

# Planning Committee Agenda

**14 July 2020 at 6pm**

**Remote Meeting**

**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, E Sampson, C Shaw,  
R J Shepherd and I Wright

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. 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)

# PLANNING COMMITTEE

14 July 2020

## AGENDA

1. CHAIR'S ANNOUNCEMENTS

2. ATTENDANCE AND APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

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 on 9 June 2020

5. PUBLIC QUESTION TIME

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have been invited to participate in this meeting and have submitted their question or statement in writing and in advance. 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. 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.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

6. 10-12 AND 14 HANBURY ROAD, CHELMSFORD – 19/01917/FUL
7. 10-12 AND 14 HANBURY ROAD, CHELMSFORD – 19/01916/FUL
8. 14 HANBURY ROAD, CHELMSFORD – 19/01692/FUL
9. LAND SOUTH OF 69 TORQUAY ROAD, CHELMSFORD – 20/00094/FUL
10. 90 BROOK LANE, GALLEYWOOD, CHELMSFORD – 20/00251/FUL
11. THE LODGE COUNTRY INN, HAYES CHASE, BATTLESBRIDGE, WICKFORD –  
20/00386/FUL
12. SITE AT THE MOUNT, MEADOW LANE, RUNWELL, WICKFORD – 20/00425/FUL
13. PLANNING APPEALS

## MINUTES

of the

## PLANNING COMMITTEE

held on 9 June 2020 at 6:00 pm

Present:

Councillor J A Sosin (Chair)

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 and I Wright

Also present: Councillors P Clark, J Lardge and J A Potter

### 1. Chair's Announcements

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

### 2. Attendance and Apologies for Absence

The attendance of those present was confirmed. Apologies for absence had been received from Councillor E J Sampson.

### 3. Declarations of Interest

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

The minutes of the meeting on 11 February 2020 were confirmed as a correct record.

## 5. Public Question Time

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

### 6. Nos 10-12 and 14 Hanbury Road, Chelmsford – 19/01917/FUL

### 7. Nos 10-12 and 14 Hanbury Road, Chelmsford – 19/01916/FUL

### 8. No 14 Hanbury Road, Chelmsford – 19/01692/FUL

The Committee had before it

- an application (19/01917/FUL) for the change of premises at 10-12 and 14 Hanbury Road, Chelmsford from B2 (printing press) and B8 (storage) to sui generis (a builders merchants);
- an application (19/01916/FUL) for a rear and side extension of premises at 10-12 and 14 Hanbury Road, Chelmsford, the construction of three metre high acoustic fencing, and retrospective permission for exterior works to the building; and
- an application (19/01692) for permission to demolish the western part of Unit 4 and the offices to the south frontage of the site at 14 Hanbury Road, Chelmsford; the replacement and repair of the remaining roof and wall cladding; the installation of signage; and the construction of a 2.1 metre perimeter fence.

A Green Sheet of setting out two additional conditions for Item 6 and the amendment of a condition for Item 7 had been circulated.

After receiving a presentation from officers on the applications, the Committee heard in person from three residents who lived near the application site, and from a local ward councillor, and considered a written objection from another local resident. All objected to the applications on the grounds that

- they were contrary to planning policy;
- works had taken place to date without the required planning permission;
- the development would lead to unacceptable noise disturbance to local residents and the proposed conditions of planning permission, if granted, were inadequate in relation to hours of operation of the business and the permitted hours relating to construction and vehicle movements once the site was operational;
- the inadequacy of proposed screening and acoustic fencing;
- the unsuitable materials proposed for the roof of the new building and their reflective nature; and

- the overdevelopment of the site and, generally, the adverse impact the proposal would have on the amenity of nearby residents.

Responding to the comments and questions from the Committee, officers said that the proposed use was not uncommon in an industrial estate that was bordered by residential properties and was not out of keeping with the location. Storage had been a long-established use on the site and there were similar uses on other parts of the industrial estate. The proposed extension at the rear of the building would screen the materials stored on the site and the relationship of the building to neighbouring residential properties was acceptable. The materials to be used for the roof were utilitarian, acceptable and similar to those used on other buildings on the industrial estate. The hours of use were much the same as for other businesses on the estate and the condition relating to them offered more control than had existed in relation to the previous use of the building. The lighting arrangements were not regarded as harmful to the amenity of local residents and light from the proposed extension would be directed upwards rather than towards residential properties.

With regard to potential noise disturbance, the officers and the applicant's acoustic consultants believed that adequate measures were proposed to mitigate the effects on residents of operations at the site. There was a difference of opinion between the noise consultants engaged by the applicant and the residents and they had used different methodology in coming to their conclusions. However, the officers felt that while some noise could be expected from the proposed operation, the proposal did not contravene planning policy, the proximity of the use to residential properties was not unusual and the plans to minimise it as far as possible were reasonable. The noise impact assessment made by the applicant's consultants was based on a building constructed with a single skin and were acceptable on that basis. Should the conditions relating to noise and hours of operation not be observed, the Council could take action to enforce them.

After discussion, the Committee felt that a site visit to enable members to assess for themselves the impact of the proposed development on residential properties would be appropriate in this case.

RESOLVED that the three applications 19/01817/FUL, 19/01916/FUL and 19/01692/FUL in respect of 10-12 and 14 Hanbury Road, Chelmsford be deferred to enable a site visit to be held.

(6.07pm to 7.01pm)

## 9. Land South of 2 Hayes Chase, Battlesbridge, Wickford – 20/00359/FUL

The Committee considered an application for the change of use of land to the south west of Hayes Chase, Battlesbridge to enlarge the residential garden of the property that adjoined it and to erect a detached garage with associated enlarged hardstanding.

Members had before them a statement in support of the application submitted on behalf of the applicant and a ward councillor attended to recommend that it be approved on the grounds that there were special circumstances centred on the medical needs of the occupant of the adjacent bungalow.

Whilst the Committee had sympathy for the circumstances of the applicant, members felt that whilst a material planning consideration this did not outweigh the harm the proposed development would cause to the Green Belt. The bungalow was not occupied at present and thought could be given to adapting it to provide the storage space required by the applicant. There was also no clear evidence that the garage of the size proposed was required for storage.

The Committee concluded that the application was clearly contrary to the National Planning Policy Framework (NPPF), local policy DM6 and was not one of the examples of special circumstances set out paragraph 145 of the NPPF.

RESOLVED that application 220/00359/FUL in respect of land to the south of 2 Hayes Chase, Battlesbridge be refused for the reason set out in the report.

(7.01pm to 7.28pm)

## 10. No 90 Brook Lane, Galleywood, Chelmsford – 20/00251/FUL

An application had been received for a first floor rear and side extension to 90 Brook Lane, Galleywood.

The Committee heard in person from a resident who lived adjacent to the application site and who objected to the proposed development on the grounds that it would have an overbearing and overshadowing effect on a neighbouring property and result in loss of light to it, and the detrimental effect it would have on the street scene. A ward councillor attended to speak against the application in similar terms. The Committee also considered a representation in support of the application from the applicant.

Members felt that it would have been helpful to have more information on the impact on sun lines and officers' views on the neighbour's assertion that the drawings for the application were not accurate and were not representative of the impact of the development on his property. They concluded that they could not make a decision on the application without assessing for themselves the effect of the application on the neighbouring property and agreed to defer it for a site visit.

RESOLVED that application 20/00251/FUL in respect of 90 Brook Lane, Galleywood be deferred for a site visit.

(7.28pm to 7.54pm)

## 11. Land South of 69 Torquay Road, Chelmsford – 20/00094/FUL

Councillor Lee spoke against this application in his capacity as a ward councillor. After doing so, he took no part in the discussion of the application or in the decision below.

This application was for the erection of a two-storey detached dwelling on land to the south of 69 Torquay Road and a part one-storey, part two-storey rear extension to the host dwelling.

Three local residents and a ward councillor attended the meeting to object to the application. The Committee also considered a written representation from another resident who opposed it. All were of the view that the application was out of keeping with the existing street scene in Torquay Road and would be detrimental to the character of the cul-de-sac and the amenity of its residents.

Although officers were of the view that the application was acceptable in terms of its size, scale, design and effect on the openness of the area, members believed that the application would be detrimental to the area for the reasons given by the objectors.

RESOLVED that the Committee being minded to refuse application 20/00094/FUL in respect of 69 Torquay Road, Chelmsford, consideration of it be deferred to the next meeting to enable officers to prepare detailed reasons for refusal based on the following concern:

- the adverse effect the development would have on the street scene of Torquay Road and the character and openness of current development in that road.

(7.54pm to 8.21pm)

## 12. Site at Writtle Wick Family Centre, Chignal Road, Chelmsford – 20/00396/FUL

Councillor Ashley spoke against this application in her capacity as a ward councillor. After doing so, she took no part in the discussion of the application or in the decision below.

Permission was sought for the change of use of the Writtle Wick Family Centre, Chignal Road from a children's day centre (D1) to three dwellings (C3) and the construction of an additional four dwellings, including a garage, parking spaces and all associated works.

The Committee heard from a local resident and a ward councillor who objected to the application and received written representations against it from two other residents. The objections centred on the fact that the access road to the application site was not owned by the applicant and that permission for access would therefore need to be obtained before the development could begin; that, in any case, the access was inadequate for large vehicles; the disturbance caused to nearby residents from the additional traffic generated and safety concerns for the occupier of Writtle Wick Cottage caused by the proximity to that property to



traffic using the access road; the loss of part of the boundary wall around the former family centre; and the loss of amenity that would result should permission be granted.

Responding to those comments and to questions from members, officers said that the width of the driveway was sufficient for two vehicles to pass safely and that in considering appeals against the refusal of previous applications the planning inspector had had no concerns about highway safety. A condition requiring the provision of a speed bump to slow traffic using the driveway could be considered. It would be difficult, however, to enforce any condition requiring that refuse collection take place entirely within the curtilage of the application site. On whether sufficient efforts had been made to retain the family centre for community use, the planning policy applicable at the time of this and previous applications was such that its change of use was not prohibited. The property had been openly marketed with the option for community use but there had been no firm bids on that basis. The extent of works required to the building to preserve its listed status if it were to be retained for community works was a consideration for any potential owner. The potential for the retention of the property as a community facility had therefore been sufficiently explored.

Councillors Davidson and Pooley abstained from the ensuing vote on the application.

RESOLVED that application 20/00396/FUL in respect of the Writtle Wick Family Centre, Chignal Road, Chelmsford be approved, subject to the conditions set out in the report to the meeting and consideration of an additional condition requiring the provision of traffic calming measures for vehicles exiting the site.

(8.21pm to 8.56pm)

### 13. Site at Writtle Wick Family Centre, Chignal Road, Chelmsford – 20/00397/LBC

The Committee considered an application for listed building consent, which was associated with the application referred to in minute number 12 above in respect of the Writtle Wick Family Centre, Chignal Road, Chelmsford.

RESOLVED that application 20/00397/LBC in respect of the Writtle Wick Family Centre, Chignal Road, Chelmsford be approved, subject to the conditions set out in the report to the meeting.

(8.56pm to 8.57pm)

### 14. Planning Appeals

RESOLVED that the information on appeal decisions between 30 January and 1 June 2020 be noted.

The meeting closed at 8.58pm

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27<sup>th</sup> May 2020. The Local Plan guides growth and development across Chelmsford City Council's area as well as containing policies for determining planning applications. The policies are prefixed by 'S' for a Strategic Policy or 'DM' for a Development Management policy and are applied across the whole of the Chelmsford City Council Area where they are relevant. The Chelmsford Local Plan 2013-3036 carries full weight in the consideration of planning applications.

## **SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA**

- DM4** Policy DM4 - Employment Areas & Rural Employment Areas - The Council will seek to retain Class B or other sui generis uses of a similar employment nature within all Employment Areas, Rural Employment Areas and new Employment Site Allocations as shown on the Policies Map.
- DM16** Policy DM16 - Ecology & 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.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.
- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM25** Policy DM25 - 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.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - 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, unless appropriate mitigation measures can be put in place and permanently maintained.

**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.

## **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 February 2019. 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.



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

<b>Application No</b>	:	19/01917/FUL Full Application
<b>Location</b>	:	10 - 12 & 14 Hanbury Road Chelmsford Essex CM1 3AE
<b>Proposal</b>	:	<b>Change of Use from B2 (Printing Press) and B8 (Storage) to Sui Generis (Builders Merchants)</b>
<b>Applicant</b>	:	Mr G Toomey PGR Timber and Builders Merchants Ltd / Laindon Trading
<b>Agent</b>	:	R Kemball
<b>Date Valid</b>	:	18th November 2019

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Appendix 5	Residents Noise Impact Assessment

## 1. Executive summary

- 1.1. Three planning applications are referred to Planning Committee at the request of a local ward member due to concerns in relation to the impact of the entire development on neighbouring amenity through noise and light disturbance. All three applications were considered at Planning Committee held on June 9<sup>th</sup> 2020 and were subsequently deferred from the Committee Meeting to allow for a site visit.
- 1.2. Following the prior consideration on June 9<sup>th</sup> the applicant has provided clarity on the thickness of the rear wall of the proposed extension in view of comment and attention from Members during the meeting. The Noise Impact Assessment has been amended and document HA/AB808/V5 has been provided. The new report has been corrected at para. 6.12 to amend a misdescription in text of the report concerning the thickness of the wall of the extension compared to the submitted plans. For clarity the façade construction, as shown on the submitted plans, would be 150mm brick wall with metal cladding, no external door and EuroClad roof underlined with DripStop felt. The wall performance and calculated numerical levels remain unchanged following an error in the text as opposed to the sound calculation model.
- 1.3. The Committee are asked to review the merits of three applications within one report. Each application concerns a composite part of the wider site for which, should permission be granted, would function as a singular commercial unit. This report is prepared and sets out the merits of all three planning proposals.
- 1.4. The three planning applications are:
  - 19/01917/FUL - Change of use from b2 (printing press) and b8 (storage) to sui generis (builders merchants)
  - 19/01916/FUL - Rear and side extension. Construction of three metre high acoustic fencing. Retrospective permission for exterior works to building.
  - 19/01692/FUL - Demolition of the western part of Unit 14 (area approx 368 sqm) and the Offices to the south frontage (area approx 106 sqm). Replace and repair remaining roof and wall cladding and install signage. Construct perimeter 2.1 m fencing (metal pallisade).
- 1.5. The application site forms an irregular square shaped parcel and is located within Chelmsford Urban Area where the principle of development is acceptable. The site forms part of the designated Widford Industrial Estate and is well located to public transport links and main arterial routes into the City Centre.
- 1.6. The immediate character of the site is industrial with built form nearby being defined by utilitarian warehouse type buildings and a variety of commercial and light industrial uses throughout. To the immediate west of the site the land is an open and undeveloped expanse of the Green Belt where the land is green and gently undulating. To the north of the site residential properties within Longacre abut the site. These properties are semi-detached and have rear gardens in excess of 12 metres in length.

