

# Planning Committee Agenda

**11 February 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

11 February 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 14 January 2020.

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 RYE COTTAGE, LARKS LANE, BROAD GREEN, GREAT WALTHAM – 19/01261/FUL**
7. **LAND SOUTH WEST OF BROADACRES, LODGE ROAD, BICKNACRE, CHELMSFORD – 19/01800/FUL**
8. **LAND REAR OF 101 NEW LONDON ROAD, CHELMSFORD – 19/00126/FUL**
9. **PLANNING APPEALS**

PART II (EXEMPT ITEMS)

NIL

**MINUTES**

of the

**PLANNING COMMITTEE**

held on 14 January 2020 at 7:00 pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, S Dobson, R J Hyland,  
J Frasca, R Lee, L Millane, G H J Pooley, R J Poulter, T E Roper,  
C Shaw, R J Shepherd, M Springett and I Wright

Also present: Councillors M Bracken, I Grundy, M J Mackrory, S Rajesh  
and M Steel

1. **Chair's Announcements**

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

2. **Apologies for Absence**

Apologies for absence were received from Councillors A Davidson and P Hughes. They had appointed Councillors J Frasca and I Millane respectively as their substitutes

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 3 December 2019 were confirmed as a correct record and signed by the Chair.

5. **Public Question Time**

Members of the public attended to ask questions and make statements on items 6, 7 and 8 on the agenda. Details are recorded under the relevant minute numbers below.



6. **Land Adjacent to 27 High Street, Stock, Chelmsford – 19/01486/FUL**

An application had been received for the demolition of existing buildings on land adjacent to 27 High Street, Stock, the removal of the tennis court and the construction of a new dwelling with detached double garage. The scheme would also involve the construction of a new access road from the front parking area and a new garden wall.

Representatives of Stock Parish Council and one of the local ward councillors attended the meeting to speak against the application. They were concerned that insufficient weight was being given to the harm the development would have on the historic curtilage of Compass Gardens, a listed building adjacent to the driveway providing access to the application site, harming its special character and its setting. They argued that the Council had a statutory duty to protect the historic environment of the area around the application site which would be adversely affected by the scale and spread of the development. They said that local residents were also concerned about the access to the site from the High Street, which was already a heavily used road.

A representative of the applicants spoke in support of the development, saying that access would be via an existing driveway and was acceptable to the Highways Authority; that the Council's Conservation Officer had no objection to the development; and that the visual impact would be neither material nor harmful, with the dwelling being at the rear of the application site and barely visible from the High Street.

The Highway Authority representative and the Conservation Officer confirmed that the development was acceptable from their points of view. The latter said that the new dwelling would be outside of the land occupied by the historic building of Compass Gardens; that there had been development in the past in the space between Compass Gardens and 31 High Street; that the new building would be set back and not visible from the High Street; and that the driveway would be a single track, with an unmetalled surface and no hard boundary.

The Committee had a number of questions about vehicle movements to and from the site, why access could not be gained from The Paddock, and the significance it should place on the presence of the historic curtilage of Compass Gardens. In the end, however, it was reassured that the development was acceptable in the context of the planning authority's statutory duty to preserve historic assets and in all other respects.

**RESOLVED** that application 19/01486/FUL in respect of the site on land adjacent to 27 High Street, Stock be approved, subject to the conditions set out in the report to the meeting.

*(7.05pm to 7.42pm)*

7. **Chelmsford Rugby Football Club, Coronation Park, Timsons Lane,  
Chelmsford – 19/01755/FUL**

The Committee considered an application for an extension to the balcony on the west elevation of the Chelmsford Rugby Football Club clubhouse in Coronation Park, Timsons Lane, Chelmsford and the construction of a new associated external staircase.

Three members of the public and a local ward councillor attended to speak against the application, while two representatives of the Rugby Club spoke in support. Those who opposed it did so mainly on the basis of the noise from music associated with evening events at the clubhouse that would be all the more apparent as result of the presence of the balcony. They referred to previous noise nuisance from the clubhouse, particularly when the windows and doors were left open, and asked why a planning condition relating to the control of noise from the premises, similar to that required under its premises licence, could not be included in any permission, if granted. The representatives of the Rugby Club explained the purpose of the balcony and said they would seek to minimise any disturbance to nearby residents.

The Committee heard from a representative of the Council's Public Health and Protection Service, who said that there had been no substantiated evidence of noise nuisance from the clubhouse in the past. The Committee was advised that the presence of the balcony itself was not the issue when it came to the question of noise from the premises, but whether the management was fulfilling the requirements of the licence for the activities taking place in the building.

On the whole, the Committee felt that on planning grounds there could be no objection to the application but that the licensing conditions relating to the prevention of noise nuisance would be reinforced by the inclusion in the permission of an informative that the applicant have regard to them when holding events involving loud music.

**RESOLVED** that application 19/01755/FUL in respect of the Chelmsford Rugby Football Club, Timsons Lane, Chelmsford be approved, subject to the conditions set out in the report to the meeting and the addition of the following informative:

*The applicant's attention is drawn to the Club Premises License (06/00477/LAPREC) for the Chelmsford Rugby Football Clubhouse. The licensed activities as stated on the Certificate shall only be carried out between the hours of 10.00 and 00.00. The noise mitigation conditions which are to be adhered to are contained within Annex 3 of the Certificate.*

*The applicant should ensure that the requirements of the license are adhered to at all times and failure to do so could result in the license being reviewed.*

(7.42pm to 8.26pm)

8. **Land East of Rye Cottage, Larks Lane, Great Waltham, Chelmsford – 19/01261/FUL**

An application had been submitted for the demolition of existing stables on land to the east of Rye Cottage, Larks Lane, Great Waltham and the construction of two residential dwellings with detached car ports. The application also involved associated works, including a new vehicular access.

Three local residents and a local ward councillor spoke against the application. Their objections related to:

- the current restrictions on the use of part of the site, which allowed its use only for the siting of stables;
- the fact that it was an infill development and contrary to policy DC12 and emerging policy CO5;
- the increase in the number of vehicle movements on Larks Lane, which was narrow and already heavily used, road safety concerns about vehicles entering and leaving the site, and the lack of parking for construction and delivery vehicles;
- the loss of hedgerows;
- the enforceability of the Section 106 agreement preserving sightlines from the site;
- the presence of a pond on the site which would make any development more difficult;
- loss of light to the garden of 1 Thatched Cottages;
- concerns that the design of the properties was out of keeping with other houses in the village; and
- the danger presented to the adjacent thatched cottages by any fires associated with the site clearance and building works.

In response to those points, the officers informed the Committee that:

- there was sufficient room for two vehicles to pass one another in Larks Lane and the proposed development, with an estimated six vehicle movements per day, would not affect that; the developers would not be reliant on the use of the private layby for the parking of vehicles;
- the hedges would be removed and repositioned to provide the required sightlines, not removed entirely;
- the proposed Section 106 agreement would run with the ownership of the land and would therefore be enforceable, whoever the owner was;
- ownership of the land the subject of the application and any restrictions on its use were not a planning consideration but were matters for the developer to resolve before beginning work;
- emerging Local Plan Policy CO5 and current Policy DC12 gave the Council sufficient discretion and flexibility to allow more than one small dwelling to be built on an infill site. In reality, although this application was for two semi-detached houses, it would be one building block of a size and in a pattern similar to other buildings in the village;
- there would be no overshadowing of the garden of 1 Thatched Cottages; and
- the burning of materials on site would be controlled by proposed Condition 19.

The Committee's discussion of the application centred on whether, as an infill development, it was permissible under policies DC12 and CO5. It considered that this was best judged by a site visit and discussion of the issue in the light of that. It therefore deferred a decision on the application pending the holding of a site visit.

**RESOLVED** that application 19/01261/FUL in respect of the site on land to the east of Rye Cottage, Larks Lane, Great Waltham be deferred to enable the Committee to hold a site visit.

*(8.26pm to 9.12pm)*

9. **Planning Appeals**

**RESOLVED** that the information on appeal decisions between 22 November 2019 and 3 January 2020 be noted.

*(9.12pm to 9.13pm)*

10. **Urgent Business**

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

The meeting closed at 9.13pm.

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**

- 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.
- 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.
- 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.

- 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.
- DC24** Development Control Policy DC24 Energy Efficient Design and Use of Materials - The City Council will require new dwellings and non-residential buildings to incorporate sustainable design features to reduce carbon emissions and the consumption of natural resources. Five or more dwellings, non-residential developments greater than 1000 sqm are required to achieve 10% reduction or more in carbon dioxide emissions above current building regulation requirements. A statement must be submitted specifying how this will be achieved. All new dwellings are required to achieve a minimum rating of level 3 of the Code for Sustainable Homes (or its successor). Non-residential buildings shall have a minimum BREEAM rating (or its successor) of Very Good. Where possible new buildings to utilise a minimum of 20% of sustainable building materials and/or reuse of recycled materials.
- DC32** Development Control Policy DC32 Rural Housing Need - Sets the criteria for the provision of affordable housing on small sites within or adjoining small rural Defined Settlements, which would not otherwise be released for housing, in order to meet identified local rural housing need. A proportion of market housing may be appropriate only where it can be demonstrated that market housing is essential to cross subsidise the delivery of the affordable housing.
- DC42** Development Control Policy DC42 Site Planning - Planning permission will be granted for development proposals where the site planning and design of building spaces arranges access points, routes within the site, public and private spaces, building forms and ancillary functions in an efficient, safe, workable, spatially coherent and attractive manner, incorporates existing site features of value and does not cause unacceptable effects on adjoining sites, property or their occupiers.
- 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**

- 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.
- 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.
- LPHO1** Local Policy H01 Size and Type of Housing - The Council will protect existing housing from redevelopment to other uses and will require an appropriate mix of dwelling types that contribute to current and future housing needs and create mixed communities. For major developments all dwellings shall be constructed to meet requirement M4 (2) of the Building Regulations. On sites of 30 or more dwellings 5% off the affordable units shall be provided as wheelchair user dwellings.
- LPHO2** Local Policy H02 Affordable Housing and Rural Exception Sites - The Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential sites which comprise 11 or more residential units or comprise a maximum floorspace of 1,000sq. Permission will be granted for affordable housing within Designated Rural Areas for local rural housing need subject to compliance with prescribed criteria.
- 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.
- LPMP3** Local Policy MP3 Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- 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.
- 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.
- 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
- 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.

## **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**  
**11<sup>th</sup> February 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 back to the Planning Committee following it being deferred for a site visit at the meeting on 14<sup>th</sup> January 2020.
- 1.2. The application is referred to planning committee at the request of a Councillor Steel in the interests of the objections from local residents.
- 1.3. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. The proposal therefore complies with the Council's adopted and emerging policies in relation to residential infilling.
- 1.7. 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. In the interests of highway safety the proposed development requires the provision and retention of visibility splays onto the highway. The visibility splay located to the west of the site access sits on land in front of Rye Cottage which is outside of the application site. To ensure that the visibility splay is provided and retained in perpetuity the owners of Rye Cottage have agreed to enter into a S106 Agreement.
- 1.8. Sufficient parking and turning space would be provided within the site. The Highway Authority have no objection to the application.
- 1.9. 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.
- 1.10. 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.

- 1.11. 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.
- 1.12. 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.

## **RECOMMENDATION**

**Subject to the completion of a s106 Agreement pursuant to the Town & Country Planning Act 1990 to secure the provision and retention of a visibility splay across the frontage of Rye Cottage, that the Director of Sustainable Communities be authorised to grant planning permission 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.

## 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 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.
- 3 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).
- 4 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.
- 5 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.
- 6 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.

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

### **Positive and Proactive Statement**

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.

### **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>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>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.</p> <p>The Plan shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. wheel and underbody washing facilities</li> </ul> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of</p>

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
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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 these 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.

