speed restriction. There is a lay-by opposite the site.

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

- 3.1. Amendments have been made to the proposal during the life of the application. These have been led by a Planning Officer and the Principal Heritage Officer. The number of bedrooms in each dwelling has been reduced from four to three.
- 3.2. The application proposes a pair of semi-detached dwellings. The dwellings would be positioned towards the front part of the site in a central location. The pair of dwellings would be two storey in height with a simple pitched roof and ridge line that runs parallel to the lane. Two storey gable projections would be provided to the rear of the dwellings, as well as single storey elements. Each dwelling would have three bedrooms.
- 3.3. The houses would be served by a new vehicular access to the west of the dwellings close to the boundary with Rye Cottage. The access would be provided with visibility splays in both directions and these are shown on the proposed drawings. The eastern visibility splay would stretch across the front of the site. The drawings have been amended to provide a hedgerow and pathway behind the visibility splay. The western visibility splay would be across the land to the front of Rye Cottage. The owners of Rye Cottage have stated that they are aware of this and happy to allow for the visibility splay to be provided and maintained.
- 3.4. The new access would lead to a shared access drive and parking area. This would include visitor parking spaces. Each dwelling would have parking spaces and car ports to the rear of the site.

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

18/02106/FUL - Application Withdrawn 13th February 2019

Proposed construction of two residential dwellings & associated works including a new vehicular access.

The above application was withdrawn following Officers' advice. The dwellings proposed were two storey detached properties. Officers raised concerns about the layout, design and proportions of the dwellings as well as a lack of landscaping. Secondly, the ecological information submitted with the application was insufficient. Essex County Council Highway Authority also objected to the application as it had not been demonstrated that the required visibility splays could be achieved.

16/00325/FUL - Application Withdrawn 24th May 2016  
Construction of a two-storey, three bed house and new vehicular access

The above application was not submitted by the current applicants or planning agent. The design of the dwelling was poor and the application was not accompanied by sufficient information in relation to ecology. There was also an objection from Essex County Council Highway Authority as it was not clear that sufficient land was available to provide the necessary visibility splays.

02/00466/OUT - Refused 10th May 2002  
Proposed site for a detached dwelling.

This application was refused as it was contrary to the development plan which was adopted at the time and as the size and bulk of the dwelling would have a detrimental impact on the setting of the adjacent Listed Building.

## 5. Summary of consultations

- *Public Health & Protection Services*

Charging infrastructure for electronic vehicles should be provided.

- *Essex County Council Highways*

Following amended plans and agreement in relation to visibility splays the proposal is acceptable subject to conditions relating to: provision of the access and visibility splays, provision of parking spaces and no unbound material or surface water discharge onto the Highway.

- *Recycling & Waste Collection Services* - No response.
- *ECC Minerals & Waste Planning* - No response.
- *Great Waltham Parish Council*

Objection. Concerns about access and sight lines. The proposal contravenes policy DC12 which states for a single dwelling. There is a covenant on part of the land prohibiting domestic buildings. Due consideration should be given to fires in proximity to the thatched cottage. The Parish needs one and two bedroom affordable properties. Drainage of the pond is reliant on underground pipes.

- *Local residents*

Letters of objections from six local residents. These are summarised in Appendix 1 and broadly concern: the principle of residential infilling, harm to the Listed Buildings, highway safety matters, harm to amenity of neighbouring properties and harm to wildlife.

Concerns have also been raised that there is a restrictive covenant across the site and that the pond area is in the ownership of the hamlet.

## 6. Planning considerations

6.1. The following matters are considered as part of this report:

- a) Residential Infilling
- b) Heritage
- c) Highways and Visibility
- d) Residential Amenity
- e) Ecology and Landscaping
- f) Sustainability

Each of these elements is expanded in more detail below.

### ***Residential Infilling***

- 6.2. Policy DC2 states that planning permission for development will be granted within the rural area provided that the intrinsic character and beauty is not adversely impacted upon and provided that the proposed development is for one of a number of prescribed criteria. One of the exceptions listed is residential infilling in villages where it would accord with Policy DC12.
- 6.3. Policy DC12 states that permission will be granted outside of Defined Settlements and Urban Areas provided that:
- i) the site is a small gap in an otherwise built up frontage; and
  - ii) the development does not detract from the intrinsic character and beauty of the surrounding countryside; and
  - iii) the proposal does not consolidate existing development in remote area or served by unsatisfactory roads.
- 6.4. The supporting text to policy DC12 states that infilling is defined as filling the small gaps within existing groups of dwellings. It goes on to state that for the purposes of the policy a gap is normally regarded as 'small' if it is capable of accommodating no more than one property. However, in assessing the number of properties that could be accommodated within these small gaps, the City Council will have regard to the character and context of the development pattern of the immediate area.
- 6.5. Policy CO4 of the Emerging Local Plan relates to new buildings and structures in the Rural Area and sets out a list of criteria where planning permission will be granted, provided there is no adverse impact on the identified intrinsic character and beauty of the countryside. The criteria include limited infilling in accordance with Policy CO5. The wording of Policy CO5 in relation to rural areas is very similar to the wording of adopted policy (DC12). These policies are attributed significant weight.
- 6.6. The Reasoned Justification to emerging Policy CO5 states that in some circumstances, the context and character of the development pattern of the immediate area will allow for more than one property, or building, within these gaps.
- 6.7. The application site sits within a run of properties from Wrens Cottage to the east and Willow Cottage on the western edge of Broads Green. Whilst the properties to the east are more traditional and rural in their appearance when compared to the pairs of cottages to the west (Walnut Tree Cottages), they still appear part of the ribbon of properties lining the south side of Larks Lane and Broads Green itself. There is a strong sense of rhythm in the building blocks on

this side of the road, with many of the houses having wider frontages or forming part of a pair. Gaps between the building blocks are an important characteristic of the area that adds to the rural character of Broads Green, however the gap of the application site is wider than any of the other gaps between properties. The gap of the application site is therefore an anomaly in the ribbon of development. For the purposes of Policy DC12, the site does sit within an otherwise built up frontage.