- 1.7. The site comprises two units at present (No. 10-12 located to rear & No. 14 to front) both of which are to be redeveloped in order for the site to be used as a single retail Builders Merchant. As part of the redevelopment, the western half of the front building (No. 14) is to be demolished leaving a narrower building and the building to the rear (No. 10-12) is to be extended backwards to infill existing space around the building.
- 1.8. The scheme has been revised during the life of the application and the impact of the development has been carefully considered. The redevelopment of the site would see the buildings retain their utilitarian warehouse appearance to complement the surrounding character of the area whilst the scheme has been designed to mitigate and prevent noise or light impact. Noise impact and highway safety have been carefully considered by the Council's experts and is acceptable.
- 1.9. Overall the site is an appropriate location for use as a Builders Merchant, the development is considered acceptable in its impact on surrounding neighbours and has an acceptable relationship with its surrounding character.
- 1.10. The proposals are acceptable in all other impacts and therefore all applications are recommended for approval.

## **2. Description of site**

- 2.1. The site is located within Chelmsford Urban Area where the principle of development is acceptable, and growth is directed towards. The site lies within a large and active industrial estate close to main arterial routes (Writtle Road and A1016) where public transport links are readily available. Hanbury Road is a loop that join Robjohns Road to the east and serves the surrounding commercial and industry units within the vicinity. The site, although currently vacant, has a lawful use for B2 (General Industrial) Use purposes at no. 14 and B8 (Storage) Use purposes at no. 10-12.
- 2.2. The site is on the north side of Hanbury Road where the road bends around to traverse southwards through the estate. The site is bounded by industrial land uses on two sides with open farmland to the west and residential properties to the north. Houses in Longacre border the entire northern boundary of Widford Industrial Estate where industrial and commercial units are occupied by companies such as Bookers Wholesale and APL Light Distributors. This area of the Industrial Estate, where it meets the residential estate is therefore characterised by large wholesale premises whose business practice involve storing goods prior to retail sale from site. There is a noticeable difference in ground level between the rear of 10-12 Hanbury Road and the gardens of Longacre, with the industrial unit on lower ground than the neighbouring houses
- 2.3. The existing buildings on site are large in area and scale and set out in a L-shape across the site. The buildings are two storey in nature and retain heights around 8 metres from ground level. They are simple in design with hipped roofs and linear proportion. The buildings are constructed from utilitarian material with a single storey course of brick and sheet metal panelling covering the walls and roofs. The units surrounding the site are of similar design, size and proportion.
- 2.4. The site is accessed from Hanbury Road using two points of access which formerly served an area of parking to the front of the unit at no. 14. The site is entirely laid to concrete hardstanding around the buildings. A narrow corridor of hard surfaced space between the buildings and neighbours to the north exists around the northern building.

- 2.5. By virtue of the lawful status of no. 14 for B2 (Printing Press) purposes, there is not any restriction on the hours of use of the front area of the site. The rear building (10-12) is subject to historic planning permission 06/01613/ECC3 which defines the hours of vehicle movements allowed within the building to 7am to 6pm on any day of the week. This includes a permitted 25 instances per year when vehicles may be carried out between 6am-7am and 6pm-9pm.

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

- 3.1. When considered together, the three applications seek permission to change the use of the site away from a mixed use (B2 and B8) to a Sui Generis Use (Builders Merchant). This would seek to utilise the enlarged and altered buildings on site for storing building materials that would be available for retail to paying members of the public and trade members. A front portion of the retained building would be used as a trade desk dispensing goods.
- 3.2. Secondly the applications seek the redevelopment and reconfiguration of the buildings within the site. The large square building sited on the front half of the site (No. 14) is to be demolished leaving half its area and leaving the area around to be used for external storage.
- 3.3. To the rear, the existing building (No. 10-12) is to be extended to infill existing space surrounding the unit. This extension is to be a single storey lean-to addition that would slope down from the eaves height of the existing building. The rear extension would infill existing space behind no. 10-12 and would extend along the rear boundary of residential properties no. 52- 70 Longacre. This would infill an external strip of land by around 5 metres in depth and sit 1 metres from the shared boundary. The extension is a lean-to style addition and would stand at an eaves height of 4.3 metres at its closest point to the neighbouring property. Taking account in the change in levels the rear wall would represent 3.8 metres of built form along the boundary. A narrow space would be retained around the building for maintenance purposes. The building would be accessed externally from two openings at the front of the building.
- 3.4. The proposal would rely on the existing points of access and vehicle parking would be provided to the front of the front facing building.
- 3.5. On the western side of the site, a 15 metre run of 3 metre high acoustic fencing would be constructed to screen noise and views of the items stored with the yard. Two metres high metal palisade fencing would be constructed around the site.
- 3.6. The application in part seeks retrospective permission for alterations to the existing building that occurred prior to the submission of the applications. The applicant, at this time, believed the use of the site as a Builders Yard to fall under a B8 (Storage) Use whereby the development would benefit from deemed consent. Those alterations and building operations for which retrospective permission is sought are included under application 19/01916/FUL.

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

- 4.1. 19/01152/CLOPUD – Refused – 24<sup>th</sup> September 2019  
Use of buildings and site for b8 storage / warehouse use with an ancillary trade counter and or offices being less than 30% of the building area.
- 4.2. 06/01613/ECC3 – Essex County Council Approval – 2<sup>nd</sup> October 2006



Continuation of use for vehicle parking without compliance with condition 3 of planning application cc/chl/01/06 to allow 'wastebuster' to be used between the following hours 06:00 and 21:30 any day of the year.

- 4.3. 05/01749/ECC3 – Essex County Council Approval – 10<sup>th</sup> October 2005  
Change of use to allow storage for wastebuster educational bus within the existing building.

## 5. Summary of consultations (All Submitted against 19/01692/FUL, 19/01916/FUL & 19/01917/FUL)

- ECC Minerals & Waste Planning
  - o No Comments
- Parish Council
  - o No Comments
- Public Health & Protection Services
  - o **19/01692/FUL** - If permission is given the applicant should consult with the Health and Safety Executive prior to any demolition of the building with respect to any required asbestos management plan or similar.
  - o **19/01916/FUL & 19/01917/FUL** - The proposed change of use has the potential to cause noise disturbance to local residents. The latest revision of the submitted acoustic report has generally addressed the major issues with respect to possible noise generation/disturbance from the proposed use and assessed the predicted levels against the relevant criteria. The report has assessed the predicted noise levels generated from internal activities within the two buildings, and from activities which will take place outside to the front of the main unit. The assessment has also included two noise sensitive receivers, one at (one of) the closest properties to the site by distance, and one that is further away but has a direct line of sight to where the external activities will take place. The report indicates that in the predicted worst-case scenario the noise levels at the noise sensitive properties will be comply with the relevant criteria and indicates a low impact on residents. The proposal is acceptable subject to conditions.
- Essex County Council Highways
  - o The applicant has amended the proposal. A revised Transport Statement includes; swept path drawing to demonstrate that an articulated lorry can enter and leave the site in forward gear with a new layout that includes appropriate off-street parking provision.
  - o A draft Travel Plan has been submitted. However, the proposed operation is expected to employ 6no. people. The threshold for a Travel Plan requirement is 50 employees or more.
  - o The development proposed by applications 19/01692/FUL & 19/01916/FUL do not impact upon the use of the highway
  - o From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the inclusion of Planning Conditions
- Local Residents – Objections received from **39** local residents across all applications, comments are summarised as follows:

- o Parking and Highway Safety Issues
- o Public transport and cycling cannot serve site
- o Not an appropriate site or location for the proposal
- o Will cause serve noise disturbance to nearby residents
- o Extension will be overshadowing
- o Rear area should not be developed
- o Extension is poorly designed
- o Application documents are incorrect and misleading
- o Materials of extension will shine into nearby windows
- o Harm of scheme vastly outweighs benefit

## 6. Planning considerations

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

- (a) Impact on Employment Area
- (b) Residential Amenity – Noise Impact
- (c) Residential Amenity – Rear Extension
- (d) Design
- (e) Highways and Parking
- (f) Other Matters

### Impact on Employment Area

- 6.2. The existing site is located with Widford Industrial Estate, a designated employment area and a location where the Council’s new Strategic Planning Policies seek to direct economic growth and employment through the creation of new jobs.
- 6.3. Adopted Planning Policy DM4, concerns development within Employment Areas and states that the Council will seek to retain Class B uses or other ‘sui generis’ uses of a similar employment nature. Planning permission will be granted for the redevelopment or change of use for non/Class B uses where; the use does not fall within Class A Use Classes unless limited small-scale and ancillary; and the use provides employment at the application site; and the use will not adversely impact upon the operation and function of the Employment Area or Rural Employment Area.
- 6.4. The Council will seek to retain Class B Uses or other ‘Sui Generis’ Uses of a similar employment nature within employment areas. The current lawful use of the site is a Mixed Use of B8 (Storage) and B2 (Printing Press) although the site is not actively used following the vacation of the former operation.
- 6.5. The use of the site is proposed to change to a Sui Generis Use as builders’ merchant which is not strictly a Class B Use insomuch that it represents a combination a small element of Class A (Retail) and Class B8 (Storage) Uses. Without the retail element of the proposal the applicant would be able to store building materials on site without the grant of planning permission. The Builders Merchant would be found within a stretch of similar wholesale operations whereby goods are stored on site for visiting retail customers. The application would provide employment to the application site, this is listed as being six employees within the application. The site will also re-use two vacant buildings and therefore will provide an active and economically vibrant use to enhance the wider operation and function of the employment area.

- 6.6. The use of the site is similar in employment nature to a Class B Use and to those units surrounding it. The redevelopment of the entire site is acceptable in principle and is considered an appropriate location for a builder merchants.
- 6.7. The works (incl. demolition and extension) to create the Builders Merchant facility raise no objection in principle, subject to the impact being acceptable as considered below.

### **Residential Amenity - Noise**

- 6.8. The application site is backs on to houses located in Longacre, where rear gardens of the houses abut the northern boundary of the site. Considerable concern has been raised locally that the incumbent use of the site would result in an unacceptable level of noise generated from within the extended element of the building and the wider external areas.
- 6.9. The National Planning Practice Guidance document provides advise on how planning can manage potential noise impacts in new development. Through decision-making noise impact should be considered by taking account of the acoustic environment and in doing so consider:
  - o Whether or not a significant adverse effect is likely to occur
  - o Whether or not an adverse effect is likely to occur
  - o Whether or not a good standard of amenity can be achieved

The effect of noise can be considered in three levels:

- o Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
  - o Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
  - o No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.
- 6.10. The above levels do not provide specific numerical scale to indicate the effect of noise however British Standard BS8233:2014 provides desirable indoor ambient noise levels for daytime hours; these are 35dB(A) for a living room and bedroom and 40dB(A) for a dining room. For traditional external areas such as gardens and patios the upper guideline noise level is 55dB(A).
  - 6.11. The Council's Planning Policy DM29 requires that development safeguards the amenities of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements; and is compatible with neighbouring or existing uses in the vicinity of the development and protects the wider amenities of the area by ensuring that the development, and its relationship with the surrounding area, avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.
  - 6.12. The applicant has revised the application during its life to enclose the open area behind the rear building (no. 10-12). This is to ensure that the stored items and the activities within are enclosed and screen any noise impact from nearby residents.

- 6.13. The applicant has provided the Council with a Noise Impact Assessment professionally compiled and undertaken by HA Acoustics Ltd. A copy of this Report is available to the rear of this document.
- 6.14. The submitted Noise Impact Assessment has recorded the background noise of the site and recorded noise emitted at the PGR Builders Merchant facility in Braintree. Taking account of the rear extension and the use of the proposed site, the report assesses the likely noise levels experienced from the Builders Merchants at two points within the rear gardens of Longacre. At each point the external noise level from the site is predicted to be 44 dB(A) and 45 dB(A). This is below the desired British Standard for external space and internal space when considering the attenuation offered by the walls and openings of the dwellings.
- 6.15. From the HA Acoustics Noise Impact Assessment, in relation the BS4142:2014 Method for Rating and Assessing industrial and Commercial Sound, it is concluded that the Noise rating level from the site operations are similar to existing background levels and are an indication of the specific sound source having a low impact.
- 6.16. Local residents have commissioned an independent Noise Consultant (dB Consultation Ltd) to assess the HA Acoustic statement. Comments provided by dB Consultation Ltd disagree with the findings of the applicants report and suggest that significant adverse impact is likely to occur.
- 6.17. The Council's Public Health and Protection Services have been consulted during the life of the application and have considered both reports. No objection to the proposal is raised by the Public Health and Protection team who are satisfied that the applicant's submitted acoustic report indicates that in the predicted worst-case scenario the noise levels at the noise sensitive properties will be comply with the relevant criteria and indicates a low impact on residents.
- 6.18. The proposed use of the site as a builder's merchant would not therefore result in any excessive noise and avoids unacceptable levels of noise. The proposal protects the wider amenities of the area and is compatible with its surrounding uses. The proposal would have an acceptable relationship with all neighbouring properties in terms of noise.

#### **Residential Amenity – Rear Extension**

- 6.19. Residential properties in Longacre maintain an intimate relationship with the existing building which stands at a total height of 8 metres close to the boundary. Rear windows and gardens of the properties in Longacre are faced by the tall external envelope and large form of the existing building.
- 6.20. The proposed extension would not change the existing relationship held by the building and neighbouring dwellings. Whilst the extension would bring the building closer to the boundary, there would not be any discernible visual difference in relationship between the rear wall currently present and the proposed roof slope. The extension would sit a height of 3.8 metres on the boundary, at a single storey level this is not unacceptable nor likely to hold any increase overshadowing.
- 6.21. The gardens attached to the properties in Longacre are generally in excess of 12 metres in length such that the extension would not be overbearing nor hold any prominence beyond the existing relationship. Some sense of enclosure is already present, and this will not materially increase. The extension would not overlook the neighbouring gardens.

- 6.22. Overall, the rear extension to the building would not change the existing relationship between it and neighbouring properties. The development would not increase the height or prominence of the building and therefore the extension will not result in any unacceptable overlooking nor overshadowing.
- 6.23. Translucent panels have been included within the roof slope of the main building. These are between a height of 6 metres and 8 metres from ground level whilst the roof slope retains a slope of 15 degrees. The roof panels therefore face directly skywards, and any light emitted from within -whilst limited to short periods in the winter evenings- would not shine towards neighbouring properties.
- 6.24. The remaining works to the site would not impact upon any neighbouring properties. Overall the scheme would have an acceptable relationship with all neighbouring properties.

### **Design**

- 6.25. The building on site are utilitarian warehouse type buildings of simple proportion and linear form. The materials are within the site and area are archetypal for an industrial estate being brick and sheet metal. The scheme has been designed to re-use the existing form and layout of the site whilst the materials to be used mirror those used throughout the area.
- 6.26. The elevations of the buildings would remain well-proportioned and visually coherent whilst the extension would maintain the utilitarian appearance of the warehouse and industrial estate therein and would read visually as a genuine extension to the envelope of the building. The size, scale and massing of the extension is considered acceptable in its subservient and set down proportion such that it would not prejudice the appearance of the buildings.
- 6.27. The proposals are considered to be compatible with the character and appearance of the area in which it is located by responding to its context. The design of the proposals are acceptable.

