



ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE

3rd December 2019

AGENDA ITEM 6

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

The Ward Councillor has raised additional concerns for consideration as part of the proposed reasons for refusal following discussion with local residents.

Points Raised:

1. Car and cycle parking

The proposed reason for refusal regarding parking only refers to residential parking provision with no reference to the requirement to meet car parking standards for the ground floor A1 retail unit. 3 parking spaces would be required to meet the minimum parking standards for the retail unit and none are proposed.

No loading or unloading areas are proposed for the retail use and the turning of delivery vehicles would cause congestion. Additional on-street parking pressure as a result of the proposed development would restrict access for emergency vehicles and this associated congestion and turning would impact pedestrian safety and have an adverse impact on the amenity of neighbouring properties.

The proposed level of bicycle parking is not achievable as it requires access across a neighbouring site.

Comment:

The parking standards set out in the Adopted and Emerging Local Plans identify a standard of 1 space per 20sqm of retail floorspace. The Adopted Local Plan policy identifies that in areas with high levels of public transport accessibility, less parking provision can be provided.

The Emerging Local Plan standards are contained in "Parking Standards Design and Good Practice (September 2009)" which were produced by a review group of Essex Planning Officers. These emerging plan standards are applied as a maximum number of spaces and are rounded up if the calculations indicate that part of a space is required. In respect of the proposed development, the emerging standards would require a maximum of 3 parking spaces.

However, in common with the parking standards for residential development, the informative to this emerging standard identifies that “a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.”

The existing commercial unit with a gross internal floor area of 97sqm would require a maximum of 5 parking spaces. It doesn't achieve this. There is a single space across the site frontage.

In light of the full wording of the policies, the reasoned justification and the wording of the parking standards, there is no requirement for parking provision for the retail element of the proposed development in light of the site's highly sustainable City Centre location. In terms of the commercial element of the proposed scheme compared to the existing it arguably leads to a lesser level of parking pressure.

The existing commercial unit would generate loading/unloading. The turning head on Mildmay Road is protected by single yellow lines prohibiting parking between 8am-6pm allowing for commercial vehicles to manoeuvre to serve the site. This would not change for the proposed smaller commercial unit. On street servicing is not uncommon in many urban locations where there are parking restrictions and it is not an uncommon occurrence in this location as there are other commercial businesses close by such as pubs, nurseries and retail with similar arrangements.

The Applicant has confirmed that he has a right of way over the neighbouring site to access the rear of the application site. The original recommendation for conditional approval of this scheme included a condition requiring bicycle parking to be in place prior to the occupation of any residential unit on the site. In the event that, despite the Applicant's confirmation, there is no right of way over the neighbouring land the residential development could not be occupied. This is a civil matter between the respective landowners and not a matter for the Council to consider.

2. Impact on neighbour amenity

The proposed development would be higher than most buildings with a comparable front to front relationship which are often two-storey Victorian terraces facing each other. The proposal would have a greater impact in respect of overlooking and overbearing of neighbouring properties than occurs in other similar scenarios.

In respect of loss of light, there would be a loss of light to the west facing properties in the corner block of flats which front Mildmay Road. This would particularly impact the ground floor flats.

Comment:

In consideration of the relationship with the Victorian terrace, the flat roof of the proposed building reduces the overall height and bulk of the structure. This is further reduced by the staggered front elevation. The closest two-storey element of the front elevation would have a maximum height which is comparable with the eaves height of the Marconi building adjacent. The higher section behind would then be set further back from the road. The overall impact of the built form would not be dissimilar to a two-storey property in the same position with a pitched roof.

As discussed in the main report, it is acknowledged that the proposed building would cast shadow towards the flats to the north. During the winter months, when the sun is lower in the sky, shadow would be cast towards the adjacent car park and flats in the middle part of the day. Later in the middle of the afternoon, the shadow would move towards the west side of the corner block of flats. It would not result in the building permanently blocking all light for the whole of the afternoon to this elevation. Later in the afternoon, as the sun moves further towards the west, the impact of the proposed building in respect of the adjacent flats would end.

3. Pedestrian Safety

An additional reason for refusal is requested regarding pedestrian safety: The wording suggested by residents is-

“The proposed front extension would create a blind spot and for drivers of vehicles entering and exiting the car parks on both sides of the site. In addition, the proposal to introduce a dropped kerb along the entire site frontage (to accommodate under-croft parking) would result in an excessively long 25 metre stretch of dropped kerb that would be difficult for pedestrians to traverse safely. Cumulatively, this introduces a safety hazard for pedestrians and motorists and fails to safeguard pedestrian priority and safety on this heavily used walking route to the town centre. The development would impact on highway and pedestrian safety and fails to achieve the sustainable transport objectives of the NPPF.”

Comment:

Essex County Council, as the Local Highway Authority (LHA), has no objections to the proposals in respect of highway safety. They consider matters relating to both pedestrian and vehicular traffic. Even with a dropped kerb of a width to accommodate the proposed parking provision, the pavement would be maintained to the front of the building. It is not proposed that this is a shared surface and the pavement would continue to be an area of pedestrian priority.

This area of Mildmay Road is essentially a cul-de-sac and there are separate areas for pedestrians and vehicular traffic. It is not a through road with constant two-way traffic. The LHA has fully considered the proposals and is content that the proposed development would not be harmful to pedestrian safety.

Conclusions

1. Officers do not consider that any changes to the wording of the recommended reasons for refusal are necessary.
2. Officers do not consider that the suggested additional reasons for refusal can be justified in relation to planning policies and highway safety considerations.