- 6.8. Both the emerging Local Plan and the adopted Development Plan state that sites will be judged on their own merits in terms of whether a gap is 'small' and whether the context and character of the development pattern in the area can accommodate more than one dwelling.
- 6.9. The site has a width across the roadside boundary of approximately 32 metres. The width of the plot that Rye Cottage sits within is approximately 36 metres. 1 and 2 Thatched Cottages (given that they appear as one building block) have a combined frontage width of almost 30m. The width of the plot is therefore consistent with others to the east of Broads Green.
- 6.10. Although the proposed development is for two dwellings, these would be provided in one building block. The pair of houses would have a combined width of 15.4 metres. This is comparable to the width of Rye Cottage (14m), Thatched Cottages (13m), and Barnsbury (17m) which is to the east of Thatched Cottages. The width of the proposed building block is therefore comparable to the other building blocks on the south side of Larks Lane. On this basis, and given that there are many other pairs of semi-detached houses in Broads Green, the context and character of the development pattern in the area will allow for two dwellings arranged as a pair of semi-detached houses.
- 6.11. The proposal will result in the loss of the relatively open parcel of land on this side of the road and this will change the character of the site. It will become developed where it is currently, with the exception of a low-level stable block, open and undeveloped. This change however, is not harmful to the overall intrinsic character and beauty of the countryside. The proposal would maintain good distances to both side boundaries of the site, allowing for a rural sense of spaciousness to be retained. Furthermore, the frontage of the site would be landscaped, including a new hedgerow, and would not include parking or other overly urban features.
- 6.12. The proposal includes an access driveway and parking area towards the rear of the site. This means that the proposed building can be sited on a similar line to the properties either side of the site. Furthermore, this means that the frontage of the site can be appropriately landscaped without having to provide parking areas. The rear boundary of the site does not extend any further back than the rear boundaries of the development on the south side of the road, and also reflects the parking area to the rear of No's 5 - 8 Walnut Tree Cottages.
- 6.13. The overall layout and landscaping of the site mean that the proposal would not be so harmful to the character of the area to warrant a refusal of planning permission. It would be in keeping and integrated with the wider development pattern.
- 6.14. Overall, the proposal would comply with adopted and emerging planning policies in relation to residential infilling and the character of the area.

### **Heritage**

- 6.15. The application site lies to the west of 1 and 2 Thatched Cottages, a pair of timber framed and thatched roof cottages of eighteenth or nineteenth century origins. The Cottages are Grade II listed buildings. The application site forms part of the setting to the listed buildings.

- 6.16. Chapter 16 of the National Planning Policy Framework (NPPF) seeks to conserve and enhance the historic environment. Adopted Policy DC18 and emerging Policy HE1 follow this.
- 6.17. The scheme has been amended during the life of the application following advice from the Council's Principal Heritage Officer. Amendments have included the reduction in the width of the building, reduction in the height and depth of the rear gable wings, removal of eaves level dormer windows, addition of chimneys, amendments to outbuildings, and changes to the landscaping of the site.
- 6.18. The building would now be comparable in width to nearby properties. It would have a simple roof form and would be of a similar height to nearby houses. The amendments to the two-storey rear gable wings and single storey additions mean that the two-storey element is now set back from the sides of the building which reduces their impact and perceived bulk. The addition of chimneys also adds interest and articulation to the sides of the building.
- 6.19. Overall, the scheme is of a scale and design which reflects the traditional and historic context of the site. The scheme would have no adverse impact on the setting of the adjacent listed buildings (subject to planning conditions) and would therefore conserve the historic environment. The proposal is acceptable from a heritage perspective and accords with adopted Policy DC18 and emerging Policy HE1.

### ***Highways and Visibility***

- 6.20. Larks Lane is a narrow rural road where, in some places, visibility around bends is difficult. The agent has worked with officers, including those from Essex County Council Highway Authority to ensure the scheme delivers an access with the necessary visibility splays in both directions (west and east).
- 6.21. The required visibility splays are shown on the drawings and have been carefully considered by Essex County Council Highway Authority. The Highway Authority initially objected to the application on the basis that the applicant had not demonstrated control over the land required for the western visibility splay to the front of Rye Cottage. Following this, a signed agreement to the visibility splays being provided over their land (including the removal of part of the existing fence and gate) has been submitted from the occupiers of Rye Cottage. The agreement states that the landowners are happy for this to be included within Land Registry Title Documents. The treatment of the front of the site has also been designed to minimise the opportunity for parking on the frontage by introducing soft landscaping and removing pedestrian access from the Lane.
- 6.22. Following review of the agreement, the Highway Authority have removed their objection to the proposal as the visibility splay can be secured. A planning condition is required to ensure the visibility splays are provided prior to the commencement of the development.
- 6.23. The layout of the proposed development includes sufficient space for parking and turning. Dwellings of this size are required to have at least two parking spaces each. During the life of the application garages have been amended to car ports to encourage their use for parking, rather than other domestic storage. Two visitor parking spaces are also proposed. Overall, sufficient parking spaces would be provided to accord with the Essex Parking Standards and emerging policy MP5.
- 6.24. Concern has been raised in relation to traffic flows through the hamlet. The Highway Authority consider network capacity as part of their consultation. No concerns have been raised by the

Highway Authority in relation to this application and the impact two additional dwellings would have on the highway network.