### **Highways and Parking**

- 6.28. The site is located within a sustainable location within walking distance to public transport links and the city centre. The use of the site will rely of the two points of existing access that lead from Hanbury Road and the existing hardstanding with be used for car parking.
- 6.29. Essex County Council Highway Authority have been consulted during the life of the application and provided comment that the scheme is acceptable. A transport statement has been provided including a Swept Path Analysis that demonstrates that the site can be accessed by an articulated lorry can enter and leave the site in forward gear.
- 6.30. The proposal provides adequate off-street parking whilst the Transport Statement demonstrates that the Trip Generation of the site would not have a negative impact on the surrounding road network.
- 6.31. The proposals are acceptable from a Highways Standpoint.

### **Other Matters**

- 6.32. An area to the front of the site would be available for the storage of waste materials and refuse and recycling. This allows kerbside collection from the access points on Hanbury Road. This arrangement is acceptable.
- 6.33. Mention has been made of a water culvert running along the rear of the site, this remains a matter primarily for Building Regulations in regard to the safe construction of the rear extension. The site is not located within any Flood Zone.

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

- 7.1. This application is not CIL Liable and there would not 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**

The use hereby permitted shall only take place between the following hours:

07:00 - 17:30 Mondays - Fridays;

07:30 - 12:30 Saturdays;

The facility shall be closed on Sundays and Bank Holidays.

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings in accordance with DM29 of the Chelmsford Local Plan.

#### **Condition 4**

Prior to first occupation the 10no. vehicle parking space as shown in principle in the Whole Site Layout Block Plan, drawing no. 1953.4 A contained in the Transport Statement, JTP245 January 2020 at Appendix 3, shall be laid out in accordance in with the drawing as approved and the vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM27 of the Chelmsford Local Plan.

**Condition 5**

Prior to first use the eastern point of access as shown on the Vehicle Tracking drawing no. DR2 shall be extended to a minimum width of 9 metres and permanently retained in this form at all times.

Reason:

To ensure safe access can be achieved in the interest of highway safety.

**Condition 6**

No processing of materials including the use of timber saw machinery shall take place on the site at any time.

Reasons:

In the interests of the amenities of occupiers of nearby residential properties.

**Condition 7**

There shall be no use of non-electric powered forklift trucks within the site at any time.

Reason:

To ensure that the development does not prejudice the amenity of neighbouring occupiers in accordance with DM29 of the Chelmsford Local Plan.

**Condition 8**

In the absence of the rear and side extension, granted in pursuant to planning permission 19/01916/FUL, no vehicles benefitting from Audible Warning Instruments shall be permitted to access the land to the northern and western side of building no. 10-12 Hanbury Road.

Reason: To ensure that the development plan does not prejudice the amenity of neighbouring occupiers in accordance with DM29 of the Chelmsford Local Plan.

**Condition 9**

No external lighting shall be installed to the northern and western side of no. 10 – 12 Hanbury Road unless details are prior submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development plan does not prejudice the amenity of neighbouring occupiers in accordance with DM29 of the Chelmsford Local Plan.

**Notes to Applicant****1 Hours of work during construction**

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)

#### Party Wall Act

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>

- 2 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:

Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

#### **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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**ECC Minerals & Waste Planning**

**19/01692/FUL, 19/01916/FUL & 19/01917/FUL**

Comments
No response received

**Parish Council**

**19/01692/FUL, 19/01916/FUL & 19/01917/FUL**

Comments
No response received

**Public Health & Protection Services**

**19/01692/FUL**

Comments
<p>12.12.2019 - If permission is given the applicant should consult with the Health and Safety Executive prior to any demolition of the building with respect to any required asbestos management plan or similar.</p> <p>Please add the construction/demolition times informatives.</p>

**19/01916/FUL & 19/01917/FUL**

Comments
<p>19.03.2020 - The proposed change of use has the potential to cause noise disturbance to local residents. The latest revision of the submitted acoustic report has generally addressed the major issues with respect to possible noise generation/disturbance from the proposed use and assessed the predicted levels against the relevant criteria. I note that report has assessed the predicted noise levels generated from internal activities within the two buildings, and from activities which will take place outside to the front of the main unit. The assessment has also included two noise sensitive receivers, one at (one of ) the closest properties to the site by distance, and one that is further away but has a direct line of sight to where the external activities will take place. The report indicates that in the predicted worst case scenario the noise levels at the noise sensitive properties will be comply with the relevant criteria and indicates a low impact on residents.</p> <p>If permission is given I would suggest the following conditions are imposed:</p> <ul style="list-style-type: none"> <li>- The acoustic fence to be installed as per submitted plans prior to the first use of the building.</li> <li>- Only electric fork lift trucks to be used at premises.</li> </ul>

- Only equipment specified in the submitted acoustic report to be used at the premises, i.e. no timber saw machinery, or similar, to be used.

- The hours of opening proposed by the applicant are imposed as a condition.

Please add the standard informatives regarding (i) construction times and (ii) Health and Safety at Work.

## Essex County Council Highways

### 19/01916/FUL

#### Comments

02.04.2020 - Your Ref: 19/01916/FUL

Our Ref: CO/EGD/SD/RM/CHL/19/1916/37795

Date:- 2nd April 2020

The applicant has amended the proposal for the related planning application 19/01917/FUL. It included a revised Transport Statement includes; swept path drawing to demonstrate that an articulated lorry can enter and leave the site in forward gear with a new layout that includes appropriate off-street parking provision.

The proposals in this application do not impact the highway directly .

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies: -

A) Safety Policy DM1 ' DM7 of the Highway Authority's Development Management Policies February 2011.

B) Accessibility Policy DM9 and DM11 of the Highway Authority's Development Management Policies February 2011.

C) Efficiency/Capacity Policy DM1 ' DM6 of the Highway Authority's Development Management Policies February 2011.

D) Road Hierarchy Policy DM2 - DM5 of the Highway Authority's Development Management Policies February 2011.

E) Parking Standards Policy DM8 of the Highway Authority's Development Management Policies February 2011 which refers to the Parking Standards Design and Good Practice September 2009 (Essex Planning Officers Association/ECC)

Comments

Your Ref: 19/01917/FUL

Our Ref: CO/EGD/SD/RM/CHL/19/1917/37795

Date:- 2nd April 2020

The applicant has amended the proposal. A revised Transport Statement includes; swept path drawing to demonstrate that an articulated lorry can enter and leave the site in forward gear with a new layout that includes appropriate off-street parking provision.

A draft Travel Plan has been submitted. However, the proposed operation is expected to employ 6no. people. The threshold for a Travel Plan requirement is 50 employees or more.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The "In" vehicular access shown on the Vehicle Tracking drawing, no. DR2 contained in the Transport Statement, JTP245 January 2020 at Appendix 3, shall be extended to suit the swept path for the articulated lorry shown. This is within the adopted highway. Therefore prior to any work in the highway, the applicant must make an application to the Development Management Team (See the informative below for contact details) to agree the construction and design details with the Highway Authority when the applicant applies to the Highway Authority for the permit required to complete the highway works.

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.

2. The 10no. vehicle parking bays as shown in principle in the Whole Site Layout – Block Plan, drawing no. 1953.4 A contained in the Transport Statement, JTP245 January 2020 at Appendix 3, shall be laid out in accordance with the EPOA Parking Standards and constructed ready for use, hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

3. 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.

4. The operation is expected to employ 6 people. If the applicant wishes to proceed with provision of a Travel Plan, the draft Travel Plan provided would require some amendments, to be agreed with the Essex County Council, Travel Plan Team. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £5,000 (plus the relevant sustainable travel indexation) to be paid to cover the 5 year period.

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

### **Local Residents – All Applications (19/01692/FUL, 19/01916/FUL & 19/01917/FUL)**

Comments

Representations received from 79 residents summarised as follows:

- o Applicant has failed to provide the correct information a number of times

- o Applicant has failed to demonstrate that the development won't impact badly on residents
- o Application fails to provide enough parking
- o Claims that site will be accessed by public transport and foot are unrealistic
- o Applicant has included land beyond their ownership
- o Use of site by HGVs with poor access creates a serious road hazard and safety risk
- o Noise of reversing HGVs and engines will impact upon neighbouring amenity
- o No consideration for fire and emergency access to rear area
- o Submitted Noise Report is taken from one location in the site which isn't close to residential boundaries
- o Noise disturbance will be detrimental to amenity
- o Electric forklifts will not be suitably powerful enough to load materials onto racking
- o Electric and diesel forklift noise will be harmful to amenity
- o Stop, horn and double beep and proceed system will create significant increase in noise
- o Conversation chatter and mobile phone use will create noise disturbance
- o The site will use a noisy timber saw
- o Area of use at front of site will be for unspecified noisy activities
- o Resident noise expert suggests cumulative undertaking PGR propose will add significant detrimental noise to all houses in Longacre
- o Both Planning Policies PA1 and DC4 seek to protect neighbouring amenity
- o Errors on the application form
- o The change of use cannot be carried out under Permitted Development
- o The applicant has cleared all greenery from the site
- o The site is a watercourse and the floods team must be consulted
- o The site is adjacent to Green Belt land
- o The site is adjacent to a sub-station and access to this must be retained at all times
- o Use will generate trade waste
- o Application should provide details of proposed hour of use
- o Details should be provided of hazardous waste
- o Recent CLOPUD application established that B8 use is not acceptable in this

location

- o Misinformation about whether applicant has received Pre-application advice
- o 10-12 Hanbury Road, was itself designed as a "buffer", to sit between the residents of Longacre and the main industrial estate - separating the two
- o Reference should be made to historic applications on the site and their conditions
- o Palisade fence is unsightly and will not provide adequate protection for public
- o No size indicated within proposed signs
- o No reason given why hardstanding needed to store materials
- o Plenty of building merchants in city centre
- o Dust will blow on to gardens where children play
- o Impact on Robjohns Road will be unacceptable and the road itself in is disrepair
- o Large increase in traffic upon immediate road network
- o Parking and HGV access has been shoehorned in
- o The Parking Layout plans are dangerous
- o EPOA Standards not complied with
- o By including the footpath, the applicant has land grabbed an area of the highway
- o SPA Route is a slalom route
- o No parking provision for vans
- o Unclear how west of site will be used by applicant
- o No cycle parking nor blue badge parking
- o Small nature of this business development will bring little benefit to the local economic environment
- o The negative impacts on our local environment including road safety, far outway any perceived benefits from this development.
- o The new metal roof reflects sunlight into our rear habitable windows, the roof should be non-reflective
- o Roof has poor soundproofing properties
- o Applicant is attempting to abuse planning system
- o Rear area was always intended to be kept as scrubland
- o Rainwater from racking will fall onto rear gardens
- o The extension will be overbearing and have a harmful visual impact
- o The drawings are misleading and the extension will tower over dwellings more than

perceived

- o Outlook for neighbours would be a lot worse with extension
- o Extension will move noisy activity and building close to property
- o Extension has no sound proofing qualities
- o The metal roof of the building is unacceptable and causes glare, this will be exacerbated by extension
- o The design of the extension is contrary to every aspect of Policy MP1.
- o The eaves height of the extension should be lowered
- o The extension should have a green roof and a planting scheme
- o Conditions should restrict use of the rear building
- o Conditions should restrict use and manner of vehicles on site
- o Screening and protection for residents must be provided during construction phase
- o The submitted Noise Report remains inadequate and PHPS Health comments are not acceptable
- o The submitted Noise Report is not correct
- o The Noise in rear gardens would be 60db and a significant adverse impact
- o The mentioned hours of use in the Noise Report is unacceptable
- o Residents have commissioned an Independent Noise Report that shows that there would be a Significant Adverse Impact on neighbours and identifies a number of issues with the applicant's Noise Impact Assessment
- o The works to the extension will cause vibration to our properties and someone will have to pay for the damage
- o The proposed acoustic fencing is inadequate
- o The parking is inadequate for the deliveries and staffing numbers
- o The lighting of the site will disturb residents
- o The clear panels in the roof will allow light to escape the building on dark nights

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**9<sup>th</sup> June 2020**

**AGENDA ITEM 6**

**19/01917/FUL - 10 - 12 & 14 Hanbury Road**

**Addition of 2 conditions:**

***Condition 8***

In the absence of the rear and side extension, granted in pursuant to planning permission 19/01916/FUL, no vehicles benefitting from Audible Warning Instruments shall be permitted to access the land to the northern and western side of building no. 10-12 Hanbury Road.

**Reason:**

To ensure that the development plan does not prejudice the amenity of neighbouring occupiers in accordance with DM29 of the Chelmsford Local Plan.