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

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

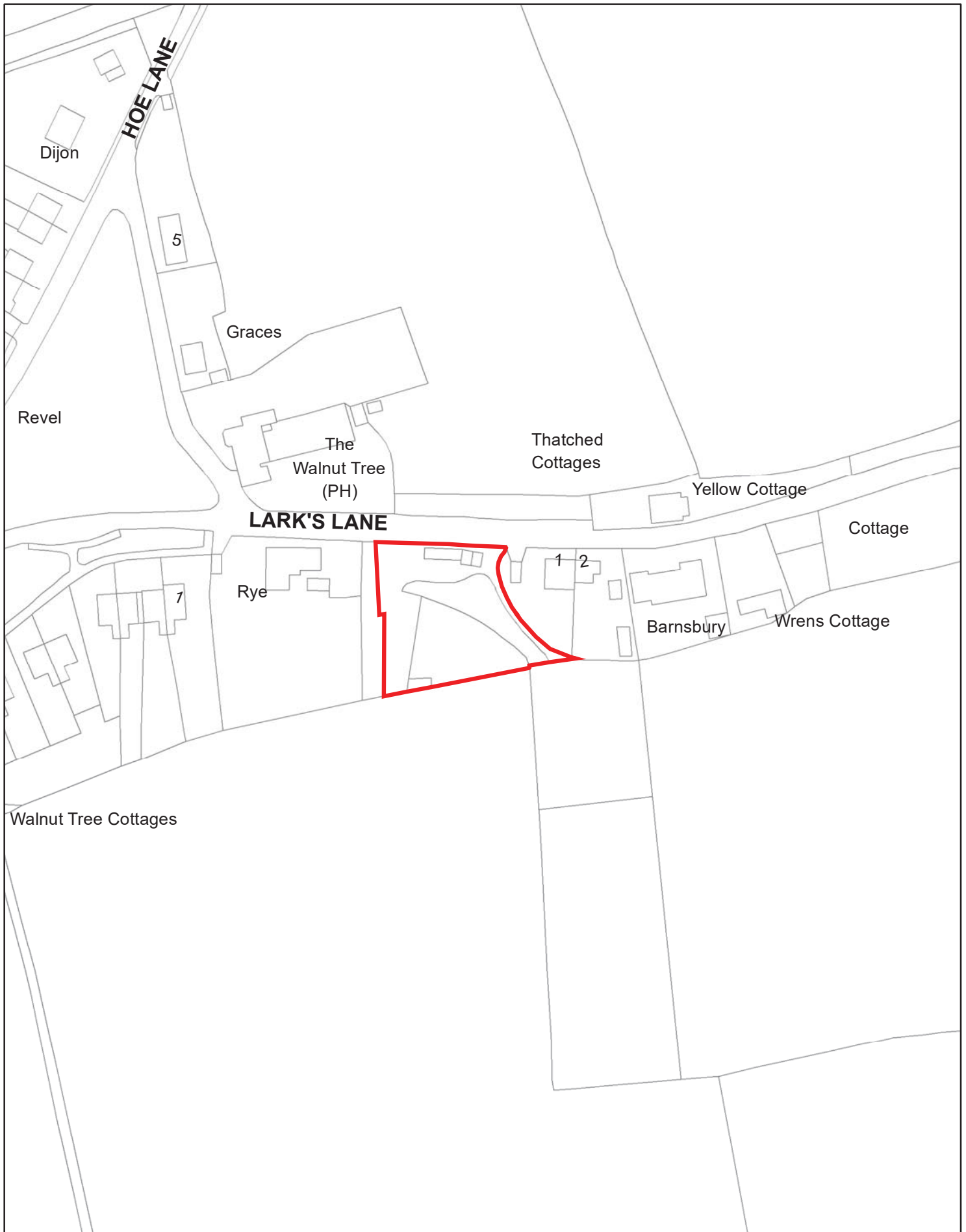
**AGENDA ITEM 8**

**19/01261/FUL – Land Adjacent to Rye Collage, Larks Lane**

In the interests of highway safety the proposed development requires the provision and retention of visibility splays onto the highway. The visibility splay located to the west of the site access sits on land in front of Rye Cottage which is outside of the application site. To ensure that the visibility splay is provided and retained in perpetuity the owners of Rye Cottage have agreed to enter into a S106 Agreement.

*Amended recommendation*

Subject to the completion of a s106 Agreement pursuant to the Town & Country Planning Act 1990 to secure the provision and retention of a visibility splay across the frontage of Rye Cottage, that the Director of Sustainable Communities be authorised to grant planning permission subject to the following conditions:-



0 12.5 25 50 Metres

1:1,250

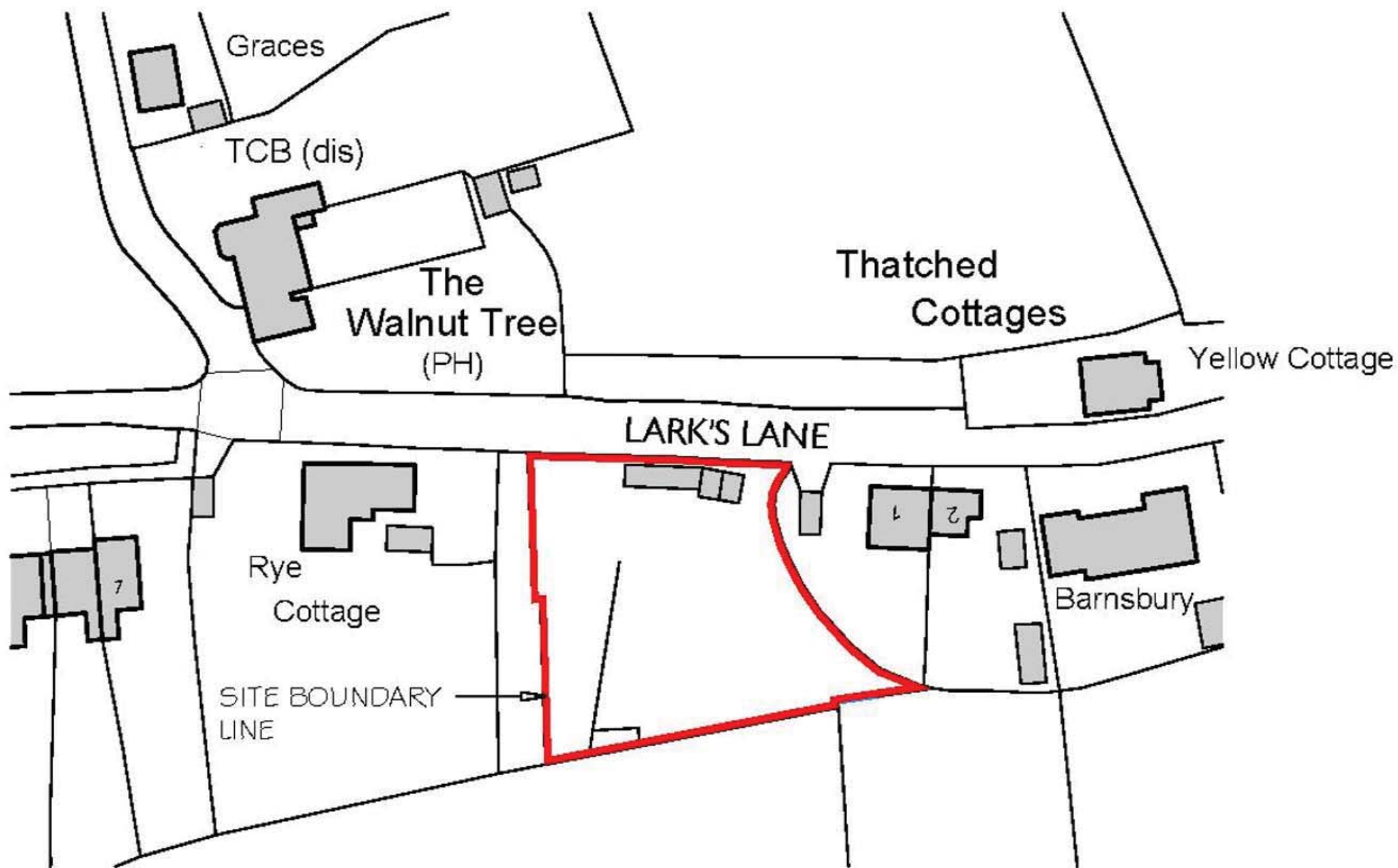


**Planning Committee**  
**19/01261/FUL**

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

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

Telephone: 01245 606826









# Larks Lane





**Planning Committee**  
**11<sup>th</sup> February 2020**

<b>Application No</b>	:	19/01800/FUL Full Application
<b>Location</b>	:	Land South West Of Broadacres Lodge Road Bicknacre Chelmsford Essex
<b>Proposal</b>	:	<b>Construction of 6 bungalows and 3 formations of access. Additional associated landscaping.</b>
<b>Applicant</b>	:	Mr Keith McMullon
<b>Agent</b>	:	Holmes And Hills LLP
<b>Date Valid</b>	:	8th November 2019

**Contents**

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Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. This application is referred to planning committee at the request of a local ward member due to the level of local interest both in favour and against the proposals.
- 1.2. The site is located in the Rural Area outside the Defined Settlement Boundary where new development is restricted. The proposal relates to the construction of three pairs of bungalows within part of the existing residential garden to “Broadacres” and would face Lodge Road.
- 1.3. The site is located in a sustainable location with access to public transport and local services. The development would not harm the intrinsic character and beauty of the countryside and would amount to sustainable development.
- 1.4. The bungalows would have a modest scale and form and the design of the dwellings is acceptable. Appropriate private amenity areas for each dwelling would be provided.
- 1.5. Integral garages would be provided in addition to open parking and turning areas to the front which meets the Council's parking standards. Three new vehicular accesses would be provided on to Lodge Road without having a detrimental impact on vehicular or pedestrian safety.
- 1.6. The development would have an acceptable relationship with neighbouring properties.
- 1.7. Approval is recommended.

## **2. Description of site**

- 2.1. The site lies within the Rural Area beyond the Metropolitan Green Belt where development is restricted. It is located 30m to the west of the junction of Main Road and Lodge Road, on the northern edge of Woodham Ferrers.
- 2.2. The site currently forms part of the residential garden to the dwelling to the north, “Broadacres”. There is an existing vehicular access from Lodge Road to the dwelling located to the east of the application site.
- 2.3. The site is rectangular and covers an area of 0.36ha with approximate dimensions of 90m x 40m. There is an established hedge running along the boundary with Lodge Road.

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

- 3.1. This application relates to the proposed construction of three pairs of two-bedroom, semi-detached bungalows on the site. Each dwelling would have a footprint of approximately 159sqm and a maximum ridge height of approximately 5.5m.
- 3.2. The pairs of bungalows would have a “U” plan form with gardens to the rear and parking and turning areas to the front. The buildings would also incorporate a single integral garage within the built form of each property.
- 3.3. To enable access to each dwelling, three new vehicular accesses would be created on Lodge Road each to serve a pair of dwellings.

#### 4. Summary of consultations

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

- ◆ Woodham Ferrers & Bicknacre Parish Council
- ◆ Public Health & Protection Services
- ◆ Essex County Council Highways
- ◆ Recycling & Waste Collection Services
- ◆ Local residents

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

4.3. The Parish Council supports this planning application.

4.4. Public Health and Protection Services has responded that the development should provide Electric Vehicle charging point infrastructure for each dwelling.

4.5. Essex County Council Highways raised no objection to the proposal as each new access would be provided with appropriate visibility splays and the parking provision would be in accordance with the Essex Planning Officer Association standards and the Emerging Local Plan standards. The impact of the proposal is acceptable from a highway and transportation perspective subject to the imposition of appropriate conditions.

4.6. No response has been received from Recycling and Waste Collection Services.

4.7. 13 representations have been received comprising 2 letters of objection, 10 letters of support and 1 letter making comments. Main points:

##### Objections

- Proposed development would be detrimental to the character and appearance of this area of Lodge Road
  - Would change the existing open character to that of a high-density housing area
  - Lodge Road is a narrow country lane used by large agricultural vehicles and coaches
  - Additional traffic along Lodge road would be harmful to highway safety
  - If this proposal is permitted, then consideration should be given to reducing the speed limit and making Lodge Road a no-through road for commuter traffic
  - The playing fields to the west of the proposed development are used regularly resulting in on-street parking on Lodge Road - three additional accesses would create conflict with pedestrians and vehicles
  - Construction traffic and residents parking would obstruct emergency access to playing fields if necessary
  - Visitors to the bungalows would reduce availability for on-street parking for users of the playing fields
  - Mature trees have been cut down on the site - this conflicts with the Arboricultural report stating no trees would be cut down
- Why can the access to the site not be located on Main Road?