- 6.25. Essex County Council Highway Authority find the application to be acceptable.

### ***Residential Amenity***

#### *Neighbouring Occupiers*

- 6.26. Number 1 Thatched Cottage is the closest residential property to the proposed dwellings. The dwellings would be, at their closest, around 4 metres away from the boundary with No.1. No.1 also has their garage, car port and parking area closest to the boundary which gives further separation between the dwelling and proposed dwellings. This separation and the layout of the proposal means that the new dwellings would not cause a harmful degree of loss of light to No.1 Thatched Cottage and would not be overbearing.
- 6.27. There are no side windows proposed to face No.1 Thatched Cottage. As such, there would be no overlooking to the neighbouring property or loss of privacy.
- 6.28. Concern was also raised about the initially proposed garage to the rear of the site, close to the boundary with No.1. The size and scale of the outbuilding has been reduced during the lifetime of the application such that it would now have a maximum height of 4.5 metres and a width of 3 metres. The car port would be over 10 metres from the neighbouring house and sited towards the end of their rear garden. An existing hedgerow would be retained along the boundary to separate the car port and parking area and the neighbour's garden. The limited size of the car port, and the position of it, mean that it would not harm the neighbour's amenity. It is recognised that loose bound gravel treatment of the parking area may cause some noise disturbance to No.1 Thatched Cottage, so a planning condition requiring details of hard surfacing will ensure a bound surface is used. Use of a bound treatment would minimise noise from vehicles using the parking area.
- 6.29. The proposed development would also have an acceptable relationship with Rye Cottage. The building would be set far enough away to avoid it being overbearing and overshadowing to the occupiers of Rye Cottage. There are no first-floor side windows proposed so there would be no loss of privacy. The new driveway would be adjacent to the parking area for Rye Cottage meaning that it would not cause disturbance to the occupiers of Rye Cottage.
- 6.30. The proposal would maintain an acceptable relationship with all neighbouring properties such that neighbouring occupiers' amenity would not be harmed.

#### *Prospective Occupiers*

- 6.31. Each dwelling would have its own large private garden. The rear boundary of the gardens, shared with the driveway and parking area, is shown to be marked with a 1.4m high fence. This height would allow privacy in the gardens from cars using the access and parking area, whilst still allowing views from the garden over to the countryside beyond.
- 6.32. Both of the proposed dwellings would be of a sufficient size to meet the Nationally Described Space Standards.
- 6.33. The scheme would provide a good standard of amenity to prospective occupiers'.

### ***Ecology and Landscaping***

- 6.34. The site is in a sensitive rural location where there is the potential for protected species to be using the site. The site includes a former pond habitat which could also support species.
- 6.35. The application is supported by a preliminary ecological appraisal which includes a bat inspection and Great Crested Newt surveys. These reports have been considered by the Council's Senior Natural Environment Officer who has found them to be acceptable. The finding of the surveys is that the site does not support European Protected Species and that no further surveys are necessary.
- 6.36. Nesting birds were recorded in the stable block. Swallows are nesting and the development would result in the loss of a nest site. To avoid harm to the birds, the stable should be demolished between October-February inclusive. There should also be provision of integral nest cups to ensure there is no permanent loss of a nest site. Planning conditions are added to ensure this.
- 6.37. The proposals indicate new planting areas within the site, including new native hedgerows. Suitable landscaping is important to ensure that enhancements are provided so that there is not an overall net loss to biodiversity. Planning conditions are added to secure soft landscaping enhancements as well as integral bat and bird boxes. Subject to these conditions, a scheme that results in an enhancement to biodiversity could be delivered.

### ***Sustainability***

- 6.38. The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development; economic, social and environmental.

### ***Economic***

- 6.39. Whilst relatively generic benefits, the proposal would provide two new houses which would provide jobs during construction and additional spending within the wider area. Given the generic nature of these benefits, and that the Council's housing requirements are being met without this development, these benefits carry limited weight.

### ***Social***

- 6.40. The proposed development would be in a location where local services, schools and shops are likely to be reached through reliance on private vehicle movements. Walking to nearby villages and public transport routes would not be safe, due to the lack of pavements and streetlighting. That being said, the area benefits from good public footpath connectivity and cycle routes to the larger settlement of Broomfield to the south, including The Saffron Trail using a surfaced track and Woodhouse Lane to get to Blasford Hill, a main route through Broomfield to Chelmsford city centre. Given that this proposal is for two additional dwellings where there is already over 40 dwellings it is considered that the lack of accessibility credentials carries some weight against the development.