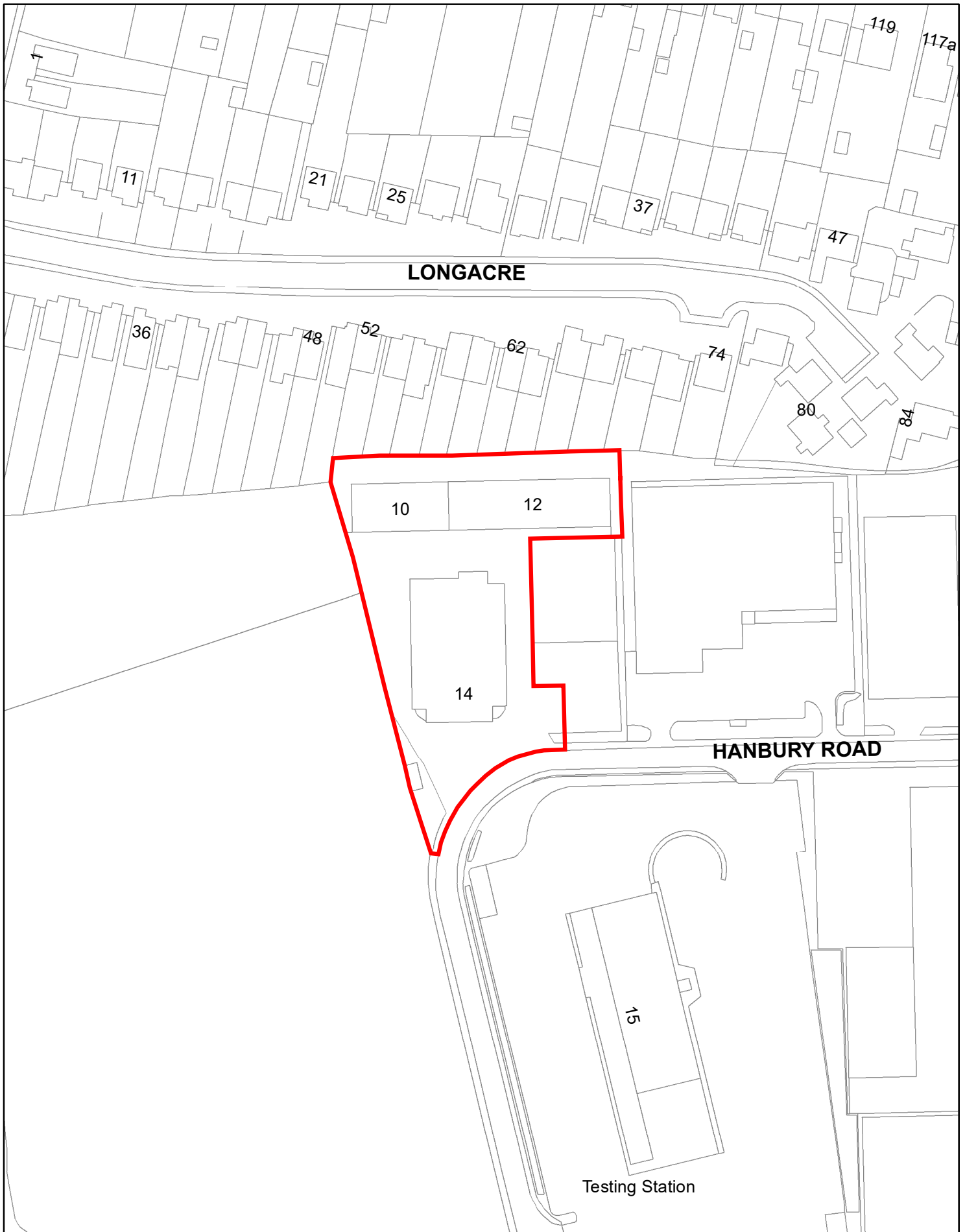
***Condition 9***

No external lighting shall be installed to the northern and western side of no. 10 – 12 Hanbury Road unless details are prior submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To ensure that the development plan does not prejudice the amenity of neighbouring occupiers in accordance with DM29 of the Chelmsford Local Plan





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**Planning Committee**  
**19/01917/FUL**

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

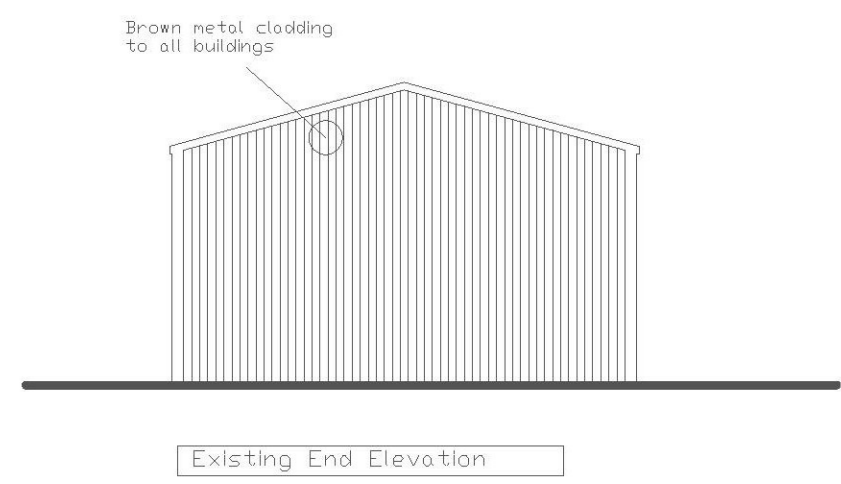
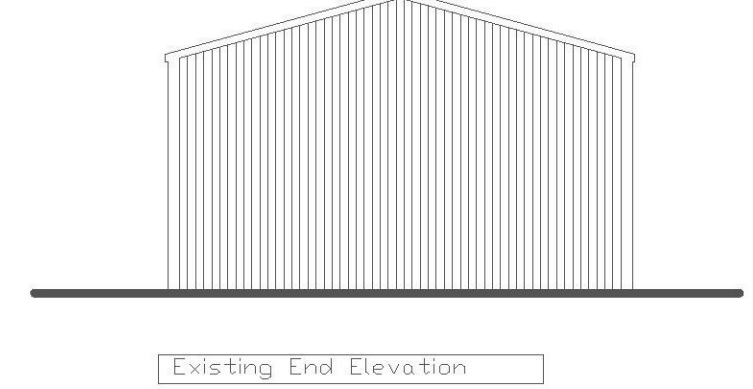
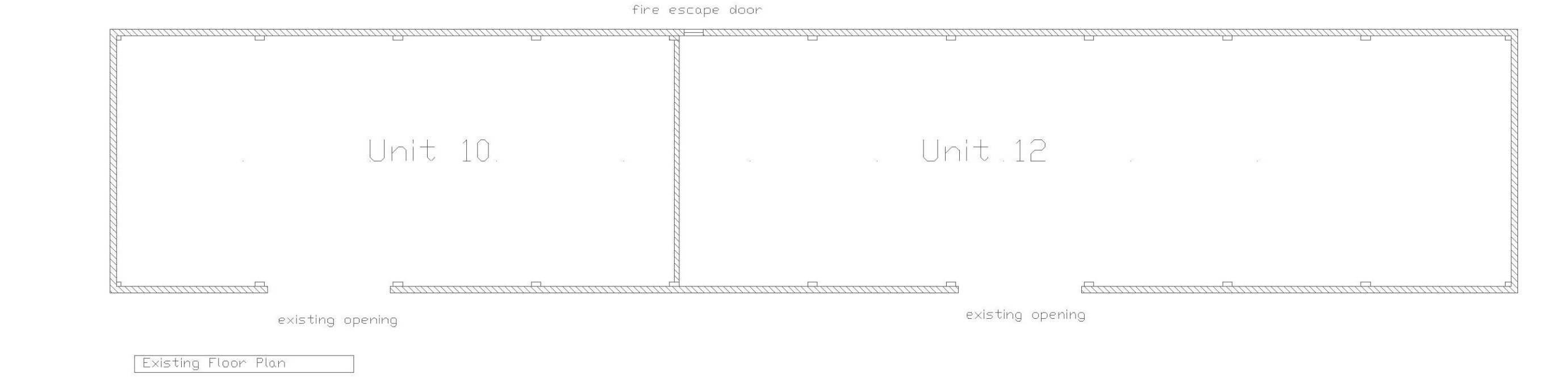
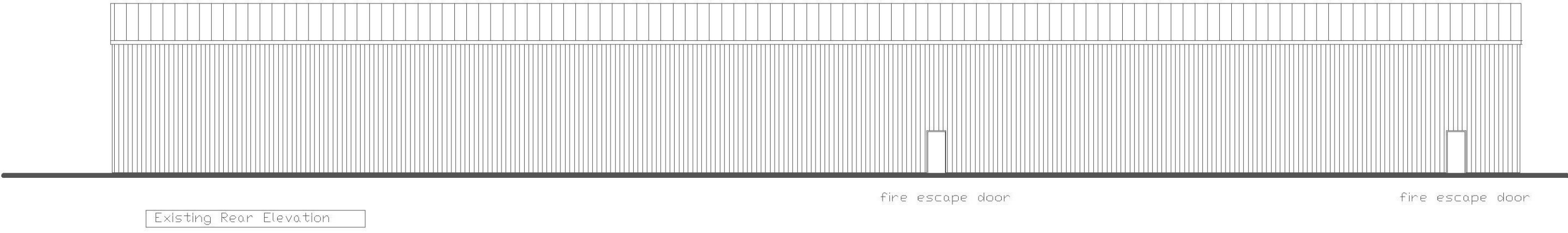
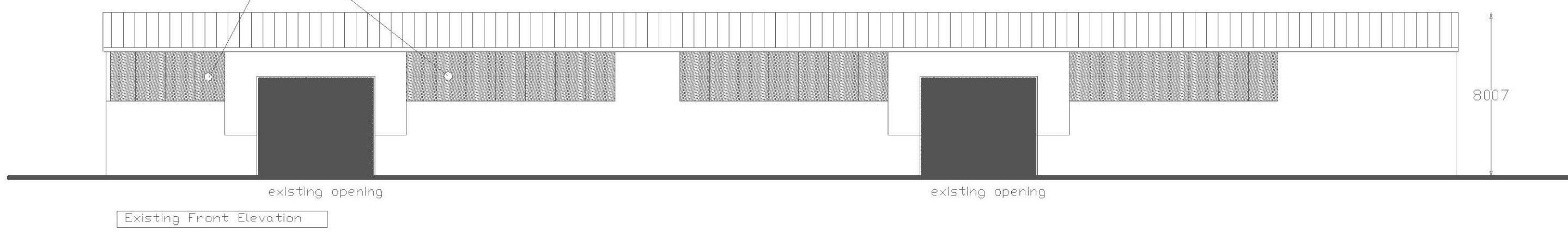
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826

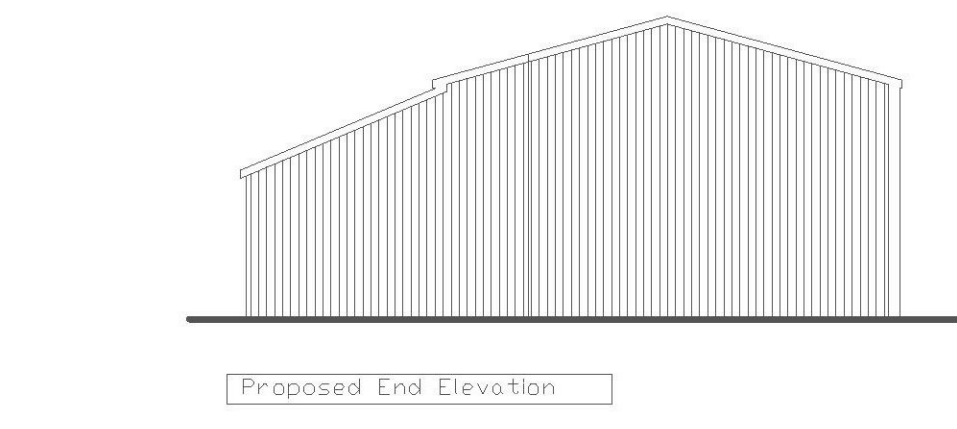
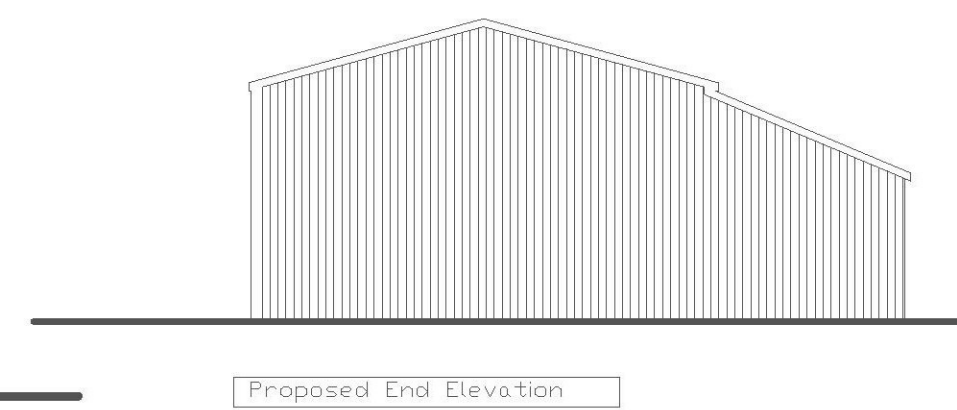
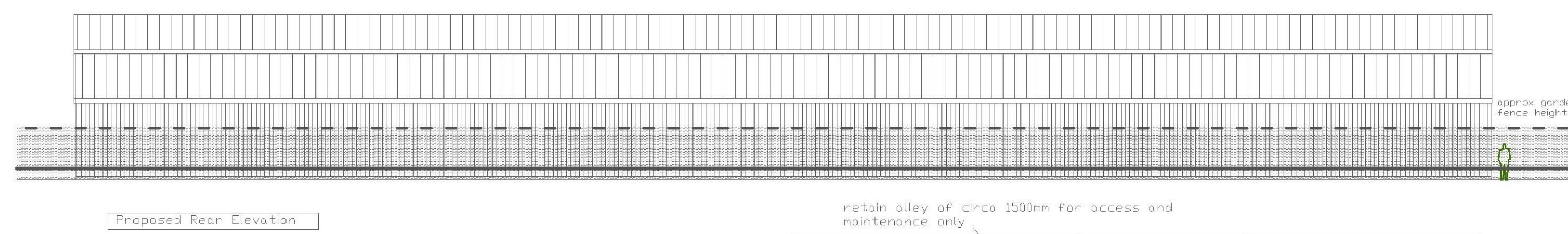
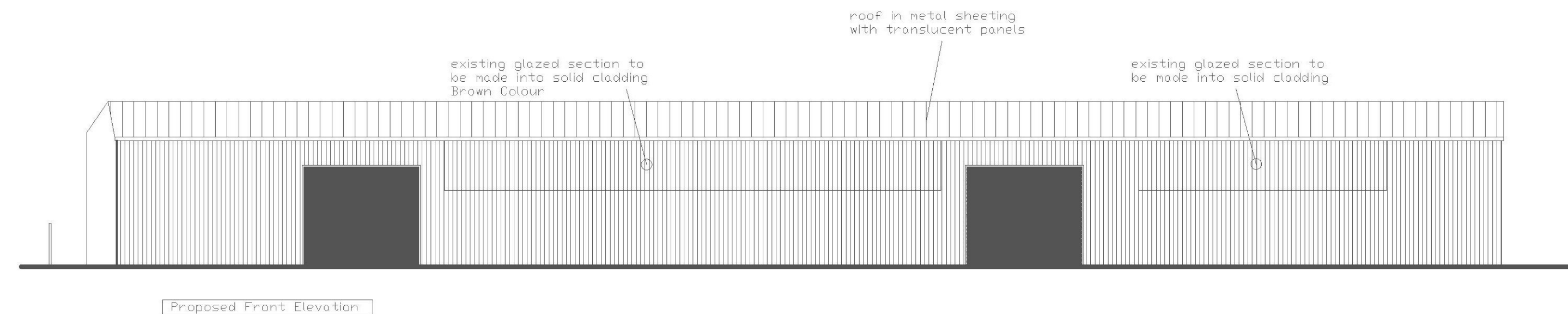
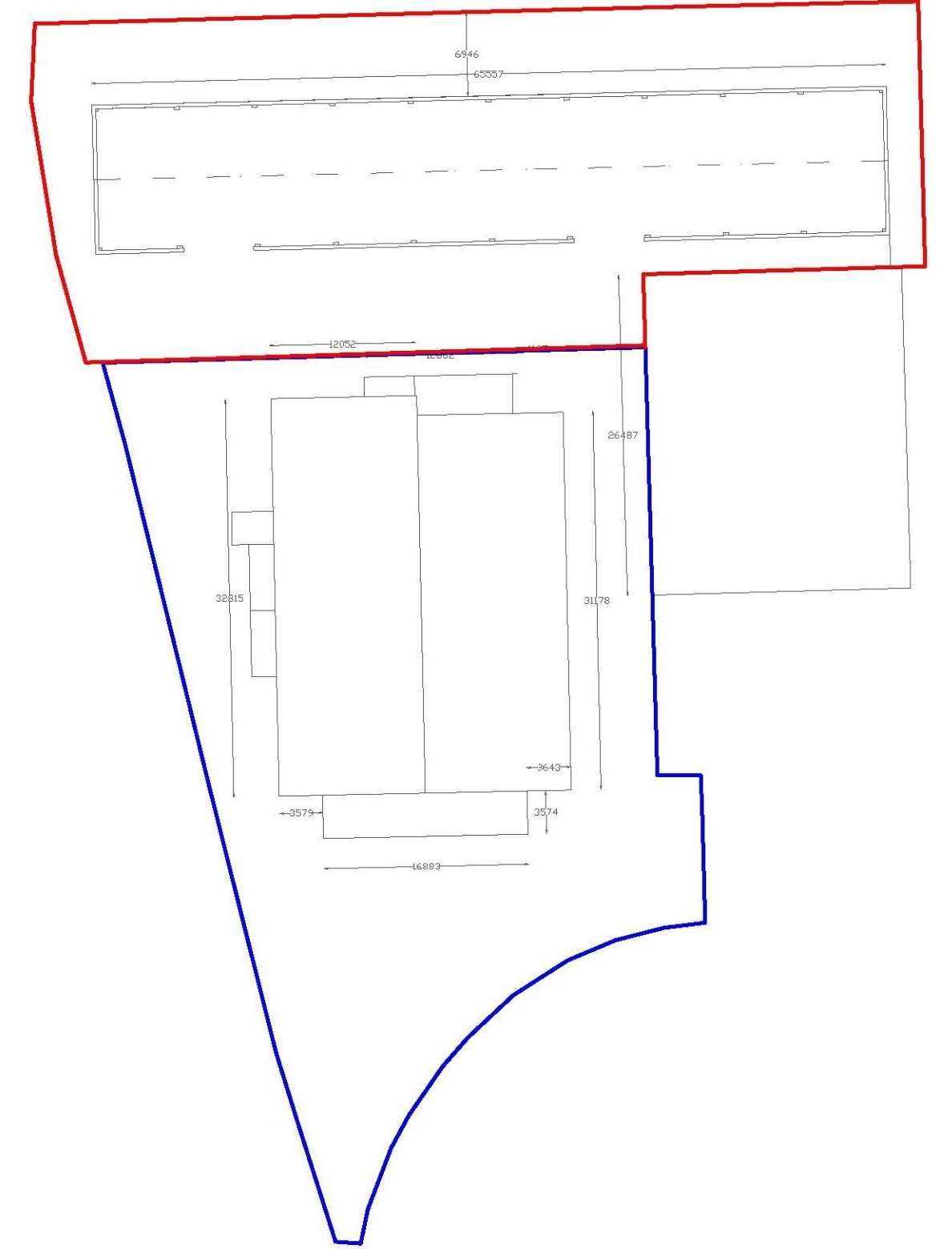
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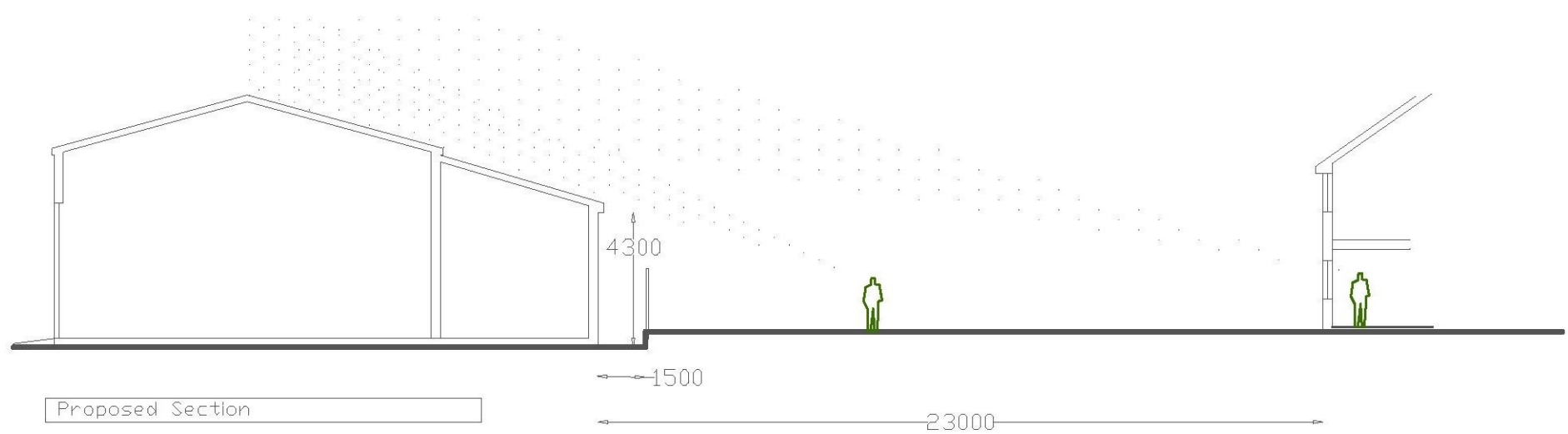