##### Support

- Would welcome the opportunity to purchase a smaller property and be able to stay in the local area
- Bus stops are close by allowing access to local services

- Single storey accommodation would be beneficial for allowing occupants to be mobile for longer
- Would enable release of larger family homes elsewhere in the locality and allow the village to be a multi aged community
- The bungalows have been designed with a layout and structure in line with current RIBA and Age Concern recommendations
- The proposals would be a benefit to the village
- Have participated in village life for many years and would like to remain locally while downsizing
- There is a lack of bungalows and suitable properties locally to enable residents to downsize while remaining in the area where friends and family are also local.
- The local demographic is skewed with a high percentage of residents over 65 and downsizing to a bungalow is difficult if there are none available locally

Comment

- Proper thought must be given to flooding and sewerage issues as additional homes will mean existing issues worsen

## 5. Planning considerations

### *Main Issues*

- 5.1. The main issues are whether:
- The principle of development here is acceptable
  - There would be a harmful impact on the countryside as a result of the proposal
  - The proposal would be sustainable development
  - The proposal would have an acceptable design and layout
  - There would be adequate amenity space for the proposed occupants
  - Adequate access and parking arrangements would be provided

### *Principle of Development*

- 5.2. The site is located outside of the Woodham Ferrers Defined Settlement Boundary (DSB) in both the Adopted and Emerging Local Plans. The closest part of the DSB runs along the southern side of Lodge Road and includes the two properties “Sunnymead” and “Crofters” opposite.
- 5.3. Policies DC2 and CO4 set out the types of development which will be permitted in the Rural Area provided that the intrinsic character and beauty of the countryside is not adversely impacted. Within the list of types of development, open market housing is not one of the exceptions however limited affordable housing for local needs in accordance with policies DC32 and HO2 respectively is one of the stated exceptions. The application documents indicate that the proposed development would provide accommodation restricted to occupants over 55 years and who have a local connection.
- 5.4. Both Policies DC32 and HO4 require the proposed development to be for affordable housing and they each set out four criteria which must be met for development to comply with the policies. It is acknowledged by the applicant in the Planning Statement that this proposal is not for affordable housing and therefore it cannot comply with either Policy DC32 or HO4. The proposal is for open market housing in the Rural Area and is contrary to the requirements of Policies DC2, DC32 and Emerging Policies CO4 and HO2.

- 5.5. In addition to consideration of the proposal in relation to the Adopted and Emerging Local Plan policies, it is necessary to consider the objectives of the National Planning Policy Framework (NPPF). The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development and at the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental. Taking each of these dimensions in turn, in relation to the current proposal:

*Economic*

- 5.6. Although a relatively generic benefit, the proposal would have an economic role in supporting/creating jobs during the construction stage of the scheme. The new dwellings would provide homes to people who would be likely to support the existing local services and businesses in the nearby villages. The delivery of housing also has an economic benefit in boosting housing supply. Although the growth needs of the Council's administrative area is being realised through the ability to demonstrate five years' worth of specific deliverable sites, this development would provide six new dwellings which would make a small contribution in addition to those deliverable sites.
- 5.7. Taking into consideration the economic benefits, weight can be attributed to the scheme in fulfilling its economic role of sustainable development; there would ultimately be a limited positive impact which weighs for the development.

*Social*

- 5.8. The proposed development would be in a location where local services, schools and shops can be reached without reliance on private vehicle movements. The site is located close to bus stops on Main Road which provide a half hourly bus service for much of the day between Chelmsford and South Woodham Ferrers. Within Woodham Ferrers itself there is a primary school, public house, restaurant, village hall and church within walking distance.
- 5.9. There are a number of local services and facilities which can be accessed without the need to rely upon a private vehicle and the site is accessible in this respect. Although the proposal is not for affordable housing, it is the applicant's intention that the bungalows would be provided for over 55s and there is local support from both residents and the Parish Council for the development. The social sustainability aspect of the site of the proposal carries significant weight in favour of the proposed development as it meets the social objectives aim in the NPPF of fostering well-designed and safe built environments with accessible services to meet needs and support communities' health, social and cultural well-being.

*Environmental*

- 5.10. In respect of the environmental role of sustainable development, the NPPF refers to protecting and enhancing the natural, built and historic environment. The proposal would introduce buildings on the site in the form of the six bungalows. The character of the site would be altered from an open area of domestic garden to that of a low-rise residential development. The site falls within the definition of previously developed land as it forms part of the garden to "Broadacres" and any development of it would not result in the loss of undeveloped land within countryside. It is an area of maintained land used for domestic purposes. While the existing garden use maintains an open aspect, the site does not contribute to the rural character of the wider area.
- 5.11. It would be necessary to remove the existing hedge to the front of the site to enable the construction of the accesses and required visibility splays. It would therefore be appropriate for

landscape and biodiversity enhancements, such as native planting including a replacement hedge and trees to the front of the site, to be secured by condition. This would offset any harm arising from the proposed built form and loss of the existing hedging.

- 5.12. In the context of the existing character of the site and surrounding area where there are existing dwellings to the south, within the DSB, and a row of two-storey properties to the west of the site which are within the revised DSB in the Emerging Plan, the construction of modest bungalows on this site would not erode the rural character of the area. Taking into account landscaping and biodiversity enhancements which would be sought be condition, the proposal would therefore not be harmful to the intrinsic character and beauty of the surrounding countryside. Overall the proposed development would have a neutral environmental benefit.
- 5.13. In summary, although the proposed development would have a neutral environmental impact, there would positive impacts in respect of the economic and social objectives and the proposal would amount to sustainable development.

#### *Planning Balance*

- 5.14. The proposed development is contrary to the requirements of Policies DC2 and CO4 as construction of open market housing is not one of the types of development permitted in the Rural Area. However, the harm arising from this policy conflict would be limited due to the context of the site and the modest single storey form of the bungalows proposed. The proposed development would meet the objectives of the NPPF in respect of the presumption in favour of sustainable development and is therefore acceptable.

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

- 5.15. The dwellings would be positioned in a linear form reflecting the position of dwellings further along Lodge Road, to the west. The roof form is shown to be articulated with a central ridge and lower, subservient projections to the side and rear. The buildings would have true single storey proportions with the main ridge having a maximum height of 5.5m. The projections would have narrow spans and traditional external materials are indicated to be used. This would result in the development incorporating elements of the local vernacular into the design of the dwellings.
- 5.16. The existing buildings in the vicinity of the site comprise a mix of sizes, scale, design and appearance. The proposed dwellings would have an acceptable design and appearance in themselves and would not be out of keeping with the mixed character of the built form in the vicinity of the site. The proposal therefore complies with the requirements of Adopted Local Plan Policy DC45 and Emerging Local Plan Policy MP1.

#### ***Amenity space***

- 5.17. Each dwelling would have in excess of 100sqm of private amenity space to the rear. This would exceed the minimum standards recommended for a two-bedroom property and complies with the requirements of Policies DC44 and MP4.

#### ***Neighbour Amenity***

- 5.18. The single storey nature of the dwellings would prevent any loss of privacy or overlooking occurring between the proposed dwellings or between the existing and proposed dwellings.



- 5.19. Only one of the proposed dwellings, Plot 1, would be located near to an existing property, No.1 Ash Cottage which is adjacent to the western site boundary. There would be a distance of approximately 5.4m between the side elevation of the main section of the bungalow and the western site boundary and approximately 2.7m between the lower side projection to Plot 1 and the side boundary. These distances, when combined with the modest height and proportions of the proposed dwelling, would prevent the proposed dwelling appearing as overbearing when viewed from the property to the west, no. 1 Ash Cottages or from having an overshadowing impact to that property.
- 5.20. The proposed development would have an acceptable relationship both with neighbouring properties and between the proposed dwellings and complies with the requirements of Adopted Local Plan Policy DC4 and Emerging Local Plan Policy PA1.

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

- 5.21. Each property would have a parking and turning area to the front of the dwelling, in addition to an integral garage. The integral garages would have internal dimensions of 5.5m x 3.9m. These internal dimensions would be smaller than required in accordance with the standards required by the Emerging Local Plan however, they exceed the internal dimensions required by the Adopted Local Plan. It is also noted that if the garages were excluded from the parking provision, the development would still provide two spaces per dwelling in accordance with the Emerging Local Plan requirements. The indicated parking provision therefore complies with Policies DC7 and MP5 of the Adopted and Emerging Local Plans.
- 5.22. The proposal includes the creation of three new vehicular access points from Lodge Road to provide an access for each pair of bungalows. Essex County Council, as the Local Highway Authority, has been consulted on the proposed development. They have indicated that subject to appropriate visibility splays being provided for the accesses in addition to the imposition of appropriate conditions, the proposal is acceptable to the Highway Authority. The construction of six dwellings with three new accesses would therefore not have a detrimental impact on highway or pedestrian safety. As detailed above, the existing hedge would need to be removed to facilitate the proposed development however a suitable replacement would be secured by a landscaping condition.
- 5.23. In common with other existing properties along Lodge Road, refuse and recycling collections would take place from the front of the site. A condition is recommended for details of the storage and collection areas to ensure that adequate facilities are provided within the site.

#### ***Other Matters***

- 5.24. Concern has been raised regarding the impact of additional properties on existing flooding and sewerage issues. The site is not located in a Flood Zone where there are flooding issues and any new development would need to meet the requirements of Building Regulations regarding drainage. Anglian Water, as the statutory undertaker, has confirmed that the sewerage system has capacity to accommodate the proposed development.
- 5.25. The existing trees on the site are not protected by a Tree Preservation Order and no consent from the Local Planning Authority was required to remove the trees which were previously within the application site area.



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

- 6.1. This application may be CIL liable and there may be a CIL charge payable.
- 6.2. 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 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.

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

Reason:

To ensure that the development is visually acceptable in accordance with Policies DC45 and DC47 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**

Prior to their installation, details of the facilities for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved details.

Reason:

To ensure that suitable facilities for refuse disposal are provided and that such facilities are visually satisfactory.

**Condition 7**

Prior to the first occupation of the dwellings hereby permitted, charging infrastructure for electronic vehicles shall be installed at a rate of 1 charging point per dwelling.

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 8**

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 9**

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 10**

No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 03 rev Aa for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space 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 11**

There shall be no obstruction above ground level within a 2.4 metre wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such

vehicular visibility splays shall be provided prior to first occupation of the proposed development and retained free of any obstruction at all times.

Reason:

To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

**Condition 12**

Prior to first occupation of any pair of dwellings, the vehicular accesses to serve the relevant pair of dwellings shall have been constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres and shall be provided with a dropped kerb vehicular crossing of the footway to preserve pedestrian priority.

Reason:

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

**Condition 13**

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

**Condition 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;
- 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 15**

In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report dated 24 October 2019 subject to such minor variations as may be agreed in writing by the local planning authority.

#### Reason

To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

#### Condition 16

The dwellings shall be constructed incorporating the Building Regulations optional requirement for water efficiency of 110 litres/person/day. Details demonstrating that the dwellings have been constructed in compliance with this requirement shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings.

#### 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 and Policy MP3 of the Chelmsford Draft Local Plan.

#### Notes to Applicant

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

##### Noisy work

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

##### Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 3 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

- 4 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 5 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.
- 6 The Highway Authority (Essex County Council) must be contacted regarding construction details for the proposed vehicular crossover. 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).
- 7 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).
- 8 Any proposed landscaping scheme for the site should include standard trees to the front of the site as well as native species hedge.

### **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.

### **Background Papers**

Case File

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**Woodham Ferrers & Bicknacre Parish Council**

Comments
04.12.2019 - The Parish Council supports this application.

**Public Health & Protection Services**

Comments
18.11.2019 - Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per 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>19.12.2019</p> <p>Three new shared vehicular accesses will serve the 6no. bungalows. Each new vehicular access would all be provided with appropriate visibility splays and this is conditioned below.</p> <p>The parking provision level for each dwelling is in accordance with the EPOA and emerging Chelmsford City Parking Standards.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>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:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. wheel and underbody washing facilities</li> </ul> <p>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.</p> <p>Note - MUD / DEBRIS ON HIGHWAY</p> <p>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.</p>

2. There should be no obstruction above ground level within a 2.4 metre wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided prior to first occupation of the proposed development and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

3. Prior to first occupation of the development each of the 3no. the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway to preserve pedestrian priority.

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. Prior to first occupation of the development the vehicular turning facility for each pair of bungalows shall be provided as shown in the Proposed Block Plan, drawing no. 03 Rev A, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

5. There shall be no discharge of surface water from the 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. No unbound material shall be used in the surface treatment for each of the new vehicular accesses proposed 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.