### ***Environmental***



- 6.41. The environmental objective of the NPPF relates to protecting and enhancing our natural, built and historic environment; including making effective use of land and helping to improve biodiversity.
- 6.42. The proposal would be a well-integrated and well-designed addition to the area. It would comply with local planning policies in relation to residential infilling and would not adversely affect the surrounding heritage assets.
- 6.43. The proposed development would also include landscaping and biodiversity enhancements. Overall, the landscape benefits of the scheme and biodiversity enhancements carry limited weight in favour of the development under the environmental objective of sustainable development.
- 6.44. When considered in the round, the limited disbenefits of the proposal in accessibility terms are considered to be sufficiently outweighed by other considerations. The proposal is therefore acceptable, subject to conditions.

### **Other Matters**

- 6.45. Concern has been raised in relation to the potential for fires to be lit near the adjacent Thatched Cottages. Fires in close proximity to the thatched roof cottages would pose a risk to the Listed Buildings. As such, a planning condition is attached to prohibit burning of materials on the site during construction.
- 6.46. Issues of land ownership over the pond and a restrictive covenant preventing buildings on the land have also been raised. These are not material planning considerations. The developer would need to ensure all necessary consents, of which planning permission is just one, are in place before undertaking the development.
- 6.47. Local residents and the Parish Council have raised matters in relation to affordable housing and local housing need. The proposal is not of a large enough scale to trigger a requirement for affordable housing to be provided. Furthermore, the proposal for three-bedroom market houses is acceptable in principle and there is no requirement to meet local housing need.

## **7. Community Infrastructure Levy (CIL) and Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)**

- 7.1. The 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 made a financial contribution towards mitigation through the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) project.

### **List of Conditions:**

1	PR01	Full permission commence. time limit PC
2	PR06	Details - comp. with plans & cond. CC
3	DE01	Details of finished levels CS
4	DE04	Materials to be submitted Samples CS
5	DE07	Details of boundary treatment CS/CA



6	HI02	No unbound surface within 6 metres CA/XC
7	HI03	Highways surface water CA
8	HI06	Garage/car spaces XC
9	HI04	Parking - provision for cars/vehicles CA
10	U0087873	CA - access
11	U0087874	CA vis splays
12	ENV05	Electric vehicle charging - PC/CA
13	U0087875	cc - demolition
14	U0087876	cs/ca landscaping
15	PMD03	Removal PD rights for extensions PD
16	PMD06	Outbuilding alt to PD
17	PMD07	Fences walls removal of PD
18	HER03	Detailed large scale drawings CA
19	U0087877	CC - no fires

#### **List of Informatives:**

1	11	Hours of work during construction
2	42	Net new dwellings
3	9	Contact PBCS St naming and numbering
4	AODFEE	Fee for AOD
5	36	CIL Liable
6	19	Contact ECC Works affecting highway
7	45	DOC Applications

#### **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 any construction works, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DC45 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.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the adjacent listed building in accordance with Policy DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document and to ensure that the development is visually acceptable in accordance with Policies DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 5**

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

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

Reason:

In the interests of the visual amenities of the area and to safeguard the residential living environment of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policies DC4 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan.

**Condition 6**

No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.

Reason:

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

**Condition 7**

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

Reason:

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

**Condition 8**

The car ports and parking spaces shown on the approved plans shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

Reason:

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

**Condition 9**

No dwelling shall be occupied until 2 parking spaces per dwelling (one of which is a car port for each dwelling) and visitor parking spaces shown on drawing 18/48/13 A have been laid out and available for use. Those spaces shall thereafter be kept available at all times for those purposes.

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 10**

With the exception of demolition, no other development shall take place until the vehicular access has been constructed at right angles to the highway boundary and to the existing carriageway as shown on the approved plans. The width of the access at its junction with the highway shall not exceed 6 metres.

Reason:

to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

**Condition 11**

With the exception of demolition and construction of the vehicular access, no development shall take place until the access has been provided at its centre line with clear to ground visibility splays with dimensions of 2 metres by 43 metres in to the east and to the west, as measured from and along the nearside edge of the carriageway Larks Lane as shown on the approved plans. Such vehicular visibility splays shall be retained free of obstruction all times.

Reason:

To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety

**Condition 12**

Electronic vehicle charging infrastructure shall be installed prior to the first occupation of the development hereby permitted in accordance with details that have been previously approved in writing by the local planning authority.

Reason:

To ensure that the development is constructed sustainably in accordance with Policies CP11 and DC24 of the adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 13**

The demolition of the stable building shall only be carried out between October to February inclusive unless otherwise agreed by the local planning authority.

Reason:

To ensure that there is no disturbance or harm caused to nesting birds in accordance with Policy DC13 of the adopted Core Strategy and Development and Control Policies Development Control Plan

**Condition 14**

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

- a) hard surfacing including pathways and driveways, 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 (including one integral bat box and two integral swallow cups per dwelling);
- f) 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 DC13 and DC45 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 15**

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

Reason:

In the interests of the historic value of the adjacent listed buildings in accordance with Policy DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 16**

The planning permission hereby granted shall not be implemented in addition to or as well as any other outbuilding(s) permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) commenced on or after the date of this planning permission but shall be an alternative to such development.