Existing Plans and Elevation Units 10 and 12



Proposed Plans and Elevation Units 10 and 12



DOCUMENT REFERENCE: HA/AB808/V5

**NOISE IMPACT ASSESSMENT:  
PROPOSED BUILDERS MERCHANTS**

**UNITS 10-14 HANBURY ROAD, CHELMSFORD,  
ESSEX CM1 3AE**



**Our Ref** HA/AB808/V4  
**Site Address** Units 10-14, Hanbury Road, Chelmsford, Essex CM1 3AE  
**For** PGR Timber and Builders Merchants c/o Mr Robert Kemball  
**Client Address** Laindon Training (PGR Timber and Builders Merchants), PGR Timber Courtauld House, Courtauld Road, Basildon, Essex SS13 1RZ  
**Date of Report** 17 June 2020  
**Author** Miss Josie Nixon MSc BA (Hons) AMIOA  
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This report has been prepared by Healthy Abode Limited t/a HA Acoustics with all reasonable expertise, care and diligence. The survey and report has been undertaken in accordance with accepted acoustic consultancy principles, it takes account of the services and terms and conditions agreed verbally and in writing between HA Acoustics and our client. Any information provided by third parties and referenced is considered to have undergone suitably thorough third-party checks to ensure accuracy. We can accept no liability for errors with a third-party data. This report is confidential to our client and therefore HA Acoustics accepts no responsibility whatsoever to third parties unless formally agreed in writing by HA Acoustics. Any such party relies upon the report at their own risk.

## EXECUTIVE SUMMARY

- Mr Robert Kemball on behalf of PGR Timber and Builders Merchants instructed Healthy Abode Ltd t/a as HA Acoustics to undertake a noise impact assessment for the proposed Builder's Merchants at Units 10-14, Hanbury Road, Chelmsford, Essex CM1 3AE.
- HA Acoustics has undertaken an environmental noise survey at the site in order to determine prevailing background noise levels that are representative of the nearest noise sensitive receptors (NSR). Due to the nature of the site, the distance between the noise source and 1m from the residential façade varies. The distance from the nearest boundary of the site to 1m from the NSR is approximately 12m.
- Properties exist to the north-west of the site (38-44 Longacre), there is potential for a degree of line-of-sight to the external goods yard. A distance calculation from the dwellings with potential for line of sight to centre of goods yard at approximately 85m distance has been considered, to address this the client will incorporate acoustic mitigation in the form of a 3m high acoustic fence, to run a minimum 15metre length.
- A baseline noise survey and assessment has been undertaken in line with the guidance contained in BS 4142:2014, measurements being taken over continuous 15-minute periods.
- The unattended surveys were conducted between Wednesday 18<sup>th</sup> December 2019 – Monday 23<sup>rd</sup> December 2019, at two fixed monitoring points, located at the rear of the site.
- Manual Measurements were undertaken at an existing PGR Timber and Merchant Yard on Wednesday 8 January 2020 to determine potential noise levels. Calculations have utilised these measurements along with manufacturer's data.
- The operation of the proposed builder's merchants shall be as required, 07:00 – 17:30 hours Monday to Saturday and 07:30 – 12:30 Saturdays, Closed Sundays and Bank Holiday Mondays.
- The typical background noise level has been calculated at 45dB  $L_{A90,operational\ hours}$ .
- It is important to note that during the period of noise monitoring, the site was vacant. The previous business having already vacated the site. This means that the obtained typical background sound level is expected to be lower than that which the nearby residents would be used to, when a business under

the existing planning classification is operating.

- Noise calculations of the proposed builder's merchants have been undertaken using all available details and plans provided by the client, manual measurements and obtaining manufacturers' specifications. The resultant sound pressure level has been calculated at the NSR1 at 44 dB(A) and at the NSR2 at 45 dB(A).
- In accordance with BS 4142: 2014 guidance, the noise impact from the operation of the proposed builders merchants "***is an indication of the specific sound source having a low impact***" at the NSR.



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## **Appendices**

**Appendix A** – Site Location and Monitoring Positions

**Appendix B** – Noise Survey Results and Time History

**Appendix C** – Architectural Drawings

**Appendix D** – Acoustic Calculations

**Appendix E** – Manufacturer’s Data

## 1. INTRODUCTION

- 1.1. Mr Robert Kemball on behalf of PGR Timber and Builders Merchants instructed Healthy Abode Ltd t/a HA Acoustics to undertake a noise impact assessment at Units 10-14, Hanbury Road, Chelmsford, Essex CM1 3AE for submission as part of documentation to be provided to the Local Authority, Chelmsford City Council.
  
- 1.2. It is being proposed for Units 10-14, Hanbury Road, Chelmsford, to become a Builders Merchants, the noise from which could have the potential to affect existing noise sensitive properties nearby. The proposal would be for a change of use from B8 to Sui Generis use of Builders merchants.
  
- 1.3. The purposes of this report are:
  - 1.3.1. To determine prevailing environmental noise levels affecting surrounding properties due to nearby noise sources (e.g. road traffic, commercial plant etc.);
  
  - 1.3.2. To carry out a theoretical noise breakout of noise emission levels from internal areas;
  
  - 1.3.3. Based on the above, to present noise emission limits in accordance with the requirements of BS 4142:2014, and
  
  - 1.3.4. To undertake an assessment to demonstrate compliance with the Local Authority noise requirements.

## 2. SITE DESCRIPTION

- 2.1 Units 10-14, Hanbury Road, Chelmsford, Essex CM1 3AE (hereafter referred to as 'the site') is a commercial premises located within an industrial estate. A site plan can be found in Appendix A.
- 2.2 The site is situated off Hanbury Road, which runs along the south boundary. The site is within an industrial estate, which is situated to the south and east. The site adjacent to the East is Bookers Wholesale. There are a number of commercial and industrial premises on the industrial estate, such as National Tyres, Smurfit Kappa and Power Testing. Located to the west are agricultural fields. Residential premises are located to the north and external amenity gardens border the site.
- 2.3 The proposal is for the premises to undergo a change of use from B8 to Sui Generis use of Builders merchants. As part of this proposal, it is applied that part of unit 14 will be demolished. Architectural Drawings can be seen in Appendix C. Unit 10 and 12 are proposed to be utilised as storage, with unit 14 being used as the main builders merchants and being the client facing section.
- 2.4 The nearest noise sensitive receptor (NSR) located to the proposed timber and builder merchants is noted to be the rear façade of a residential premises located to the rear of the site on Longacre, with partial line of sight from the first storey. Due to the nature of the site, the distance between the noise source and 1m from the residential façade varies. The distance from the nearest boundary of the site to 1m from the NSR is approximately 12m. It can be confidently assumed that if the noise impact assessment indicates that the specific sound source has a low impact at this premises then it can be safely assumed it will be met at other properties of equal distance and/or those further away with no line of sight.
- 2.5 Properties exist to the north-west of the site (38-44 Longacre), there is potential for a degree of line-of-sight to the external goods yard. A distance calculation from the dwellings with potential for line of sight to centre of goods yard is approximately 85m, the client will install acoustic mitigation.
- 2.6 At the time of installation and collection of the monitoring equipment, the dominant noise sources emanated from road traffic, overhead airplane movements and some commercial and residential activity noise. These noise sources are considered normal to the site location. No significant abnormal noise sources were identifiable. It is considered that the measured noise levels are reasonable given the location of the measurement position.

### 3. ENVIRONMENTAL NOISE SURVEY METHODOLOGY

#### 3.1 Unattended – Environmental Noise Survey

3.2 An unmanned environmental noise survey was undertaken at two measurement locations at the rear of the site. The survey was undertaken between 11:00 hours on the Wednesday 18<sup>th</sup> December 2019 and 14:30 hours on Monday 23<sup>rd</sup> December 2019.

3.3 The sound level meters (SLM) were mounted approximately 1.5 metres above ground level. For position 1 the SLM was positioned on the rear premises boundary. The position is not considered to be ‘free-field’ therefore acoustic corrections of -3dB have been applied to the measurements. For position 2 the SLM was positioned away from reflective surfaces approximately 3.5 metres from the rear façade of the property and other walls/fences. The position is considered to be ‘free-field’ therefore acoustic corrections of -3dB have not been applied to the measurements.

3.4 The positions are considered to be representative of background noise levels at the nearest identified NSR. The monitoring position is identified in Appendix A.

3.5 The equipment used for the noise survey is summarised in Table 3.1.

Equipment	Description	Quantity	Serial Number
Svantek 977	Class 1 automated logging sound level meter	1	69297
ACO Pacific 7052E	Class 1 ½” microphone	1	69364
Svantek 977	Class 1 automated logging sound level meter	1	69716
ACO Pacific 7052E	Class 1 ½” microphone	1	70766
Svantek SV33A	Class 1 Calibrator	1	73297

Table 3.1 Description of Equipment used for Noise Survey

3.6 Ambient, background and maximum noise levels ( $L_{Aeq}$ ,  $L_{A10}$ ,  $L_{A90}$  and  $L_{AmaxF}$  respectively) were measured throughout the noise survey in consecutive 15-minute periods.

3.6 The noise survey and measurements were conducted, wherever possible, in accordance with BS7445-1:2003 ‘Description and measurement of environmental noise. Guide to quantities and procedures’. Measurements were made generally in accordance with ISO 1996-2:2007 ‘Acoustics – Description, measurement and assessment of environmental noise – Part 2: Determination of environmental noise levels’.

3.7 Weather conditions throughout the entire noise survey period were noted to be cold (approximately 0-10° Celsius), generally dry (with periods of light rainfall on Thursday 19<sup>th</sup> and Friday 20<sup>th</sup> December 2019), with clear to cloudy skies (approximately 0-80% cloud cover) and a light wind (<5m/s). These weather conditions were checked against and confirmed by the use of the Met Office mobile application available on smart phone technology. These conditions were maintained throughout the whole survey period and are considered reasonable for undertaking environmental noise measurements.