7. Prior to first occupation of the proposed development each bungalow shall be provided with two vehicle parking spaces. Each parking space shall be 2.9 metres x 5.5 metres long, as shown in principle in the Proposed Block Plan, drawing no. 03 Rev A, constructed ready for use.

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.

#### Proposed Garages - Parking Note

The proposed garages do not meet the minimum length recommended in the EPOA Parking Standards and therefore will not be counted toward the off-street parking provision. The minimum internal garage sizes recommended is 3 metres by 7 metres long.

However, the proposal includes 2no. off-street surface parking spaces which is in accordance with the provision level recommended in the EPOA and emerging Chelmsford City Parking Standards.

8. 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.

9. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for each bungalow, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

## Recycling & Waste Collection Services

Comments
No response received

## Local Residents

Comments
<p>6.3. 13 representations have been received comprising 2 letters of objection, 10 letters of support and 1 letter making comments.</p> <p><u>Objections</u></p> <ul style="list-style-type: none"><li>- Proposed development would be detrimental to the character and appearance of this area of Lodge Road</li><li>- Would change the existing open character to that of a high-density housing area</li><li>- Lodge Road is a narrow country lane used by large agricultural vehicles and coaches</li><li>- Additional traffic along Lodge road would be harmful to highway safety</li><li>- If this proposal is permitted, then consideration should be given to reducing the speed limit and making Lodge Road a no-through road for commuter traffic</li><li>- The playing fields to the west of the proposed development are used regularly resulting in on-street parking on Lodge Road - three additional accesses would create conflict with pedestrians and vehicles</li><li>- Construction traffic and residents parking would obstruct emergency access to playing fields if necessary</li><li>- Visitors to the bungalows would reduce availability for on-street parking for users of the playing fields</li><li>- Mature trees have been cut down on the site - this conflicts with the Arboricultural report</li></ul>



stating no trees would be cut down

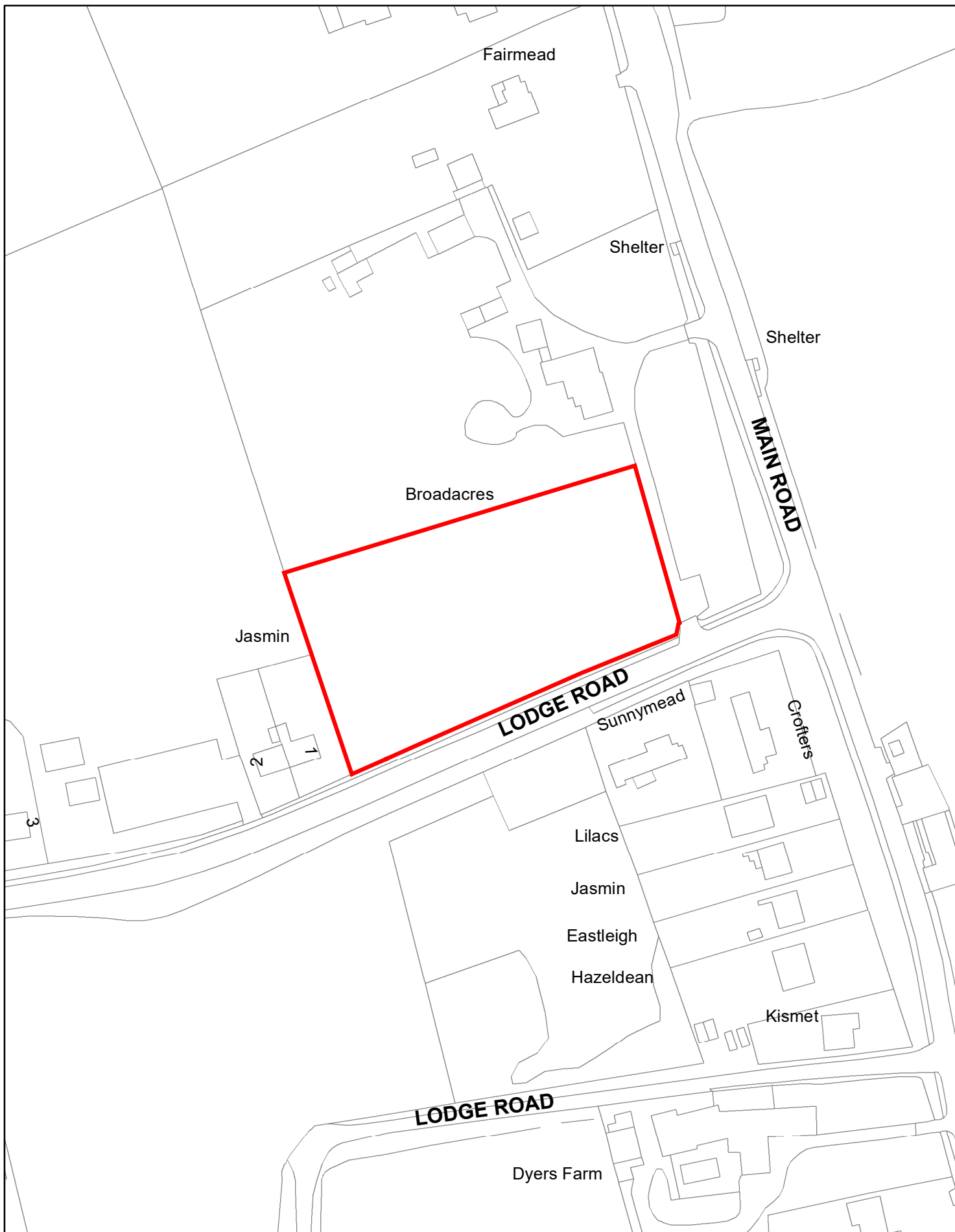
Why can the access to the site not be located on Main Road?

Support

- Would welcome the opportunity to purchase a smaller property and be able to stay in the local area
- Bus stops are close by allowing access to local services
- Single storey accommodation would be beneficial for allowing occupants to be mobile for longer
- Would enable release of larger family homes elsewhere in the locality and allow the village to be a multi aged community
- The bungalows have been designed with a layout and structure in line with current RIBA and Age Concern recommendations
- The proposals would be a benefit to the village
- Have participated in village life for many years and would like to remain locally while downsizing
- There is a lack of bungalows and suitable properties locally to enable residents to downsize while remaining in the area where friends and family are also local.
- The local demographic is skewed with a high percentage of residents over 65 and downsizing to a bungalow is difficult if there are none available locally

Comment

- Proper thought must be given to flooding and sewerage issues as additional homes will mean existing issues worsen



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**19/01800/FUL**

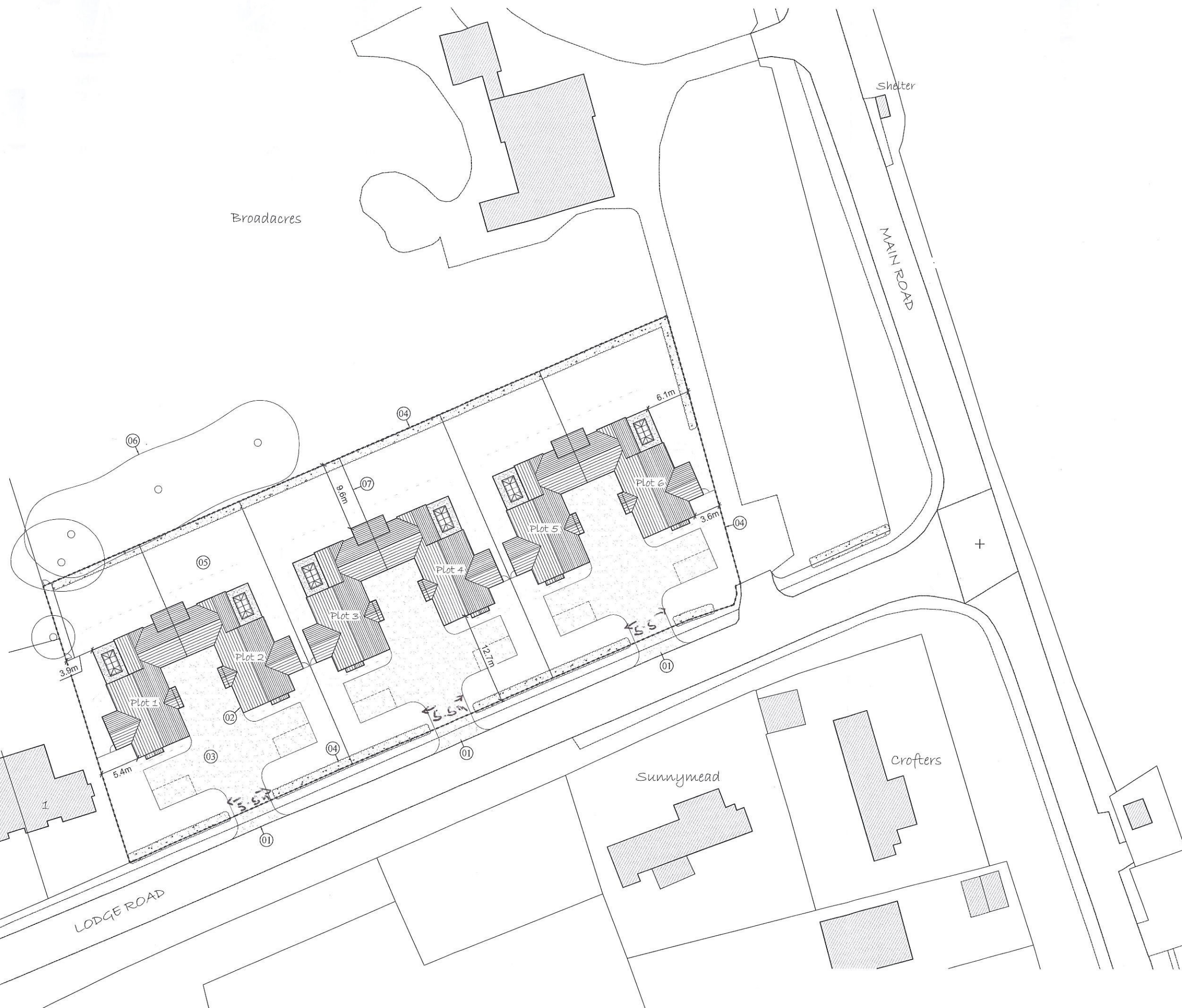
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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

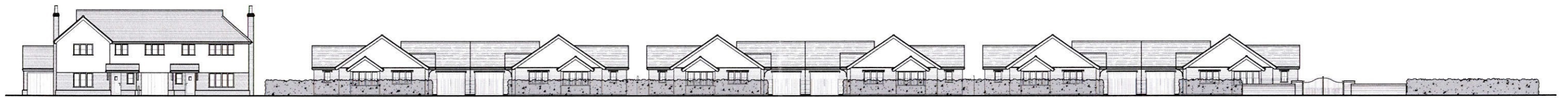
Telephone: 01245 606826

Circled Numbers:

1. Construct 3 new accesses as shown, in accordance with ECC highways specification and Journey Transport Planning Statement. Lead-in to be surfaced in bound surface such as block paving with aco drain at highway edge.
2. Proposed new dwellings.
3. Driveways incorporating parking and turning area, surfaced in bound self-draining finish.
4. New boundary enclosures finished in a mixture of metal estate fencing, close boarded fencing and indigenous hedgerows.
5. Private gardens for new dwellings, generally laid to lawn with patios to rear.
6. Existing trees retained in accordance with Arboriculturist Report and Tree Protection Plan.
7. New dividing boundary screen fences in 1.8m high close boarded fencing and/or willow/ hazel fencing.