Reason:

In the interests of the historic value of the adjacent listed buildings in accordance with Policy DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 17**

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

Reason:

In the interests of the historic value of the adjacent listed buildings in accordance with Policy DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 18**

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 and verges;
- (c) Doors, door casings and surrounds;
- (d) Chimneys;
- (e) Vents; and

(f) Flues.

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 adjacent listed buildings in accordance with Policy DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 19**

No materials produced as a result of the site development or clearance shall be burned on site.

Reason:

To ensure the development does not adversely affect thatched roofs of the adjacent listed building in accordance with Policy DC18 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Positive and Proactive Statement**

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

#### **SUMMARY OF RELEVANT ADOPTED AND EMERGING PLANNING POLICIES:**

##### **DC2**

Development Control Policy DC2 Controlling Development in the Countryside beyond the Metropolitan Green Belt - The countryside within the rural area beyond the Metropolitan Green Belt will be protected for its intrinsic character and beauty. Planning permission will be granted for development within the rural area provided that the intrinsic character and beauty is not adversely impacted upon and provided it is for a new building that supports sustainable growth of an authorised viable rural business and there is a justified need and no adverse impact upon character, appearance and visual amenity of the countryside; or promotes development and diversification of agriculture and other appropriate land based rural businesses or is accommodation in connection with such uses; or is for affordable housing for local needs; or is for the replacement of a building; or is for local transport infrastructure; or is for residential infilling in villages. These are subject to compliance with policies DC33, DC32, DC11 and DC12.

The extension or reuse of an existing building is acceptable subject to compliance with Policy DC47 or DC57.

Engineering or other operations or changes of use of land are acceptable provided they would have no material effect on the appearance and character of the countryside.

##### **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.

#### DC13

Development Control Policy DC13 Site of Biodiversity and Geological Value - The City Council will seek to restore, maintain, and enhance biodiversity and geological conservation interests. Appropriate weight will be attached in respect of designated sites when determining planning applications.

#### DC12

Development Control Policy DC12 Infilling in the Countryside - Planning permission will be granted provided that the site is a small gap in an otherwise built up frontage; and the development does not detract from the intrinsic character and beauty of the countryside; and the proposal does not consolidate existing development in remote areas or served by unsatisfactory roads.

#### 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.

#### 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.

#### SPS13

Strategic Policy S13 The Role of the Countryside - The general extent of the Green Belt is established and will be protected from inappropriate development. The main river valleys are identified as valued landscapes and are locally designated as Green Wedges and Green Corridors. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt, is designated as the Rural Area.

#### LPCO4

Local Policy CO4 New Buildings and Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.

#### LPCO5

Local Policy CO5 Infilling in the Green Belt, Green Wedge, Green Corridor and Rural Area - Planning Permission will be granted for infilling where the site is a small gap in an otherwise built up frontage and where the development would not detract from the existing character of the area. In the Green Belt, infilling may only be limited and only where the site is located within a village.

#### LPNE1

Local Policy NE1 Ecology and Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.

#### 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.

#### 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.

#### 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.

#### 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.

### **Background Papers**

Case File

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## Public Health &amp; Protection Services

Comments
30.07.2019 - This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is not allocated).

## Essex County Council Highways

Comments
<p>17.09.2019 -</p> <p>From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.</li> <li>2. Notwithstanding that the proposal includes a layout plan that indicates appropriate visibility splay provision, the visibility splay to the west passes over land outside the application site and over the front garden area of Rye Cottage. The applicant has not demonstrated that they control the land within the curtilage of Rye Cottage. This visibility splay is therefore not secured.</li> <li>3. The proposal would therefore lead to the creation a substandard access onto Larks Lane where the lack of suitable visibility from the proposed access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.</li> </ol> <p>The proposal is therefore contrary to policy DM1 and DM7 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.</p> <p>Notes</p> <ol style="list-style-type: none"> <li>i. The applicant must secure the visibility splay to the west, which passes over Rye Cottage front garden land by appropriate legal agreement, in perpetuity. The provision of documentary evidence to the satisfaction of the Local Planning Authority and the Highway Authority must be included in support of any future planning application.</li> <li>ii. The development site is located in Larks Lane and in this location is subject to a speed limit of 30 mph. The visibility splays in both directions required are Manual for Streets Standard 2.4 metres x 43 metres as measure from the nearside edge of the metalled carriageway: <ol style="list-style-type: none"> <li>a. The visibility splay to the west of 2.4 metres by 43 metres, which passes over third party land is not secured as described in 2 above.</li> <li>b. The visibility splay to the east of 2.4 metres by 43 metres, with the 300mm offset as measured from the carriageway edge toward the centreline, is acceptable. This provision is made in Manual for Streets.</li> </ol> </li> </ol>



iii. The proposal as submitted includes appropriate off-street parking provision for each dwelling which includes visitor parking spaces.

iv. The proposal as submitted includes space to enable vehicles entering the site to turn and leave in forward gear.

14.11.2019 -

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 Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Plan 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 DM 1

Note - MUD / DEBRIS ON HIGHWAY Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

2. Prior to first occupation of the proposed development, the vehicular access shown in the Proposed Site Plan, drawing no. 18/48/13 at its centre line shall be provided with clear to ground visibility splays with dimensions of 2 metres by 43 metres in to the east and to the west, as measured from and along the nearside edge of the carriageway Larks Lane. Such vehicular visibility splays shall be retained free of obstruction all times.