3.8 The noise monitoring equipment was calibrated before and after the noise survey period. No significant drift was recorded. Equipment calibration certificates can be provided upon request.

3.9 It is important to note that during the period of noise monitoring, the site was vacant. The previous business having already vacated the site. This means that the obtained typical background sound level is expected to be lower than that which the nearby residents would be used to, when a business under the existing planning classification is operating.

### 3.7 **Attended / Manual Measurement – Noise Survey of Proposed Activities**

3.8 An attended environmental noise survey was undertaken at existing PGR timber and builder merchant site. The existing site utilised for the manual measurements was PGR Timber & Builder Merchants Braintree, which is located at Unit 1, Bradbury Drive, Springwood Industrial Estate, Braintree, Essex, CM7 2SD. Stop-start measurements were undertaken of the different noise sources and a 1 hour measurement was undertaken within the trade counter. The survey was undertaken between 10:00 hours – 12:00 hours on Wednesday 8<sup>th</sup> January 2020.

3.9 The sound level meters (SLM) located within the internal trade counter was mounted approximately 1.5 metres above ground level within the premise, to the rear of the counter. The stop-start measurements were undertaken via hand-held measurements, where possible all measurements were taken at 1m from the noise source.

3.10 The measurements are considered to be representative of typical activity noise levels, which would occur at the proposed site.

3.11 The equipment used for the noise survey is summarised in Table 3.1.

Equipment	Description	Quantity	Serial Number
Svantek 977	Class 1 automated logging sound level meter	1	69701
ACO Pacific 7052E	Class 1 ½" microphone	1	71699
Svantek 977	Class 1 automated logging sound level meter	1	69716
ACO Pacific 7052E	Class 1 ½" microphone	1	70766
Larson Davis CAL200	Class 1 Calibrator	1	14432

Table 3.1 Description of Equipment used for Noise Survey

3.12 Ambient, background and maximum noise levels ( $L_{Aeq}$ ,  $L_{A10}$ ,  $L_{A90}$  and  $L_{AmaxF}$  respectively) were measured throughout the noise survey.

3.6 The noise survey and measurements were conducted, wherever possible, in accordance with BS7445-1:2003 '*Description and measurement of environmental noise. Guide to quantities and procedures*'. Measurements were made generally in accordance with ISO 1996-2:2007 '*Acoustics – Description, measurement and assessment of environmental noise – Part 2: Determination of environmental noise levels*'.

3.10 Weather conditions throughout the entire noise survey period were noted to be cold (approximately 0-10° Celsius), dry, with clear to cloudy skies (approximately 50% cloud cover) and a light wind (<5m/s). These weather conditions were checked against and confirmed by the use of the Met Office mobile application available on smart phone technology. These conditions were maintained throughout the whole survey period and are considered reasonable for undertaking environmental noise measurements.

3.11 The noise monitoring equipment was calibrated before and after the noise survey period. No significant drift was recorded. Equipment calibration certificates can be provided upon request.

#### 4. EXTERNAL NOISE EMISSION CRITERIA

##### 4.1. National Planning Policy Framework

4.2. In March 2012, the National Planning Policy Framework (NPPF) came into force and was revised in February 2019. This document replaces a great many planning guidance documents, which previously informed the planning system in England.

4.3. The NPPF (2019) sets out the Government's economic, environmental and social planning policies for England and these policies articulate the Government's vision of sustainable development.

4.4. The Noise Policy Statement for England (NPSE) published 2010 applies to *'all forms of noise, including environmental noise, neighbour noise and neighbourhood noise'*.

##### 4.5. Paragraph 180 of the NPPF (2019) considers noise, stating:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- *a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- *b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- *c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

4.6. National Planning Policy is guided by the NPPF. With regard to noise, the terms 'significant adverse impact' and 'other adverse impacts' are defined in the explanatory notes of the 'Noise Policy Statement for England' (NPSE). These state that there are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

- 'NOEL – No Observed Effect Level, this is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise, and

- LOAEL – Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected.

4.7. Extending these concepts for the purpose of this NPSE leads to the concept of SOAEL - significant observed adverse effect level. This is the level above which significant adverse effects on health and quality of life occur'. However, no specific noise limits for LOAEL and SOAEL have been defined. Therefore, guidance from other acoustic standards must be employed to determine suitable levels within the overall principal of the National Planning Policy Framework; such as BS 4142:2014.

#### 4.8. Chelmsford City Council, Local Authority Noise Criteria

4.9. The proposed site lies within the jurisdiction of the Local Authority, Chelmsford City Council. An acoustic report is required to support a planning application. The following wording has been provided from the local authority:

*“both applications 19/01916/FUL & 19/01917/FUL have received holding objections from Public Health and Protection on the basis of noise, the following comment have been received:*

*The change of use to a builder’s merchant has the potential to cause noise disturbance to the occupiers of nearby residential properties. There is no in depth submitted information on how noise from the proposed use will be controlled. I would suggest that a noise assessment is carried out and submitted for consideration with the application. The assessment should cover all proposed noisy operations to be carried out at the site, both in the open and within the building, to demonstrate that no undue disturbance will be caused.*

*It is therefore required that a Noise Assessment Report be carried out and submitted in supplement with the application in order for the Council to assess the likely impact of noise on the surrounding amenity. You will recall that this was something advised during our meeting in October. I appreciate that the preparation and compilation of such a survey and report may occur additional time and therefore should you require time beyond 12<sup>th</sup> January I would be grateful if you could let me know and we can extend the life of the application.”*

4.10. It is understood that the Builders Merchants will be operational between 07:00 – 17:30 Monday to Friday and 07:30 – 12:30 Saturdays. The noise criteria will therefore be set in-line with the typical background operational levels. In order to provide a robust assessment the lowest measured typical background from the 2 measurement positions have been taken. In this case the criteria to be met is a maximum rating noise level of 45dB L<sub>Ar,Tr</sub> measured at the NSR.

#### 4.11. BS4142:2014

4.12. BS 4142:2014 “Methods for Rating and Assessing Industrial and Commercial Sound” presents a method for assessing the significance and possible adverse impact due to an industrial or commercial



noise source, based on a comparison of the source noise levels and the background noise levels, both of which are measured or predicted at a noise sensitive receiver e.g. a residential property.

4.13. The specific noise level due to the source is determined, with a series of corrections for tonality, impulsivity, intermittency or any other unusual characteristic. This can result in a maximum total correction of +21dB being added if the new noise source demonstrates all the above characteristics. The background noise level is then subtracted from the rating level and a comparison made.

4.14. The significance of the new noise source and the likelihood of any adverse impact is determined in accordance with the following advice:

*“The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs.*

- *A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.*
- *A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.*
- *The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.”*

4.15. **BS8233:2014**

4.16. BS 8233:2014 provides references and guideline values for desirable indoor ambient noise levels for dwellings as shown in Table 5.1 below.

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	—
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	—
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

Table 5.1 BS 8233:2014 Desirable Internal Ambient Noise Levels for Dwellings

4.17. The above internal ambient noise levels are therefore considered appropriate within this assessment.

4.18. BS 8233:2014 states that 'for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed an upper guideline value of 55dB  $L_{Aeq}$ , which would be acceptable in noisier environments.

4.19. The guidance that external amenity should not exceed 55dB  $L_{Aeq}$ ,16hr is also supported by World Health Organisation (WHO) guidance.

## 5. NOISE SURVEY RESULTS

### 5.1. Unattended Noise Survey

5.2. The ambient and background noise levels at the measurement position as seen in Appendix A are provided below and have been based on an analysis of the monitoring data.

5.3. A summary of the data results is provided in Table 5.1. The time history can be seen in Appendix B (TH1-2).

	Ambient Noise Level $L_{Aeq, 15min}$	Typical Background Noise Level $L_{A90, 15min}$
<b>Position 1</b>		
Day (07:00 – 23:00)	49dB*	44dB*
Night (23:00 – 07:00)	49dB*	30dB*
Operating Hours (07:00 – 17:30 Monday – Friday 07:00 – 12:30 Saturday)	50dB*	45dB*
<b>Position 2</b>		
Day (07:00 – 23:00)	51dB	49dB
Night (23:00 – 07:00)	49dB	39dB
Operating Hours (07:00 – 17:30 Monday – Friday 07:30 – 12:30 Saturday)	52dB	49dB

\*includes -3dB facade noise correction

**Table 5.1 Summary of typical noise measurement data**

5.4. These noise levels are considered normal to the site location. No significant abnormal noise sources were identifiable during installation or collection of the equipment. It is considered that the measured noise levels are reasonable given the location of the measurement position.

### 5.5. Attended Manual Measurement Results

5.6. The measurements results from the attended survey can be seen in Table 5.2. The time history for the continuous manual measurement from the internal shop location, can be seen in Appendix B (TH3).

Start date & time	Duration	Description	L <sub>Aeq</sub>	L <sub>Amax,F</sub>	L <sub>A10</sub>	L <sub>A90</sub>
08/01/2020 10:22:00	00:00:44	Lorry reversing / unloading of water containers for office	70	90	69	57
08/01/2020 10:23:14	00:01:12	General external background	56	70	58	51
08/01/2020 10:24:48	00:01:26	Sides on lorry / metal banging down. Measurement 5m away	60	78	61	51
08/01/2020 10:26:22	00:02:25	General background, plant (other units) aeroplanes, traffic, nearby industrial noise, reversing beepers elsewhere	54	68	56	52
08/01/2020 10:28:48	00:01:14	General Background - external	56	69	58	52
08/01/2020 10:30:04	00:00:18	Customer vehicle manoeuvring	57	62	59	54
08/01/2020 10:32:14	00:00:49	Internal Warehouse Cellophane wrapping goods.	68	81	74	50
08/01/2020 10:33:04	00:00:29	Internal warehouse, forklift reversing	78	92	81	62
08/01/2020 10:33:52	00:01:35	Goods being unloaded and loaded from lorry (3m away)	71	90	72	58
08/01/2020 10:37:42	00:00:13	External Background; plant from different units and employees in conversation. No vehicles nearby	56	65	58	53
08/01/2020 10:37:58	00:01:29	Forklift loading and closing sides on lorry	67	84	69	55
08/01/2020 10:39:30	00:01:48	Hydraulic lift / movement of grabber down, lorry engine on.	69	84	71	65
08/01/2020 10:41:18	00:00:15	Lorry driving off	67	77	72	56
08/01/2020 10:51:04	00:01:20	Customer car parking	68	84	71	58
08/01/2020 10:52:52	00:04:34	Internal Loading forklift up, another forklift in operation / moving around internal area, chatting, wrapping of goods	73	96	74	47
08/01/2020 10:58:58	00:01:01	Internal Forklift lifting goods up high.	69	82	71	63
08/01/2020 11:00:04	00:00:56	x2 Diesel forklifts moving	70	80	74	56
08/01/2020 11:03:48	00:02:26	Carpark. X2 lorries. 1 stationary completely. X1 arriving. Customer car reversed off site	63	79	66	55

08/01/2020 11:10:26	00:04:55	Diesel forklift unloading	70	90	72	57
08/01/2020 11:15:44	00:18:00	Unloading and loading of 2 lorries, with x2 forklifts, 6 people, (15minutes into measurement x1 lorry left ste)	65	87	67	56
08/01/2020 11:34:02	00:00:15	Background. No activity	54	56	55	53
08/01/2020 11:35:06	00:02:08	Lorry leaving site	71	81	76	56
08/01/2020 11:39:08	00:00:56	Combi-lift Internal (5m)	64	70	68	57
08/01/2020 11:40:06	00:00:14	Background internal. Combi-lift cab doors closed. Chatting	51	63	52	46
08/01/2020 11:40:20	00:00:07	Background internal inside. Quiet	49	52	50	47
08/01/2020 11:41:02	00:00:09	Internal background with forklift activity	74	87	76	46
08/01/2020 11:41:56	00:02:31	Shop mid floor measurement. Vehicles outside and in workshop just perceptible.	46	61	49	38

**Table 5.2 Summary of typical noise measurement data for typical activities**

5.7. The proposed timber and builder merchants have specified that they will only use electric forklifts on site. No electric forklifts were present during the manned measurements at Timber & Builder Merchants Braintree, (located at Unit 1, Bradbury Drive, Springwood Industrial Estate, Braintree, Essex, CM7 2SD) therefore manufacturer's data has been utilised.

## 6. NOISE IMPACT ASSESSMENT

6.1 It is proposed for the premises to undergo a change of use from B8 to Sui Generis use of Builder's Merchants.

6.2 The premises will use the existing structure for unit 10-12, extended to the rear, as shown in Appendix C. The premises is understood to be comprised of 150mm brick with metal cladding. Where glass windows were previously on the existing façade these are to be bricked over.

6.3 Unit 14 will be reduced in size, to approximately 50%. Where possible the existing brick structure will be utilised. The glass windows for this unit will only be found on the front façade and will be a 22mm thick glass.

6.4 Table 6.1 lists the proposed plant/operations to be installed and its operational maximum sound pressure level.

Plant Make/Model	Reference Sound Pressure Level at 1m
Combi-lift Internal measurement*	76 dB
Lorry – Unloading*	81 dB
Lorry - Loading*	81 dB
Lorry Maneuvering*	77 dB
Car park area – customer vehicles moving*	68 dB
Internal Storage Level with low level activity*	51 dB
General External Site Activity Background*	63 dB
Internal – Cellophane wrapping*	68 dB
Internal Level – Shop*	60 dB

Electric Forklift**	75
Electric Side-lift**	75

Table 6.1 Proposed plant/operations

\*taken from manual measurements

\*\*taken from manufacturer's data (for electric side-lift (see Appendix E).

6.5 Due to the nature of the premises, it is possible for a number of the above items to be operational at the same time. It is understood that premises will operate similar activities to those listed above. Historical measurements of the proposed typical activities have been utilised. The cumulative noise source calculations for the internal and external areas have been calculated in Appendix D.

6.6 Calculations have been undertaken to gain the specific noise level of the proposed timber and builder merchant operations using information provided by the client, historical measured data and from manufacturer specifications.

#### 6.7 Theoretical Noise Breakout Assessment

6.8 Detailed calculations to predict the noise level of the proposed operations at the timber and builder merchants at 1 metre from the NSR are given in Appendix D. In order to determine the noise impact from internal operations, a theoretical noise breakout has been undertaken.

6.9 A noise breakout assessment has been carried out, taking into account the façade closest to the NSR from unit 10-12. There are no windows from the workshop/store room on the northern side. It is understood that the building is constructed from a brick façade with a steel-framed construction, with rollers on the south façade to allow entry into the premises for the forklifts. The sound reduction index of the proposed wall construction can be seen in appendix C.