Proposed Street Scene (Lodge Road)



Proposed Front Elevation



Proposed Side Elevation

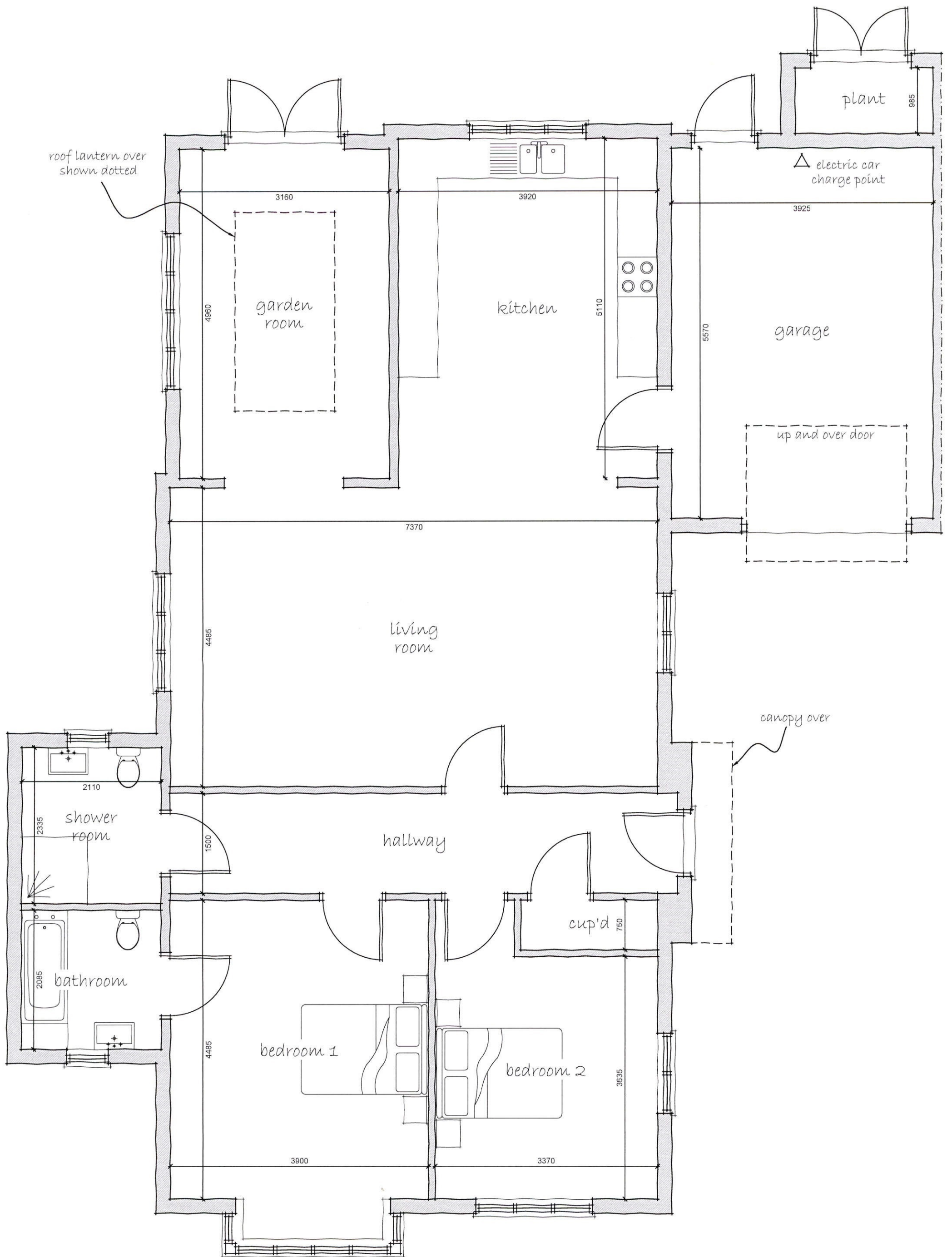


Proposed Rear Elevation



Proposed Side Elevation





Proposed Ground Floor Plan



**Planning Committee**  
**11<sup>th</sup> February 2020**

<b>Application No</b>	:	19/00126/FUL Full Application
<b>Location</b>	:	Land Rear Of 101 New London Road Chelmsford
<b>Proposal</b>	:	Proposed 5 storey unit to provide 8 new apartments.
<b>Applicant</b>	:	Mr Charles Pear Estates & Lets 2 LLP
<b>Agent</b>	:	VR Architects Ltd
<b>Date Valid</b>	:	8th February 2019

**Contents**

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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 following concerns with (i) compliance with Policies DC45 and MP1, and (ii) cumulative impact when considered with conversion of No 101 New London Road, existing and proposed development along New Writtle Street and the rear of The Bay Horse.
- 1.2. The design of the building was amended during the timeframe of the application. The result is an apartment block which provides interest to the back of a former office site and one that sits appropriately with its surroundings. The character and appearance of Conservation Areas would be preserved, as would the setting of nearby listed buildings.
- 1.3. Approval is recommended.

## 2. Description of site

- 2.1. No 101 New London Road (Carlton House), to the front of the site, forms part of a group of office buildings dating from the 1960s onwards. The building is uncharacteristic of the Conservation Area due to its scale and form. It is prominent in the street scene due to its position set forward, close to the road edge. Carlton House has been converted to residential use under permitted development rights (see 18/01053/CUPAO).
- 2.2. To its rear there is a parcel of undeveloped land, used as car parking for the building, which sits between two neighbouring buildings – Greenwood House to the north and Kwik Fit to the south.
- 2.3. The site lies within the City Centre and New London Road Conservation Area. The Moulsham Street Conservation Area abuts the site to the rear.

## 3. Details of the proposal

- 3.1. The proposal is for a five storey block at the rear of the site, accommodating 8 x 1 and 2 bed flats (split 4:4).
- 3.2. The building takes a block form, with the north and south elevations broken down with balconies and changes in material. Refuse, plant, cycle storage and parking bays occupy the ground floor. Parking would occupy the space between the new building and the existing converted building.
- 3.3. Each flat benefits from a terrace on the south elevation, which overlooks the private car park at the rear of Moulsham Street. The two bedroom units would have dual aspects (north and south). Windows in the north elevation would face the rear of the converted office building (Carlton House).

## 4. Other relevant applications

**18/01053/CUPAO** (101 New London Road) Prior approval required – Approved 06/08/18

Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from B1 office to C3 residential to create 20 new dwellings.

### *Commentary*

The prior approval application includes the building which fronts New London Road (formerly known as Carlton House). It relies on land to its rear for car parking, cycle parking and refuse storage. The scheme has been implemented, albeit not yet complete.

**19/00304/FUL** (101 New London Road) Approved 26/04/19

Replacement of existing windows.

The following applications are schemes within the locality which are noted within the report.

**12/00884/FUL & 13/01347/MAT** (71-79 New Writtle Street)

Approved 17/08/12 & 18/12/13

Demolition of existing vacant building and construction of 3no. three bed 3 storey houses & 2no. four bed 3 storey houses with bin/recycling & bicycle storage space and parking for 5 cars.

The material amendment application extended Plots 4 & 5 at first & second floor to create 2no. four bed units in place of three bed units previously approved.



#### *Commentary*

The permission is implemented and the units occupied. All of the units include gardens at the ground floor, with windows at ground, first and second floor.

#### **17/00207/FUL** (*Roadstar tyre and exhaust centre, New Writtle Street*)

Approved 16/06/17

Demolition and clearance of existing car mechanic site and redevelopment with 5 no. dwellings. New crossover.

#### *Commentary*

The permission is not implemented. It includes 5 terraced dwellings set across 2 and 3 storeys. The new properties are positioned to the south of the proposal. 4 of the properties include garden areas at first floor, which cover ground floor parking.

#### **19/01553/FUL** (*189 Moulsham Street and land to the rear*)

Approved 18/12/19

Construction of two 2 storey buildings to existing carpark to create 6 apartments. Construction of a one and a half storey unit to the side of the existing building comprising of commercial space (A1 Use Class) on the ground floor and one 2 bedroom apartment to the first floor. Internal alterations to the first floor of The Bay Horse constructing two 1 bedroom apartments within the existing structure and the construction of a first floor extension to form one 1 bedroom apartment.

#### *Commentary*

The permission is not implemented. The permission includes two new buildings to the rear of the Bay Horse with habitable rooms which face north towards the rear of 101 New London Road

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

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

- 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 Essex County Council Highways raised no objections to the proposal on the basis

5.4 Public Health and Protection Services

5.5 Recycling and Waste Collection Services are content with the access arrangements.

5.6 Seven representations have been received. The objections raised the following concerns:

- Impact on living conditions – overlooking, visual intrusion
- Impact on Conservation Area – design will cause harm to character and appearance
- Issues with construction – access from Moulsham Street, construction times, noise, absence of construction method statement, query access arrangements
- Archaeology – note history and request condition

- Contamination – information absent despite previous use
- Application process – amended drawings permitted by LPA, request determination by Committee
- Application details – design and access statement includes poor detailing, query rights of access, proposal will impede development of neighbouring site
- Viability – general comments on viability issues

## 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 heritage assets as a result of the proposal
- There would be unacceptable harm caused to neighbouring properties through overlooking, overshadowing or overbearing impacts
- Adequate vehicular access and parking arrangements would be provided

### *Policy context*

- 6.2. Chelmsford's new Local Plan was submitted to the Secretary of State on 29<sup>th</sup> June 2018. In accordance with paragraph 216 of the NPPF (2012) – the policies of the 2012 Framework apply for Local Plans submitted for Examination up to 24 January 2019 – local authorities may give weight to emerging policies as they advance through the stages of plan preparation. This is subject to the extent to which there are unresolved objections to the relevant policies and their degree of consistency with the Framework. The emerging policies are considered consistent with the 2012 Framework.
- 6.3. The Local Plan has completed consultation on the Main Modifications and the Council awaits the Inspectors Final Report.
- 6.4. The new Local Plan includes Policies HO1, HE1, HE3, MP1, MP3, MP4, MP5 and PA1 which are relevant to the determination of this application.
- 6.5. Significant weight may be given to these policies at this stage in the plan making process.

### *Principle*

- 6.6. The site is not specifically allocated in the Town Centre Area Action Plan (TCAAP) but in a city centre location the principle of residential development is acceptable. Its location to the rear of an existing site and fronting a car park means that a mixed use for the ground floor would not be appropriate. Redevelopment of the site would make best use of brownfield land.

### *Design and Layout*

- 6.7. Policy DC45 of the Core Strategy seeks to achieve high quality development. Policy MP1 of the Local Plan seeks high quality design. Both policies have a similar content, in seeking to achieve well designed buildings and compatibility of proposals with their surroundings.

- 6.8. The building would align with the rear elevation of Greenwood House, providing a continuation of the existing built form and enclosure to the space beyond.
- 6.9. During the timeframe of the application the fifth floor was deleted so that the proposal follows the scale of the neighbouring building, rather than projecting above it. The amended scheme also changed the design of the building, to include greater articulation in the frontage (south), inset balconies, and a prevalence of brick as the predominant material. The revised design provides a greater symmetry to the building, whilst also improving the layout of the units by providing a dual outlook for half of them and balconies that are inset to limit overlooking, as well as providing outdoor amenity space.
- 6.10. Each of the properties benefits from a terrace which is above the size requirement in Making Places SPD and the guidance within Appendix C of the Local Plan (3 sqm). The property would also benefit from a small communal roof terrace. In any event, the site is situated within 600m of Central Park. The internal floor areas for both bedroom types are above the Nationally Described Space Standards endorsed by Appendix C of the Local Plan.
- 6.11. The design changes undertaken during the application are considered to be positive, such that the views from Moulsham Street (and the immediate setting of the Bay Horse) would be preserved. Representations have been critical of the process of revising drawings from initial submission. Given the outcome of the design changes, the acceptance of revised plans is considered to be justifiable on the Council's part. Development is acceptable in principle in such urban locations and implementation of policies such as DC45 and MP1 have enabled a more appropriate scheme to be considered.

#### *Listed buildings and Conservation Area*

- 6.12. Carlton House, and its accompanying land, lies within the New London Road Conservation Area. The three villas to the northwest relate to the early development of the road from the 1840s and are Grade II listed. Moulsham Street Conservation Area lies to the southeast of the site and The Bay Horse on Moulsham Street is Grade II listed. Carlton House forms part of a group of office buildings dating from the 1960s onwards which is uncharacteristic of the Conservation Area due to its scale and form. The building will remain (with some external improvements) for the foreseeable future following its conversion to flats under permitted development. Views of the converted building are not important, but the addition of a new block to the rear will have a presence within, and from Conservation Areas, as well as potentially impacting upon the setting of nearby listed buildings.
- 6.13. Given the revised design, to reduce its height and improve the aesthetics of the elevations, it is considered that the impact upon both Conservation Areas is acceptable. The character and appearance of the Conservation Areas would be preserved, likewise, the setting of nearby listed buildings.

#### *Neighbour relationships*

- 6.14. Properties to the east and west are office and commercial respectively. There would be an interaction between office windows and the nearest windows serving units to the rear of the building, however this relationship is not a parallel one. Outlook and privacy are as can be expected within a dense city centre, urban setting.
- 6.15. The new block would be situated parallel to the converted Carlton House. The nearest windows would be 16m apart (from one projecting element of Carlton House), with others over 20m

apart. This type of relationship is not uncommon within an urban setting and would be acceptable. The new building would impact upon outlook from the converted building but again the presence of buildings (beyond domestic scale) is to be expected in a city centre setting.