Reason: To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to first occupation of the proposed development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Proposed Site Plan, drawing no. 18/48/13. The width of the access at its junction with the highway shall not exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge.

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

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. Prior to first occupation of the proposed development, the vehicle parking areas including the garage parking indicated on the Proposed Site Plan, drawing no. 18/48/13, shall be constructed ready for use. The vehicle parking areas 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.

7. Cycle parking 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. 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 5P

## Recycling & Waste Collection Services

Comments
No response received

## ECC Minerals & Waste Planning

Comments
No response received

## Great Waltham Parish Council

Comments
18.11.2019 -  The Parish Council Objects to this application as there are concerns on the access and sight lines on this

busy narrow road. This application requires a site visit as the plans that have been presented may not take account of hedges, protruding aspects of adjacent buildings (specifically a porch) and the bend in the road. The application appears to contravene Policy DC12 ' 3.2.1 which clearly states for single dwelling infill in a small gap in a built-up frontage.

We are aware of the ECC covenant on part of the land ' that prohibits building of domestic buildings ' however garages and the proposed building would appear to impinge on this ECC covenanted land.

In terms of the building phase the line of sight must be established before any works begins and there must be parking restrictions on any site vehicles being parked in Larks Lane.

The Parish Councils wants to highlight that there is a thatched cottage within a few meters of the proposed building application and due consideration should be given to any activities around fires.

The Great Waltham Parish needs survey supports the building of 1 and 2 bedroom affordable properties and feel that three bedroom building does not align with this.

We understand that the current drainage of the pond is reliant on some underground pipes that drain to another area of land.

Request that this application goes to planning committee.

19.08.2019 -

The Parish Council objects to this application.

Attention should be given to the access due to the nature of the narrow road.

Great Waltham Housing needs survey highlighted the need for 1 and 2 bedroom dwellings to meet the needs of the parish.

The Application highlights on the Village Design Statement that a need for small starter homes are required. The applications for theses dwellings as 4 bedroom properties are not consistent with the needs or requirements of the VDS and the Parish as starter homes.

## Local Residents

### Comments

Letters of objection received from 8 local residents, summarised as follows:

#### *Heritage & Character*

The proposal is not sympathetic to the Listed Cottages or period cottage.  
Harmful clash with historic houses and character of Broads Green.  
Obstruct attractive views to the countryside.

#### *Principle of Development*

Does not comply with DC12 or CO5 as the site is not a small gap and can accommodate more than one dwelling.  
No need for four bedroom houses.

Do not meet need for affordable housing.

#### *Residential Amenity*

The proposal would block light to the garden of No.1 Thatched Cottage.

The garages would be an eyesore from Thatched Cottages.

No fires should be lit as this would invalidate insurance of the Thatched Cottages.

#### *Restrictions on the Land*

Impinge Essex County Council restrictive covenant preventing the construction of buildings.

The pond is communal land in the ownership of the hamlet.

#### *Sustainability*

No shops, schools, church or bus stops nearby.

#### *Ecology*

Wildlife use the pond which floods in the winter.

#### *Highways and Traffic*

Road is already overused and the proposal will increase traffic.

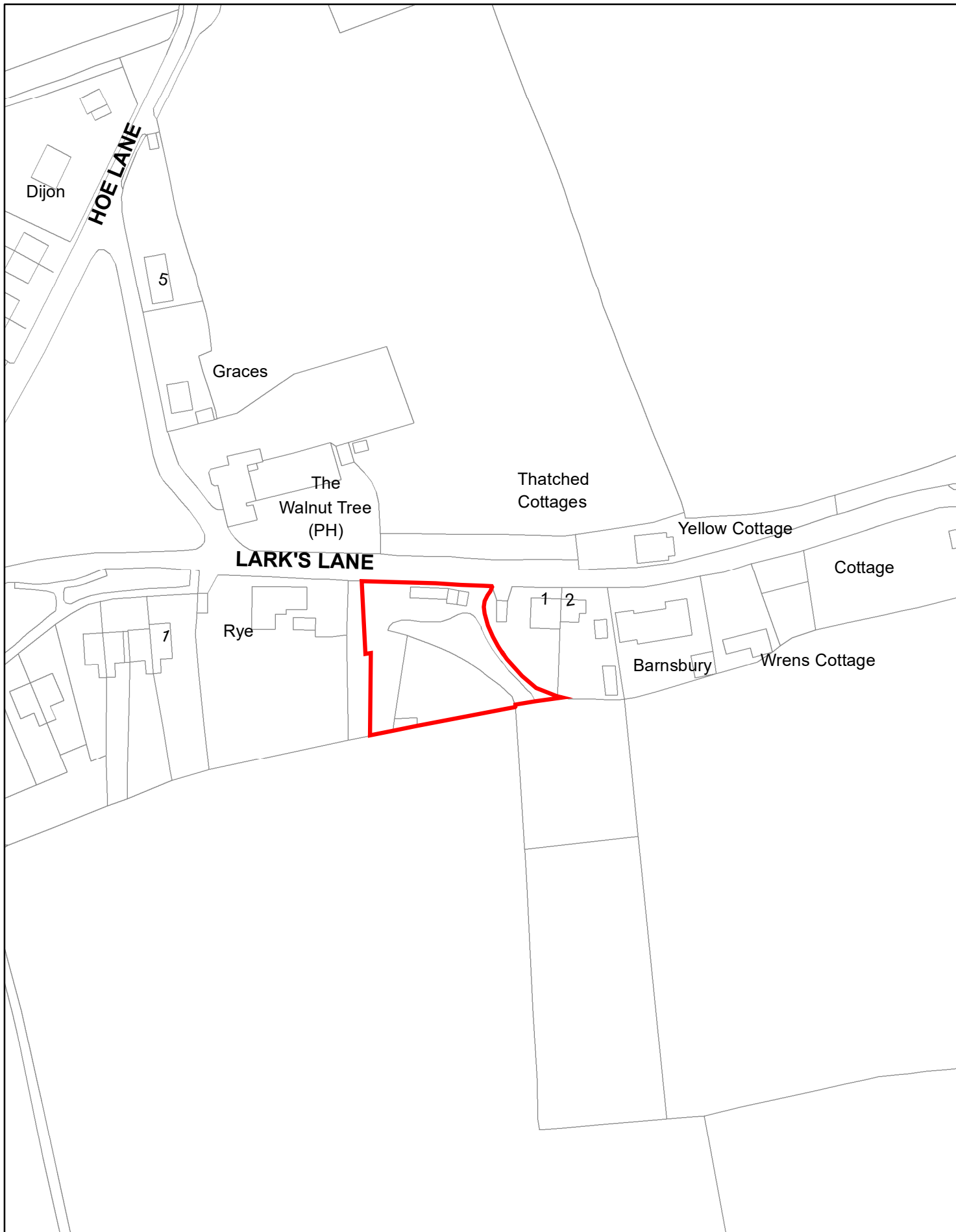
Concerns about conflict between construction vehicles and those walking on the lane.