6.10 Unit 10-12 will provide screening from noise sources within Unit 14 to the NSR's.

6.11 The noise transmission break-out from internal to external was then calculated using the SRI of the façade in the following formula:

$$SPL_{ext} = SPL_{int} - SRI - 6$$

6.12 There is a partial line of sight between the workshop exterior and the NSR, however the façade will provide screening from the activities inside. Following local authority Planning Officer discussions, noise

break-out of the roof elements has been considered, this is despite there being no noise sources at height e.g. fork lift truck being at ground level. The combined sound reduction index for the wall and roof build up is estimated to give a worst-case,  $R_w$  of 32dB\*. For robustness, this will be accounted for in the calculations.

\*This is based on a façade construction of 150mm brick wall with metal cladding, no external door and EuroClad roof underlined with DripStop felt.

- 6.13 The sound reduction index for the rear of Unit 14 is estimated to give an  $R_w$  of 36dB.
- 6.14 Due to the nature of the site, the distance between the noise source and 1m from the residential façade varies. The distances between the specific noise source area (e.g. unit 10, 12-14, and external area) and NSR has been taken into account within the calculations.
- 6.15 **Noise Impact Assessment**
- 6.16 Detailed calculations to predict the noise level of the proposed timber and builder merchants at 1 metre from NSR1 and NSR2 are given in Appendix D.
- 6.17 For NSR1, there is no line of sight between the front of the site, main loading/unloading and yard area. The façade of the existing buildings will provide screening from the activities outside in the yard area. This screening is conservatively estimated to provide 15dB noise attenuation. This will be accounted for in the calculations.
- 6.18 There is a partial line of sight between the workshop exterior and the NSR; however, the façade will provide screening from the activities inside, along with the activities undertaken externally at the front of the yard. The sound reduction index for the wall build up, which is understood to be comprised of 150mm brick with metal cladding, is estimated to give an  $R_w + C_{tr}$  of 32 dB. This will be accounted for in the calculations.
- 6.19 For NSR2 there is the potential for line-of-sight, therefore the client will incorporate a 3 metre high acoustic fence (e.g. Jackson Jakoustic reflective fencing  $\geq 12.5\text{kg/m}^2$ , from the north-west corner of Unit 10-12 running due south, for a minimum 15 metres. This fence will block line-of-sight to the external goods yard area from the ground floor windows of NSR2. It is anticipated that it will partially block line-of-sight from NSR2's first floor window. It is noted that the business will only operate during daytime hours, when it is generally accepted that first floors are less likely to be in use. For robustness, only a 5dB reduction penalty has been incorporated, as shown in Appendix D.



- 6.20 To help mitigate noise emissions the proposed timber and builder merchants have specified that they will only use electric forklifts and electric side-loaders on site.
- 6.21 A 'penalty' addition has been added to the Builders Merchants for intermittency due to the nature of the different operations. Penalty additions have not been applied for impulsiveness, tonality or any other unusual characteristics as Builders Merchants generally do not generate such features.
- 6.22 Detailed calculations to predict the noise level of the cumulative operations at the proposed timber and builder merchants at 1 metre from the NSR1 and 2 are given in Appendix D. The rating noise level at 1m from the NSR1 is **44dB L<sub>Ar,Tr</sub>** and therefore 1 decibel lower than the assessed typical background noise level (**45dB L<sub>A90,15min</sub>**). The rating noise level at 1m from the NSR2 is **45dB L<sub>Ar,Tr</sub>** and in-line with the assessed typical background noise level (**45dB L<sub>A90,15min</sub>**). In accordance with BS 4142:2014 guidance, the rating noise *"is an indication of the specific sound source having a low impact"*. The lower the rating level is relative to the measured background level, the less likely it is that the specific sound source will have an adverse impact.
- 6.23 As BS 4142:2014 advises, the impact must be considered within the context of the site and the surrounding acoustic environment. The following must, therefore, also be taken into consideration when determining the potential impact that may be experienced:
- 6.23.1 The assessment is undertaken at the most affected existing residential windows. The impact on all other nearby residential windows will be lower due to screening and distance attenuation.
  - 6.23.2 The site is located within a busy urban area with other comparable uses with similar activities and plant located within the vicinity.
  - 6.23.3 The site is located within an industrial estate, with a number of similar units within the local vicinity.
  - 6.23.4 It should be noted that for robustness, the above assessment is based on the site activities operating simultaneously and at maximum duty. Given that the operations will not operate

simultaneously at maximum capacity all of the time, the above assessment is considered to be representative of the worst case.

6.24 British Standard 8233:2014 'Sound insulation and noise reduction for buildings – Code of Practice' gives recommendations for acceptable internal noise levels in residential properties. Assuming worst case conditions, of the closest window being for a bedroom, BS8233:2014 recommends 35 dB(A) as being acceptable internal resting/sleeping conditions during daytime. According to BS8233:2014, the façade of a residential dwelling; with a window partially open for ventilation offers 15 dB attenuation. Therefore, taking into account this reduction for a partially open window the internal noise level with the proposed timber and builder merchants operating would be lower than the acceptable internal noise level as seen under BS8233: 2014; and significantly lower than the background.

6.25 British Standard 8233:2014 and World Health Organisation guidance gives a noise criteria for external amenity to not exceed 55dB  $L_{Aeq,16hr}$ . The sound emissions levels from the site are below this level, when calculated to middle of the garden.

## 7. UNCERTAINTY

- 7.1 The levels of uncertainty in the data and calculations are considered to be low given the robust exercise undertaken in noise monitoring and the confidence in the statistical analysis.
- 7.2 All measurements taken on-site by instrumentation are subject to a margin of uncertainty. This is relatively small, with a sound level meter manufacturer's margin of uncertainty at +/-1.1dB. It is due to the tolerances associated with the Class 1 sound level meter and calibrator equipment used to measure background.
- 7.2.1 The meter and calibrator used have a traceable laboratory calibration and were field calibrated before and after the measurements.
- 7.3 Manufacturers' data for the plant is likely to be robust. Detailed calculations and resultant noise levels at the residential location are considered to be confidently predicted.
- 7.4 Uncertainty in the calculated impact has been reduced by the use of a well-established calculation method.

## 8. CONCLUSION

- 8.1. A noise assessment has been undertaken at Units 10-14, Hanbury Road, Chelmsford, Essex CM1 3AE. The noise survey was undertaken at two fixed monitoring points, representative of the nearest noise sensitive receptor.
- 8.2. Following on-site measurement of pre-existing noise levels, calculations have been made of the noise rating level of the proposed operations from the timber and builder merchants at the NSR. From this assessment, together with information from the plant manufacturer, the potential noise impact has been determined.
- 8.3. Noise emission levels from the site at the NSR1 are predicted to be **44 dB L<sub>Ar,Tr</sub>**.
- 8.4. Noise levels from the site at the NSR2 are predicted to be at **45 dB L<sub>Ar,Tr</sub>**.
- 8.5. BS 4142:2014 assessment methodology shows that the rating noise level from the proposed timber merchants is predicted to be **in-line** with the typical background of **45dB L<sub>A90,15mins</sub>** at the NSR. In accordance with BS 4142:2014, noise levels from the proposed timber and builder merchant operations ***“is an indication of the specific sound source having a low impact”***.
- 8.6. At both NSR1 and NSR2 the predicted internal level is lower than the guidance internal amenity level of 35dB L<sub>Aeq,16hr</sub> bedroom and living rooms and 40dB L<sub>Aeq,16hr</sub> dining room, Appendix D. Therefore the criteria is met.
- 8.7. At both NSR1 and NSR2 the noise emission level at centres of gardens is lower than the BS8233:2014 and World Health Organisation external amenity upper guidance level of 55dB. Therefore the criteria is met.
- 8.8. Considering the results of the noise survey, the illustrative layouts and the calculations, the predicted resultant noise levels from the proposed operations are predicted to meet appropriate and reasonable guidance and the relevant noise criteria. Therefore, an adequate level of protection against noise for occupants of the nearest noise sensitive receptor is afforded; including when factoring in potential uncertainty.

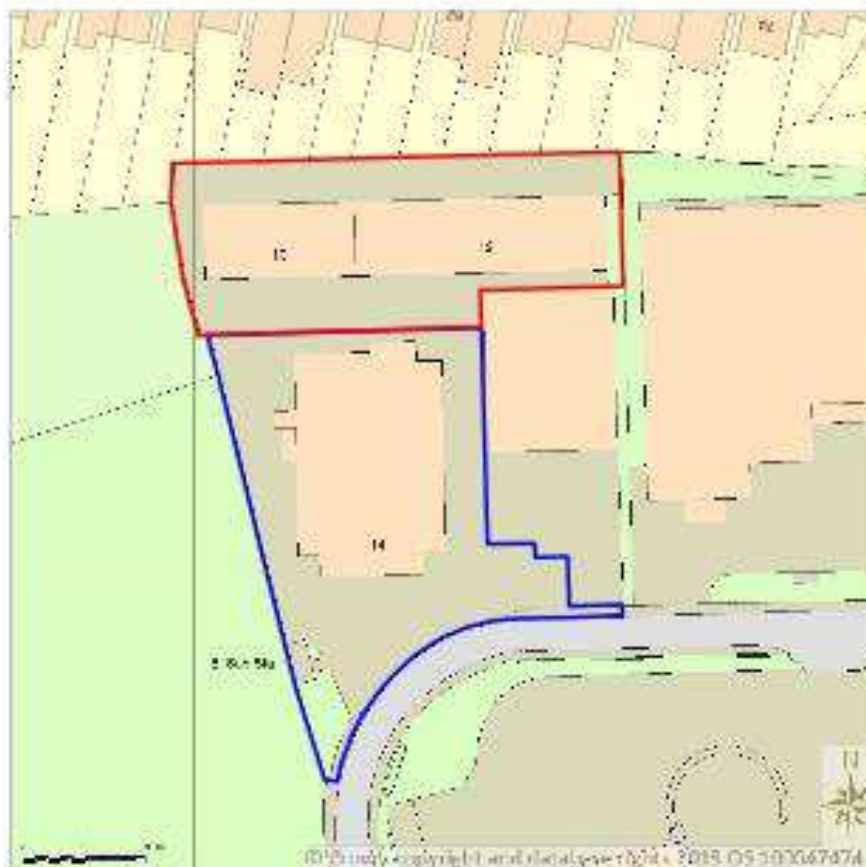


**Key:**

- Noise Monitoring Position ●
- Nearest Noise Sensitive Receiver 1 ●
- Noise Sensitive Receiver 2 ●
- (Indicative of No 38 – 44)
- Site Boundary [---]



**SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 569041, 205823**



Supplied by Streetwise Maps Ltd  
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Licence No: 100047474  
10/06/2019 12:03