- 6.16. The relationship with buildings to the south is more complex because of proposed development nearby. Firstly, relatively new development to the south 71-79 New Writtle Street includes an outlook towards the proposed building and include garden areas at their rear. The revised design now includes an enclosed terrace in the southernmost corner units. Views of gardens would be achievable from this nearest terrace but the distance (of over 19m) and the angle of view mean that this impact is an acceptable one to all of those properties along New Writtle Street.
- 6.17. The site to the south, known currently as Roadstar tyre and exhaust centre, benefits from a planning permission to redevelop to 5 terraced dwellings (ref 17/00207/FUL). It includes garden areas at first floor and habitable windows along the rear elevation. With the inclusion of the flank wall to units in the south west corner of the proposal, the opportunity for overlooking of the Roadstar site is severely limited. The relationship is an acceptable one.
- 6.18. The site to the south east is currently subject to a planning application for a new residential block to the rear of The Bay Horse (ref 19/01553/FUL). It includes amenity areas at ground floor and habitable windows in the rear elevation. The windows and terraces within the south elevation of the new building would face this new block, but at an angle to it. With distances of over 15m achieved, and taking into account the angle of view, this relationship is considered to be acceptable.
- 6.19. The new building would be a sizeable structure, clearly visible from existing and proposed properties to its front and rear. The planning system cannot preserve the right to a view. Given the distances of separation in this urban context, the relationships are not considered to be overbearing.

## Highways

- 6.20. No objection is raised by ECC Highways subject to a request for several conditions.
- 6.21. The proposal includes off-street parking at a reduced standard, specifically 14 spaces to serve 8 flats. In reality, because of the implementation of the conversion to No 101 New London Rd (and the site being in the same ownership) to 20 flats, the parking provision will be 14 spaces to serve 28 flats (if they are shared across the two schemes). This represents 50% provision across the two schemes. The existing parking standards, both within the Core Strategy and the Essex Parking Standards (which the new Local Plan will be moving towards) allow a reduced parking standard to be applied to residential developments in main urban areas with frequent and extensive public transport, cycling and walking links. A reduced parking standard is appropriate in principle in this location not only on the basis of good transport links, but that the majority of flats within the combined schemes will be 1 bed (24 x 1 beds, 4 x 2 beds in total) and also the surrounding streets are protected by existing Traffic Regulation order (TRO) parking restrictions designed to discourage undesirable parking habits. Parking can be managed within the same land ownership. However, a restrictive condition is not considered to be necessary (as the conversion scheme does not fall under the control of this planning permission).
- 6.22. During the timeframe of the application, refuse collection has been clarified by the applicant. The Council's domestic refuse team are content with the proposed arrangement to pick up via

New London Road and then the car park. The proposed bin store will be large enough to cater for 28 flats in total across the site (as the conversion scheme also requires bin storage).

- 6.23. Construction access and access for vehicles of occupiers can be taken from New London Road. A condition is proposed to ensure details of construction are satisfactory.

### **Other matters**

- 6.24. As a scheme for 8 units, the proposal is not required to provide affordable dwellings. Although viability is referenced in representations, it has not formed an argument by the applicant in this case.
- 6.25. The proposed dwellings are close to a number of sources of significant city centre noises. Environmental Health have requested a condition to secure internal noise levels in accordance with the British Standard. A suitable planning condition is included.
- 6.26. The proposed development is within an area of known archaeological remains. The Historic Environment Record shows that this area lies on the site of a former iron foundry. There is the possibility that further archaeological remains may survive in the proposed development area. ECC Historic Environment have requested a condition to secure archaeological investigation - a condition is duly included.
- 6.27. There are no ecology or tree issues relevant to this application.
- 6.28. The site lies outside of the nearby flood zone. No flooding issues are present.

### ***Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)***

- 6.29. Policy DC13 of the Core Strategy and Development Control Policies Development Plan Document advises that when determining planning applications appropriate weight will be attached to designated sites of international, national and local importance. It also states that development proposal must avoid any adverse effects on the integrity of European and RAMSAR sites and where possible enhance the biodiversity interest of internationally designated sites for nature conservation.
- 6.30. The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to a European designated site. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development. The applicant has provided a completed Unilateral Undertaking to provide a financial contribution of £122.30 per dwelling to mitigate the development's impact on the European designated sites identified in the draft Essex RAMs.

### **Conclusion**

- 6.31. The scheme was revised during the lifetime of the application in order to secure design improvements to the building itself, but also the relationship with its neighbours (both existing and proposed). All relationships are considered to be acceptable and the impact upon its surroundings is an acceptable one. The proposal represents an appropriate use of a brownfield site in the city centre.

- 6.32. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable in accordance with the adopted Development Plan Policies.

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

- 7.1. This application will be CIL liable and there will be a CIL charge payable.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

#### **Condition 3**

Prior to 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 is visually satisfactory and does not detract from the character or appearance of the Conservation Area in accordance with Policy DC17 of the adopted Core Strategy and Development Control Policies Development Plan Document.

#### **Condition 5**

A panel showing samples of the brickwork and the colour, type and texture of mortar courses shall be constructed on site and agreed in writing by the local planning authority prior to the construction of any brickwork.

Reason:

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

**Condition 6**

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

- (a) Fenestration;
- (b) Changes in materials;
- (c) Doors, door casings and surrounds;
- (d) Balconies and balustrades;
- (e) Vents and flues.

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

Reason:

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

**Condition 7**

Prior to their installation details of any means of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.

Reason:

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

**Condition 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, including any ground works 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) Routing of construction vehicles to access to/from New London Road only;
- (v) 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 10**

Prior to occupation of the proposed development, the Developer shall provide to each household a Residential Travel Information Pack 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.

**Condition 11**

The parking areas shown on the approved drawings shall be available for use before the development hereby permitted is occupied and shall not thereafter be used for any purpose other than the parking of motor vehicles ancillary to the use of the development.

Reason:

To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided.

**Condition 12**

The bicycle parking facilities shall be provided in accordance with the approved details prior to occupation of any part of the development they are intended to serve.

Reason:

To ensure the suitable provision of facilities for cyclists in accordance with Policy DC7 of the Adopted Core Strategy and Development Control Policies Development Plan Document

**Condition 13**

The development shall not be occupied until the facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved details.

Reason:

To ensure that suitable facilities for refuse disposal are provided and that such facilities are visually satisfactory.



**Condition 14**

50% of new dwelling units as hereby approved shall be constructed to comply with Building Regulations Approved Document Part M4(2) Category 2 (2010 - as amended).

**Reason:**

To ensure the development provides sufficiently adaptable homes to meet current and future needs of residents in accordance with Policy DC36 of the Core Strategy and Development Control Policies Development Plan Document. Approved Document Part M4(2) is the nearest equivalent technical standard to the Council's adopted requirement under Policy DC36 for all new dwellings to be built to a recognised standard of adaptable living (formerly Lifetime Homes).

**Condition 15**

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 16**

All new dwelling units as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).

**Reason:**

To ensure the development reduces water dependency in accordance with Policy MP3 of the Local Plan.

**Condition 17**

The new dwellings shall be constructed so that the internal noise levels in habitable rooms with windows closed does not exceed 35dB(A) LAeq (0700 - 2300 hours) and 30dB(A) LAeq (2300 - 0700 hours) in accordance with the recommendations of BS8233: 2014.

**Reason:**

In the interests of the amenities of occupiers of new dwellings in accordance with Policy DC4 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 18**

a) Within 6 months of commencement of development, details of how the development will achieve a minimum of 10% reduction in carbon dioxide emissions above the requirements of Building Regulations to include, where appropriate, drawings and specifications of any renewable energy or low-carbon technology proposed to meet this requirement, shall be submitted to and approved in writing by the local planning authority;

b) the detailed methodology for achieving these standards of construction shall be implemented as agreed.

**Reason**

To assist in reducing carbon dioxide emissions from developments and to ensure any renewable energy or low carbon technology is successfully integrated with building design in accordance with Policies CP11, DC4, DC24 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

## 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 Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

- 3 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).
- 4 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.
- 5 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).

- 6 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.
- 7 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

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## Essex County Council Highways

Comments
<p>i. The proposal includes off-street parking at a reduced standard. The existing parking standards allow a reduced parking standard to be applied to residential developments in main urban areas with frequent and extensive public transport, cycling and walking links.</p> <p>ii. The surrounding streets are protected by existing TRO parking restrictions designed to discourage undesirable parking habits.</p> <p>iii. Carlton House Chelmsford Ltd and its associated car park is one of the applicant's companies and it has been confirmed that the applicant controls the car park.</p> <p>iv. It is expected that the construction phase duration would be in the order of 9 to 12 months.</p> <p>v. For the duration of the construction phase a number of the existing car parking bays within the existing car park would be suspended;</p> <p>vi. Prior to commencement of the works the tenants of adjacent office buildings would be given notice of two months for the suspension of the parking bays.</p> <p>vii. The applicant would look to re-provision parking in one of the nearby car parks at no additional cost to their tenants.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to cover:</p> <ul style="list-style-type: none"> <li>• Submission and approval of Construction Method Statement</li> <li>• Maintenance of internal circulation within site</li> <li>• Availability and retention of parking spaces</li> <li>• Provision of cycle parking spaces</li> <li>• Provision and implementation of a Residential Travel Information Pack per dwelling</li> <li>• Provision of appropriate refuse collection arrangements</li> </ul>

## Public Health &amp; Protection Services

Comments
<p>The proposed dwellings are close to a number of sources of significant city centre noises. The flats should be converted so that internal noise levels meet the standards of BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings. That is, the internal noise levels in bedrooms at night (2300 hours - 0700 hours) with windows closed should not exceed 30dB(A) LAeq. The internal noise levels in habitable rooms during the day (0700hours - 2300hours) with windows closed should not exceed 35dB(A) LAeq.</p>

## Recycling &amp; Waste Collection Services

Comments
<p>I am content that we can get our standard vehicle close enough to carry out the collection. I have also carried out a site inspection myself. Our vehicles will access from New London Road and not from Moulsham Street.</p>

## ECC Historic Environment Branch

Comments
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The above application has been identified by the archaeological advisor from the planning weekly list.

The proposed development is within an area known archaeological remains. The Historic Environment Record shows that this area lies on the site of a former Iron Foundry. There is the possibility that further archaeological remains may survive in the proposed development area. In view of this, the following recommendation is made in line with the National Planning Policy Framework:

**RECOMMENDATION:** Full condition

(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.

(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.