Visibility splays cannot be achieved.

Lay by cannot be used for parking.

No turning within the site.

No opportunities for parking outside of the site - highway safety concerns.



0 12.5 25 50 Metres

1:1,250

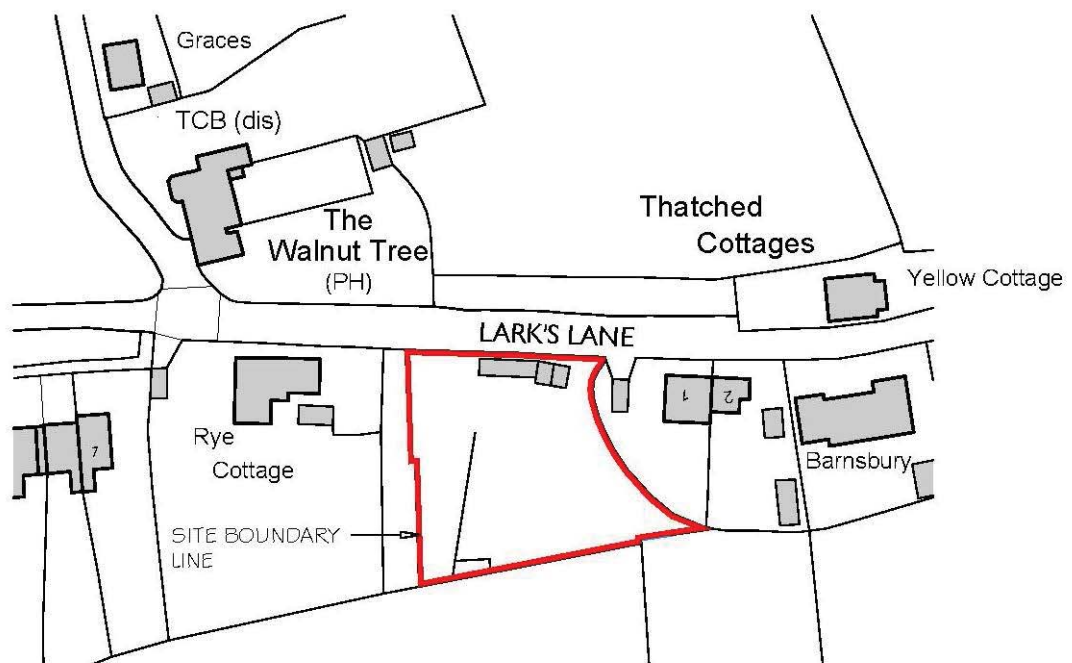


**Planning Committee**  
**19/01261/FUL**

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

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

Telephone: 01245 606826







# Appeals Report

Appeal Decisions received between 22/11/2019 and 03/01/2020

## PLANNING APPEALS

Total Appeal Decisions Received	9	
Dismissed	9	100%
Allowed	0	0%
Split	0	0%

## Public Inquiry

### Land At Junction Ongar Road West And Highwood Road Writtle Chelmsford Essex

<b>Reference</b>	18/01097/FUL
<b>Proposal</b>	Change of use of land to 4 no. Gypsy / Traveller pitches, comprising 4 no. mobile homes, 4 no. touring caravans, hardstanding and associated works.
<b>Appeal Decision</b>	Appeal Dismissed - 24/12/2019
<b>Key Themes</b>	Green Belt; Very Special Circumstances (including personal circumstances and need for Gypsy & Traveller pitches); Rural Character.
<b>Agreed with CCC on</b>	Inappropriate development in the Green Belt, harm to openness of Green Belt and encroachment into the countryside. Significant harm to character and appearance of rural landscape. Intentional unauthorised development (given limited weight). Adopted and emerging policy framework can respond to need. Cumulative weight of other considerations put forward (personal circumstances and need) does not clearly outweigh harm so as to amount to Very Special Circumstances.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