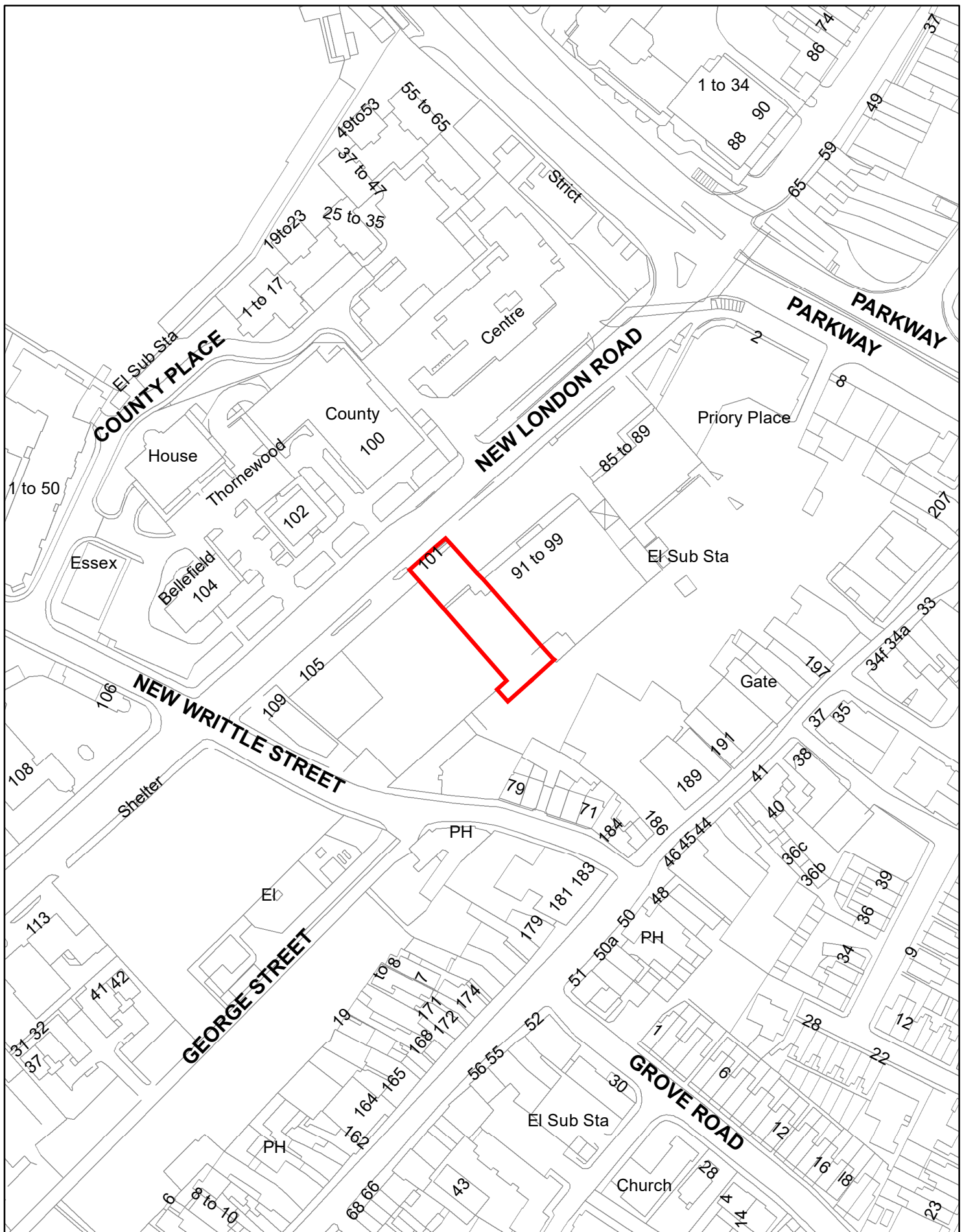
The archaeological work will comprise monitoring of all the groundworks associated with the proposed extension. The City Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief will be produced from this office detailing the work required on request.

## Local Residents

### Comments

Seven neighbour representations have been received. The objections raised the following concerns:

- Impact on living conditions – overlooking, visual intrusion
- Impact on Conservation Area – design will cause harm to character and appearance
- Issues with construction – access from Moulsham Street, construction times, noise, absence of construction method statement, query access arrangements
- Archaeology – note history and request condition
- Contamination – information absent despite previous use
- Application process – amended drawings permitted by LPA, request determination by Committee
- Application details – design and access statement includes poor detailing, query rights of access, proposal will impede development of neighbouring site
- Viability – general comments on viability issues



0 15 30 60 Metres

1:1,500



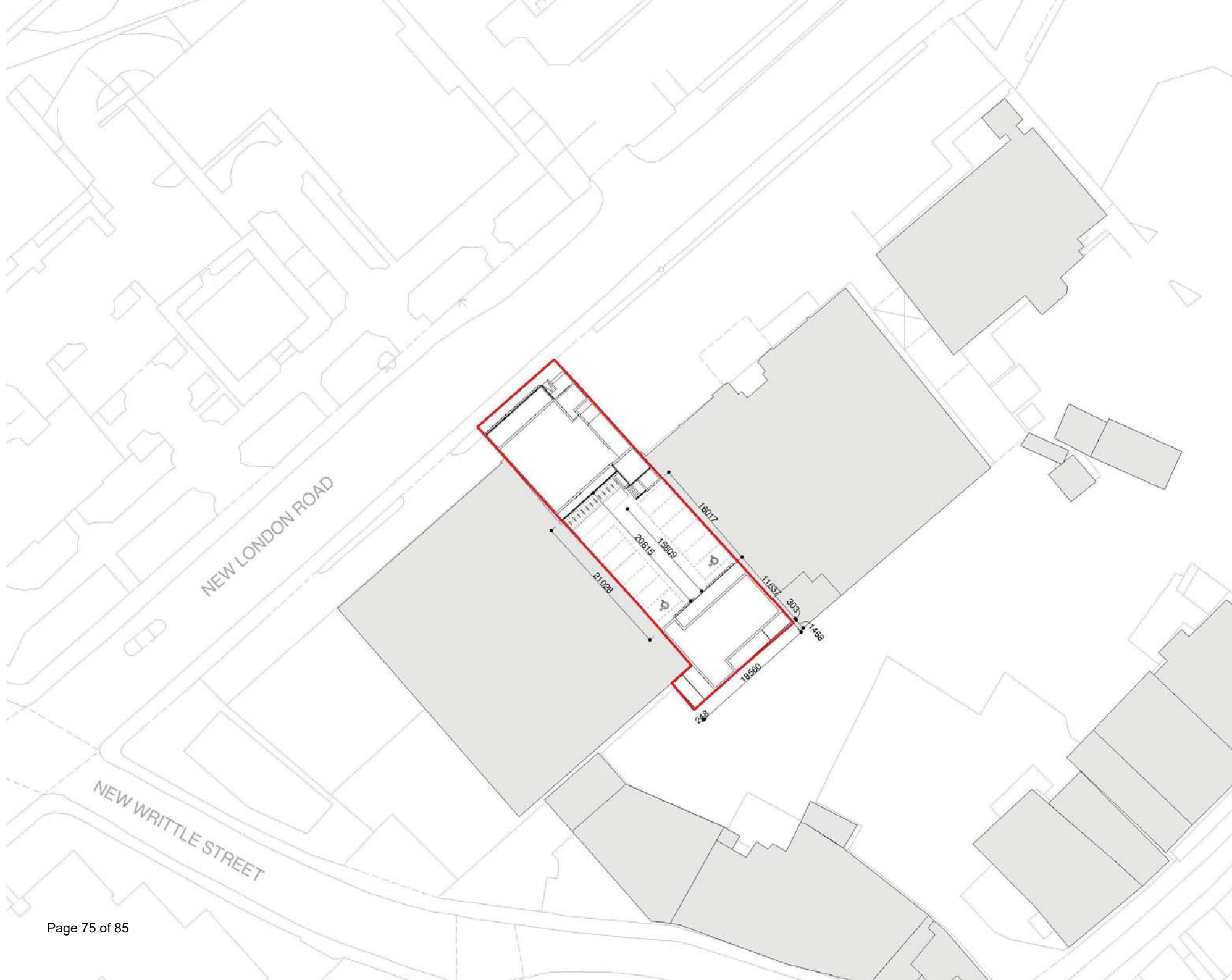
**Planning Committee**  
**19/00126/FUL**

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

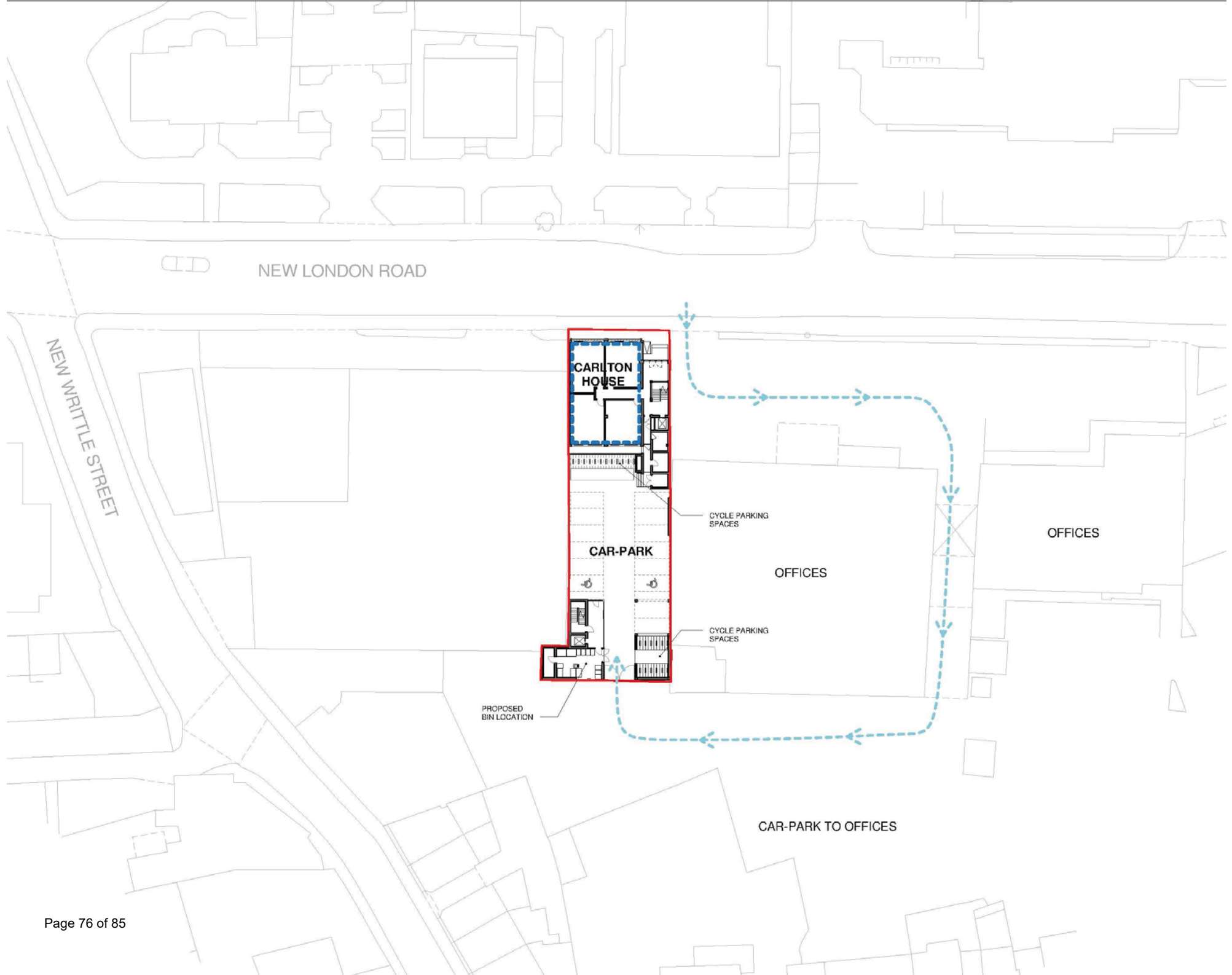
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826







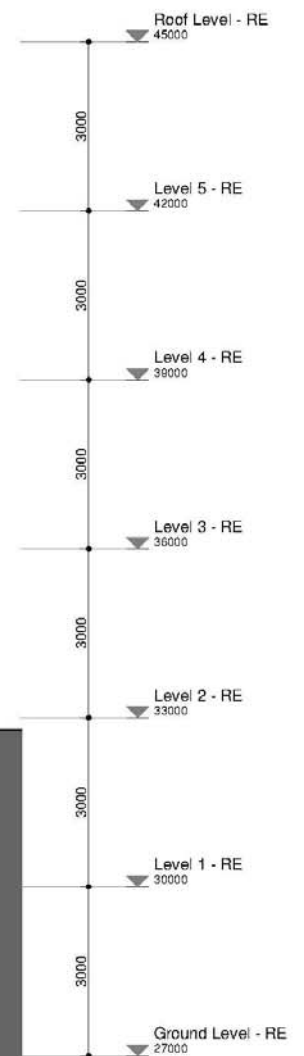
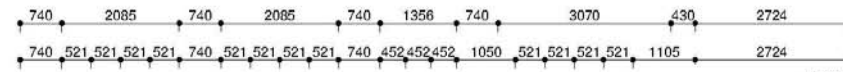


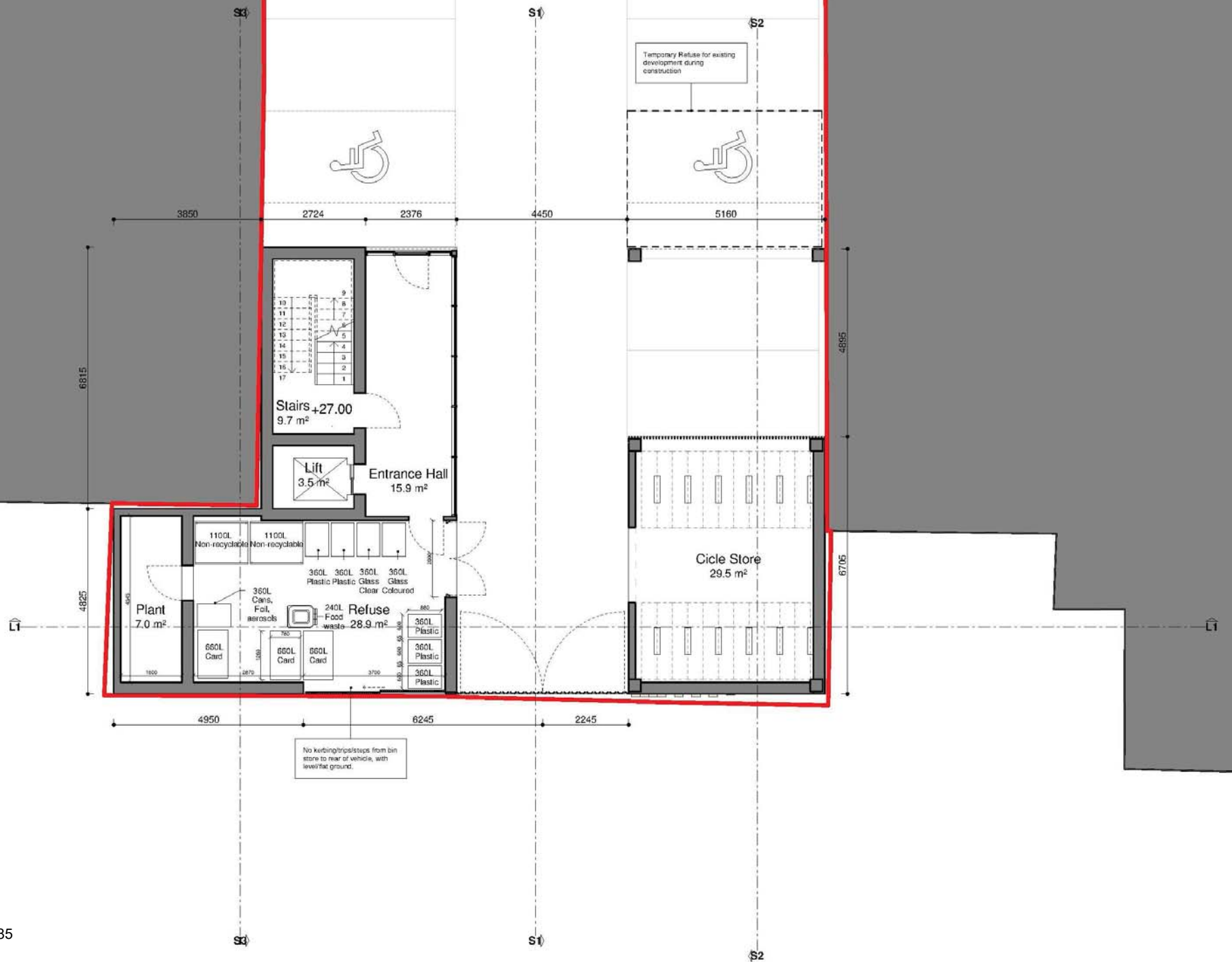


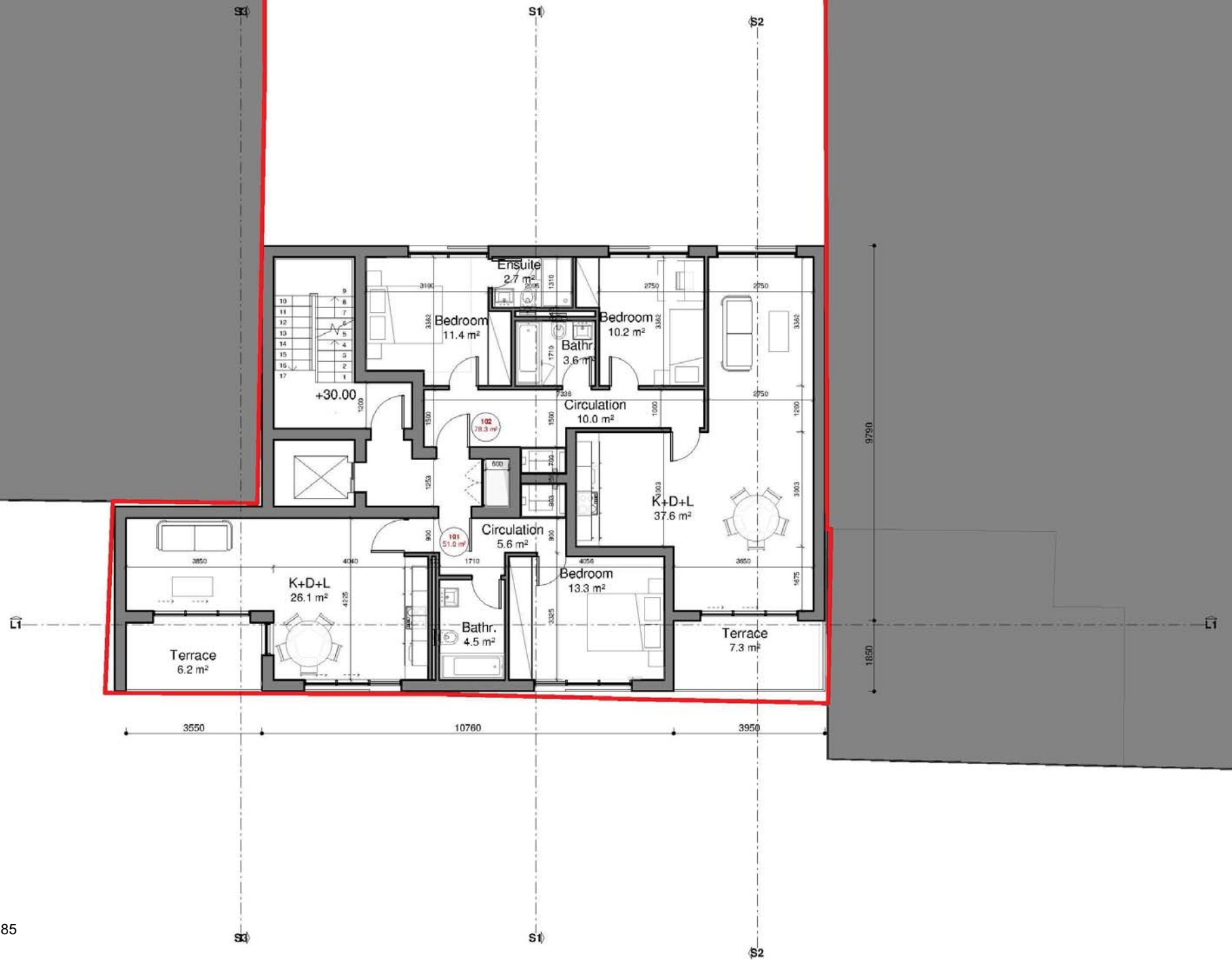














# Appeals Report

Appeal Decisions received between 03/01/2020 and 30/01/2020

## PLANNING APPEALS

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

## Public Inquiry

### Land Adjacent The Green Man Highwood Road Edney Common Chelmsford Essex CM1 3QE

<b>Reference</b>	18/00965/FUL
<b>Proposal</b>	Change of use of land to provide 8 Travelling Showperson's plots and associated works including hardstanding
<b>Appeal Decision</b>	Appeal Dismissed - 16/01/2020
<b>Key Themes</b>	Green Belt; rural character; Travelling showmen plots provision; personal circumstances; ecology (Great Crested Newts)
<b>Agreed with CCC on</b>	Inappropriate development in the Green Belt - not outweighed by Very Special Circumstances (including need for plots and personal circumstances). Adverse impact on rural character. Adequate mitigation proposed for Great Crested Newts.
<b>Disagreed with CCC on</b>	n/a.
<b>Costs Decision</b>	None

Notes: Note - the Inspector did not consider the 3 tests in the Habitat Regulations in detail as he had already found the scheme to be unacceptable.

## ENFORCEMENT APPEALS

Total Appeal Decisions Received	7	
Dismissed	6	86%
Allowed	0	0%
Split	1	14%

### Written Reps

#### Land At Tall Oaks Mayes Lane Sandon Chelmsford Essex

<b>Reference</b>	16/00379/ENFB
<b>Proposal</b>	Hedgerow removed with new access onto highway installed and fencing and gates constructed
<b>Appeal Decision</b>	Appeal Dismissed - 03/01/2020
<b>Grounds of Appeal</b>	Ground (c) no breach of planning control; Ground (f) steps for compliance are excessive.
<b>Agreed with CCC on</b>	Work is not permitted development - there is a breach of planning control; Steps to comply with Enforcement Notice are not excessive.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land At Tall Oaks Mayes Lane Sandon Chelmsford Essex

<b>Reference</b>	16/00379/ENFB
<b>Proposal</b>	Hedgerow removed with new access onto highway installed and fencing and gates constructed
<b>Appeal Decision</b>	Appeal Dismissed - 03/01/2020
<b>Grounds of Appeal</b>	Ground (c) no breach of planning control; Ground (f) steps for compliance are excessive.
<b>Agreed with CCC on</b>	Work is not permitted development - there is a breach of planning control; Steps to comply with Enforcement Notice are not excessive.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Barn At Ash Tree Stud Farm Main Road Little Waltham Chelmsford Essex

<b>Reference</b>	18/00414/ENFB
<b>Proposal</b>	Operational development enforcement notice: the construction of a building
<b>Appeal Decision</b>	Appeal Dismissed - 06/01/2020
<b>Grounds of Appeal</b>	ground (b) - matters alleged have not occurred; ground (c) - no breach of planning control; ground (f) - steps required are excessive.
<b>Agreed with CCC on</b>	Building exists and has occurred; building does not benefit from planning permission; steps for requirement are not excessive.
<b>Disagreed with CCC on</b>	none.
<b>Costs Decision</b>	Appellant's application for costs: Costs refused

#### Barn At Ash Tree Stud Farm Main Road Little Waltham Chelmsford Essex

<b>Reference</b>	18/00414/ENFB
<b>Proposal</b>	Appeal against Enforcement notice for breach of condition 1 of planning permission 14/01166/MAT
<b>Appeal Decision</b>	Appeal Dismissed - 06/01/2020

<b>Grounds of Appeal</b>	ground (c) - no breach of planning permission
<b>Agreed with CCC on</b>	Storage of domestic items is not insignificant or de minimus and is contrary to the condition restricting the type of storage allowed under the planning permission.
<b>Disagreed with CCC on</b>	none.
<b>Costs Decision</b>	Appellant's application for costs: Costs refused

#### Land At Elmcote Main Road Bicknacre Chelmsford Essex

<b>Reference</b>	17/00543/ENFB
<b>Proposal</b>	Without planning permission, the construction of a building
<b>Appeal Decision</b>	Appeal Split Decision - 20/01/2020
<b>Grounds of Appeal</b>	<ul style="list-style-type: none"> <li>- whether the building is permitted development in accordance with Class E</li> <li>- Whether planning permission would be granted for the building.</li> <li>- If the time limit to comply with the notice is acceptable.</li> </ul>
<b>Agreed with CCC on</b>	<ul style="list-style-type: none"> <li>- Not permitted development in line with Class E of the GDPO</li> <li>- The building would harm the intrinsic character of the area and would not be granted planning permission.</li> </ul>
<b>Disagreed with CCC on</b>	- Time limit for compliance was too short- Inspector increased compliance time to 5 months.
<b>Costs Decision</b>	None

#### Land North East Of Field 2284 Maltings Road Battlesbridge Wickford Essex

<b>Reference</b>	18/00429/ENFB
<b>Proposal</b>	Notice 1: Without planning permission, the construction of a building
<b>Appeal Decision</b>	Appeal Dismissed - 12/01/2020
<b>Grounds of Appeal</b>	Ground (c) - no breach of planning control.
<b>Agreed with CCC on</b>	Building does not benefit from planning permission, nor does the building comply within the limitations of permitted development.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land North East Of Field 2284 Maltings Road Battlesbridge Wickford Essex

<b>Reference</b>	18/00429/ENFB
<b>Proposal</b>	Notice 2: Without planning permission, the building operation of locating a container
<b>Appeal Decision</b>	Appeal Dismissed - 12/01/2020
<b>Grounds of Appeal</b>	Ground (d) - too late to take enforcement action.
<b>Agreed with CCC on</b>	Building is not immune from enforcement action.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None