## Written Reps

### Land Adjacent 261 Gloucester Avenue Chelmsford Essex

<b>Reference</b>	18/01642/FUL
<b>Proposal</b>	Proposed demolition of existing garage and erection of a new dwelling
<b>Appeal Decision</b>	Appeal Dismissed - 28/11/2019
<b>Key Themes</b>	Impact of the proposed development on the outlook and daylight of the neighbouring property
<b>Agreed with CCC on</b>	Impact on the outlook of this neighbouring property
<b>Disagreed with CCC on</b>	Impact on the neighbouring property in terms of overshadowing
<b>Costs Decision</b>	None

### Land South Of 69 Torquay Road Chelmsford Essex

<b>Reference</b>	18/01655/FUL
<b>Proposal</b>	Part single, part two storey rear extension. Construction of two new dwellings, including associated works. Widening of the dropped kerb to provide new access.
<b>Appeal Decision</b>	Appeal Dismissed - 06/12/2019

<b>Key Themes</b>	- Harm to living conditions and privacy of No.67 Torquay Road - Noise and disturbance from the driveway - Harm to the privacy of No. 5 Paignton Avenue
<b>Agreed with CCC on</b>	- Proposal would be harmful to the living conditions of no.67 Torquay Road and No. 5 Paignton Avenue
<b>Disagreed with CCC on</b>	- Inspector considered that there would be no harmful impacts to No. 67 in the respect of noise and disturbance
<b>Costs Decision</b>	None

#### Land Rear Of The Cottage Boyton Cross Roxwell Chelmsford

<b>Reference</b>	19/00269/FUL
<b>Proposal</b>	Construction of new dwelling and cart lodge.
<b>Appeal Decision</b>	Appeal Dismissed - 26/11/2019
<b>Key Themes</b>	Infilling in the countryside Effect on the character and appearance of the countryside
<b>Agreed with CCC on</b>	Conflicts with policies CP5 and DC2 - outside defined settlement and not an infill Harm to the intrinsic character and beauty of the countryside Urban appearance of the extensive access
<b>Disagreed with CCC on</b>	N/A
<b>Costs Decision</b>	None

#### Site At Wheelers Farm Wheelers Hill Little Waltham Chelmsford Essex

<b>Reference</b>	19/00017/FUL
<b>Proposal</b>	Demolition of existing kennels. Construction of single storey dwelling.
<b>Appeal Decision</b>	Appeal Dismissed - 22/11/2019
<b>Key Themes</b>	Compliance with Policy DC11, Whether or not PDL, Suitable access
<b>Agreed with CCC on</b>	Not in compliance with DC11, Not PDL and no suitable access
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Site At Wheelers Farm Wheelers Hill Little Waltham Chelmsford Essex

<b>Reference</b>	19/00018/FUL
<b>Proposal</b>	Demolition of 3 storage buildings and the construction of 4 detached houses with all associated works.
<b>Appeal Decision</b>	Appeal Dismissed - 23/12/2019
<b>Key Themes</b>	Principle of market houses in the rural area, impact on intrinsic character and beauty of the countryside, impact on character of the area
<b>Agreed with CCC on</b>	Unacceptable in principle and in conflict with rural area policy, harmful to intrinsic character and beauty of the countryside and out of character with the area
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land At Oak Tree Farm Ingatestone Road Highwood Chelmsford Essex

<b>Reference</b>	19/00259/FUL
<b>Proposal</b>	Erection of an infill chalet dwelling.
<b>Appeal Decision</b>	Appeal Dismissed - 26/11/2019

<b>Key Themes</b>	<ul style="list-style-type: none"> <li>- Not in a village</li> <li>- Not infill</li> <li>- Greater impact than the existing as PDL</li> <li>- Harm to the character of the area</li> </ul>
<b>Agreed with CCC on</b>	<ul style="list-style-type: none"> <li>- Not in a village</li> <li>- That the scheme would have a greater impact than the existing</li> <li>- Would be harmful to the character of the area.</li> </ul>
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

### Householder

#### 1 Bridge Street Writtle Chelmsford CM1 3EY

<b>Reference</b>	19/00507/ADV
<b>Proposal</b>	Retrospective application for three internally lit signage boards, one to the north, the second to the east and the third to the west.
<b>Appeal Decision</b>	Appeal Dismissed - 09/12/2019
<b>Key Themes</b>	Harm to visual amenity of conservation area
<b>Agreed with CCC on</b>	Adverts harmful to amenity of Conservation area
<b>Disagreed with CCC on</b>	None
<b>Costs Decision</b>	None

#### 31 Waverley Crescent Runwell Wickford SS11 7LN

<b>Reference</b>	19/01003/FUL
<b>Proposal</b>	Proposed rear dormer extension.
<b>Appeal Decision</b>	Appeal Dismissed - 03/12/2019
<b>Key Themes</b>	Impact on Character of area, Impact on appearance of host dwelling, Harmful to character of area
<b>Agreed with CCC on</b>	Harmful to character and appearance of the local area, Harmful to appearance of the host dwelling, Disproportionate extension.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None