**Key:**

Site Boundary Unit 10-12

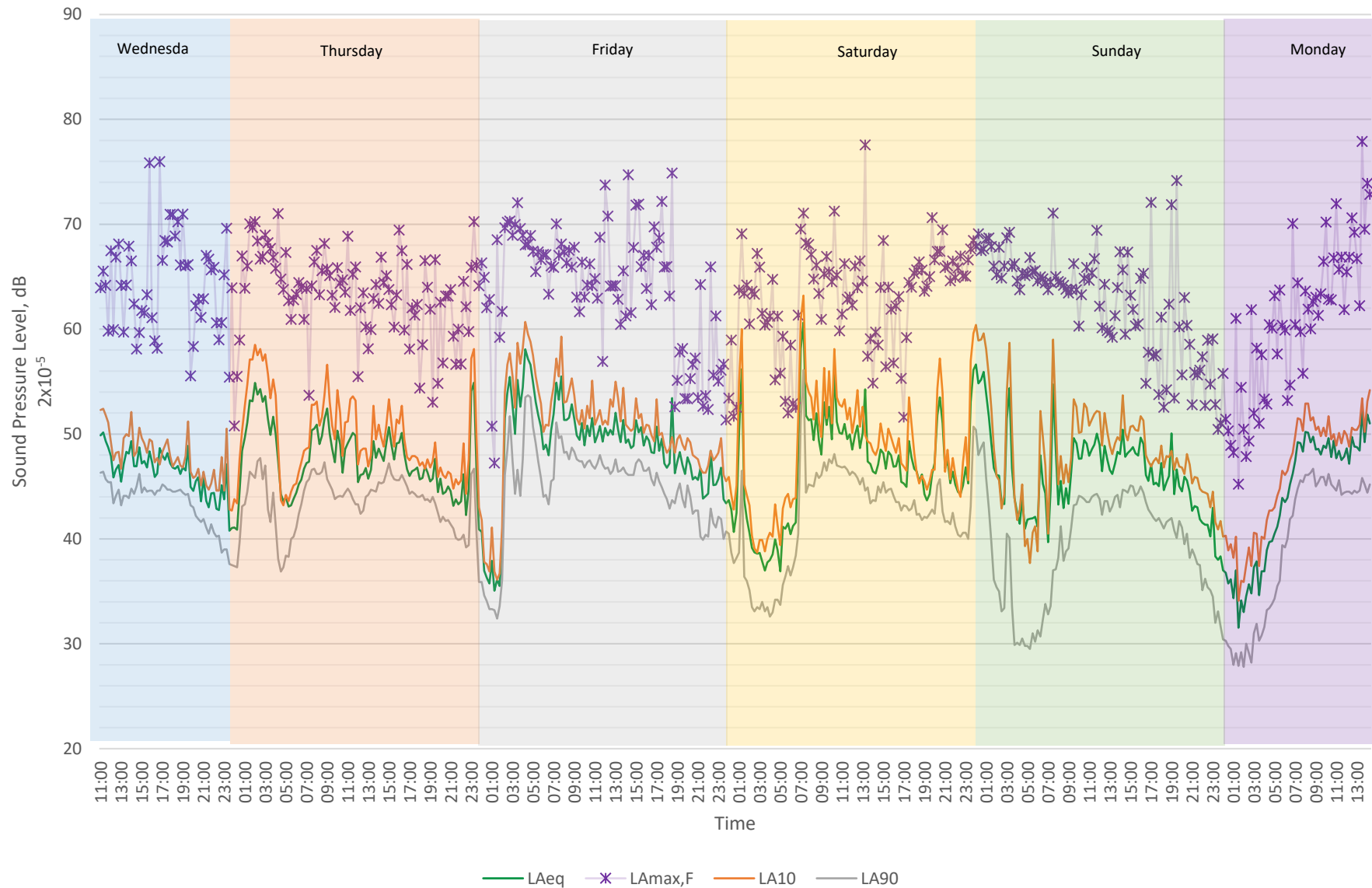


Site Boundary Unit 14



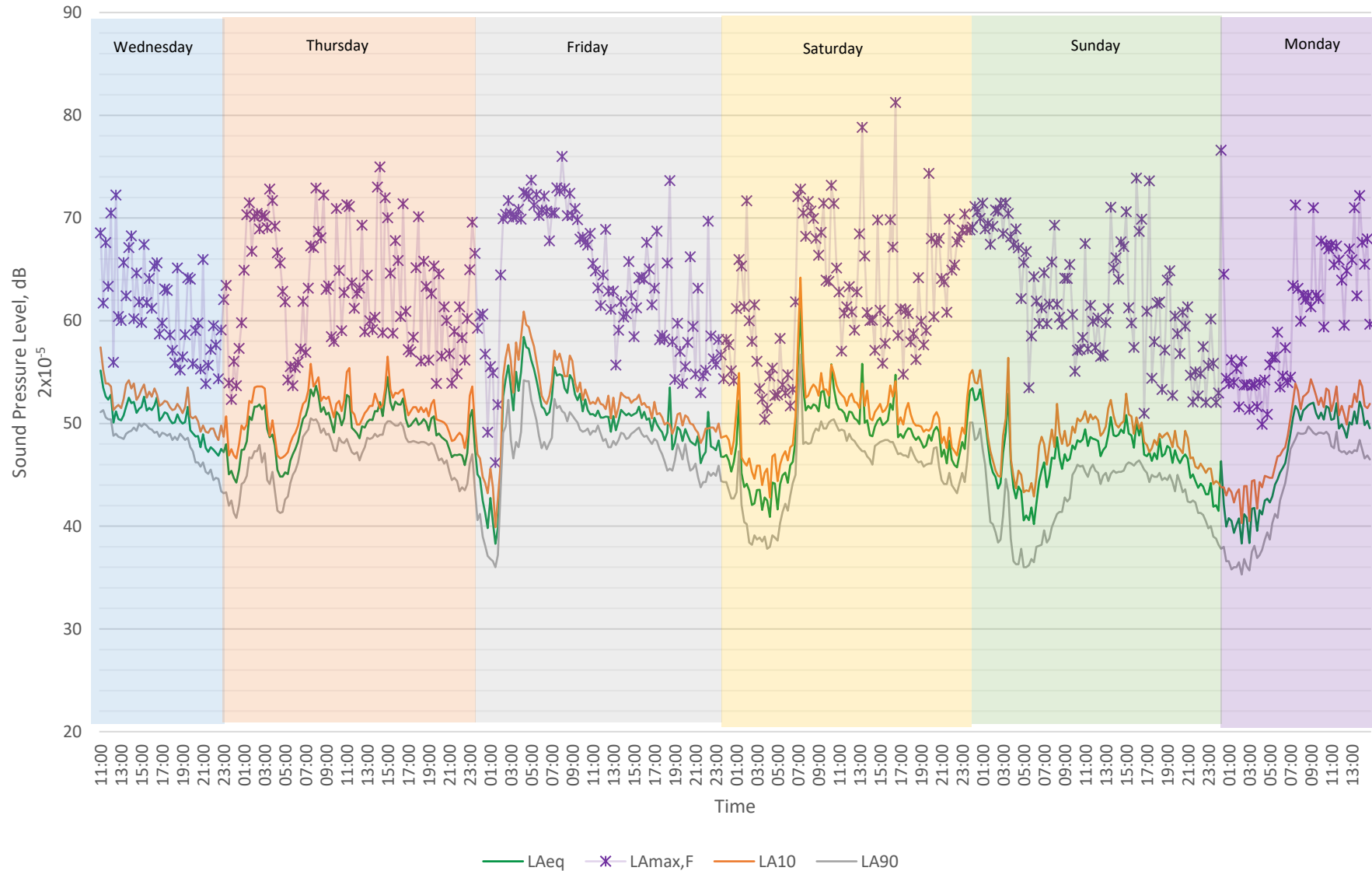
Appendix A - Time History 1 (TH1)

Units 10-14, Hanbury Road, Chelmsford  
Wednesday 18 December 2019 - Monday 23 December 2019  
Position 1



Appendix B - Time History 2

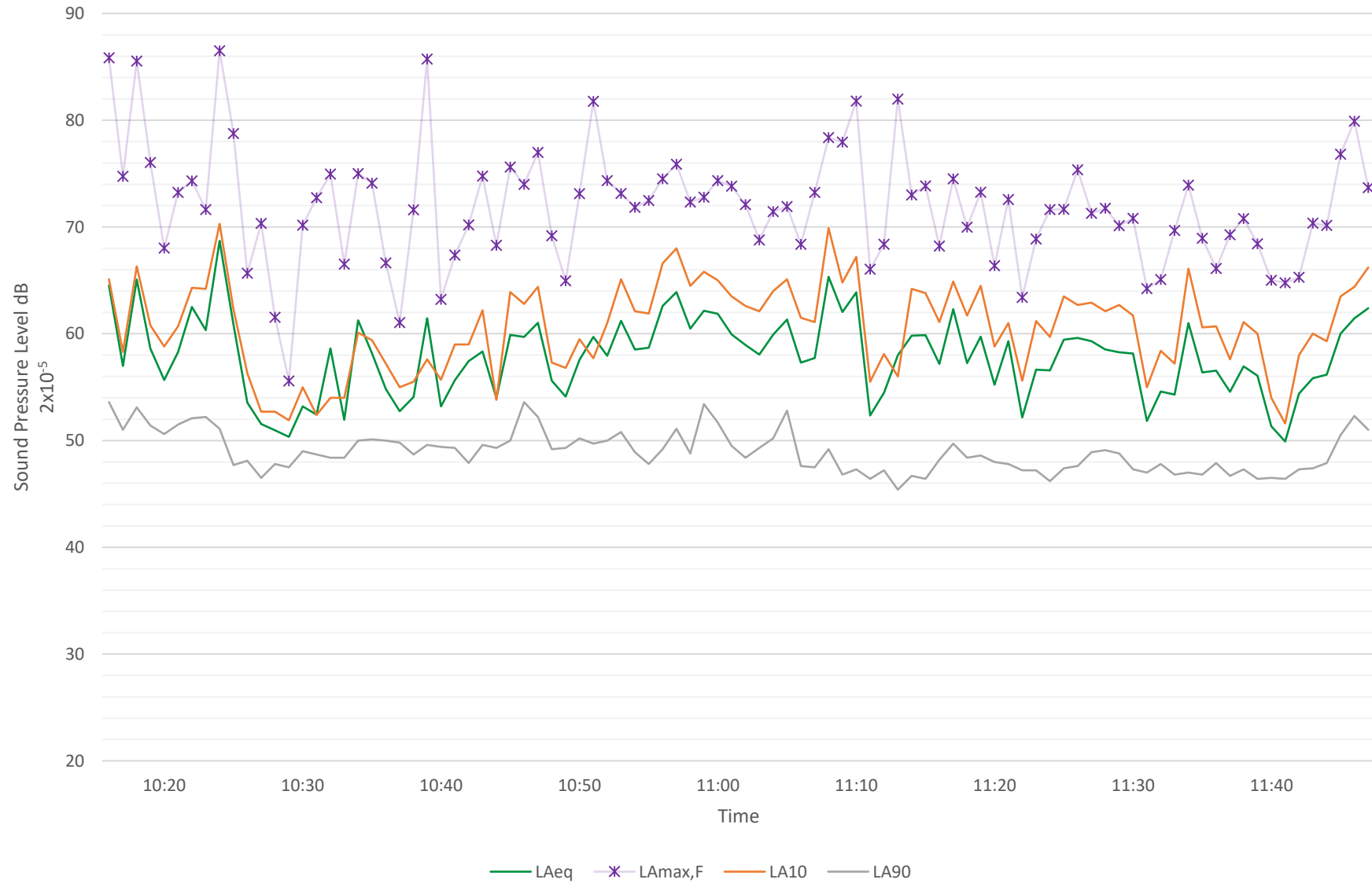
Unis 10-14, Hanbury Road, Chelmsford  
Wednesday 18 December 2019 - Monday 23 December 2019  
Position 2

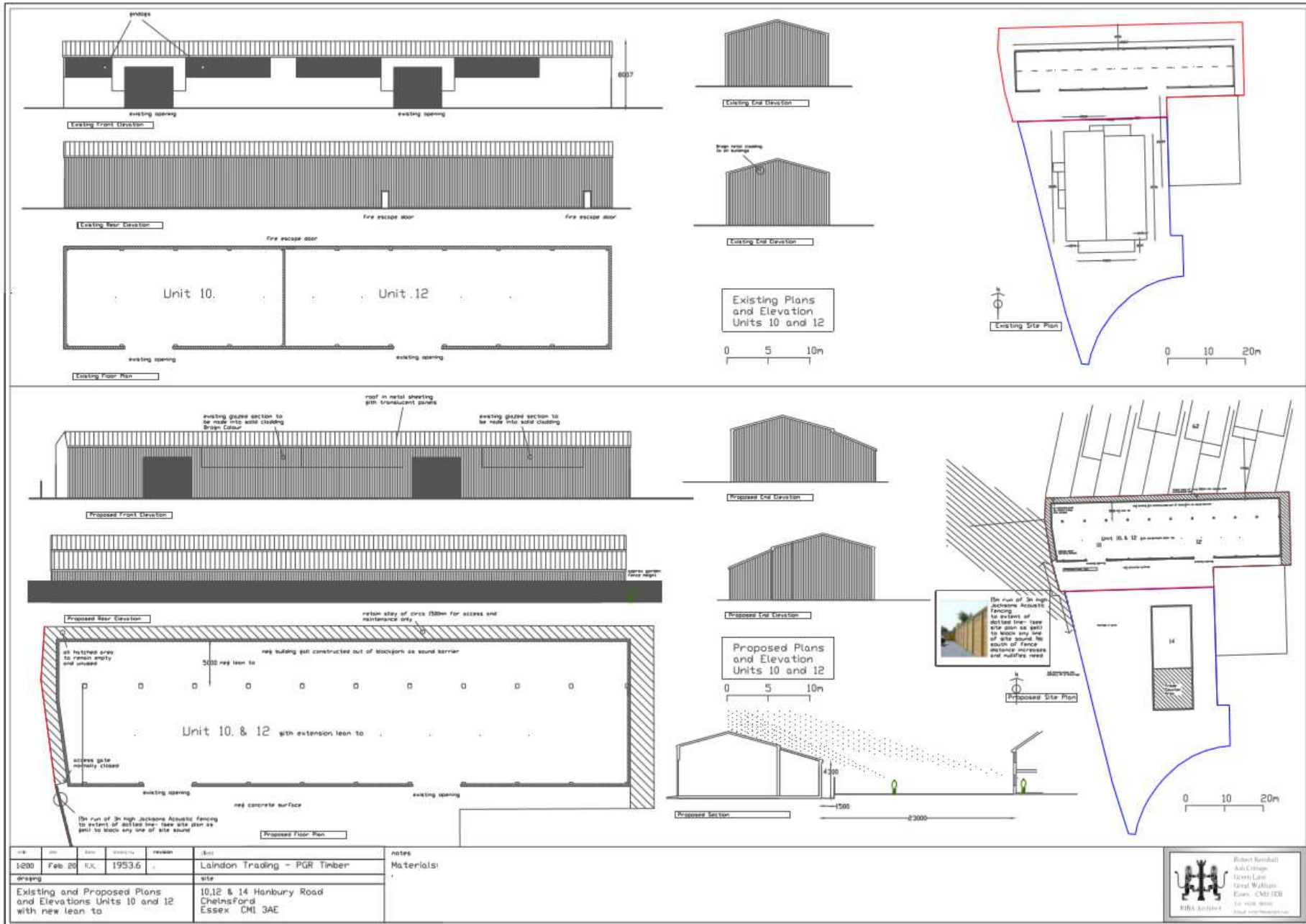


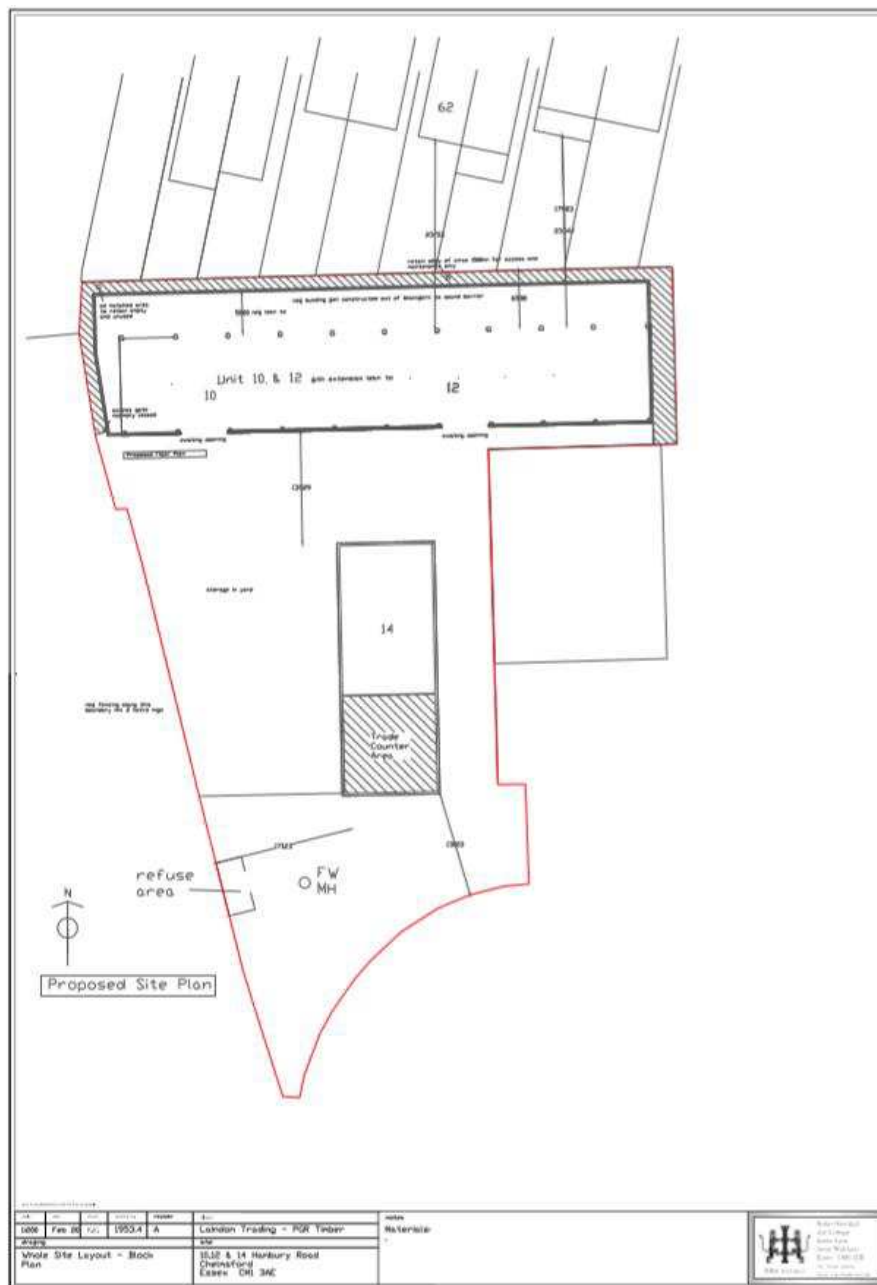


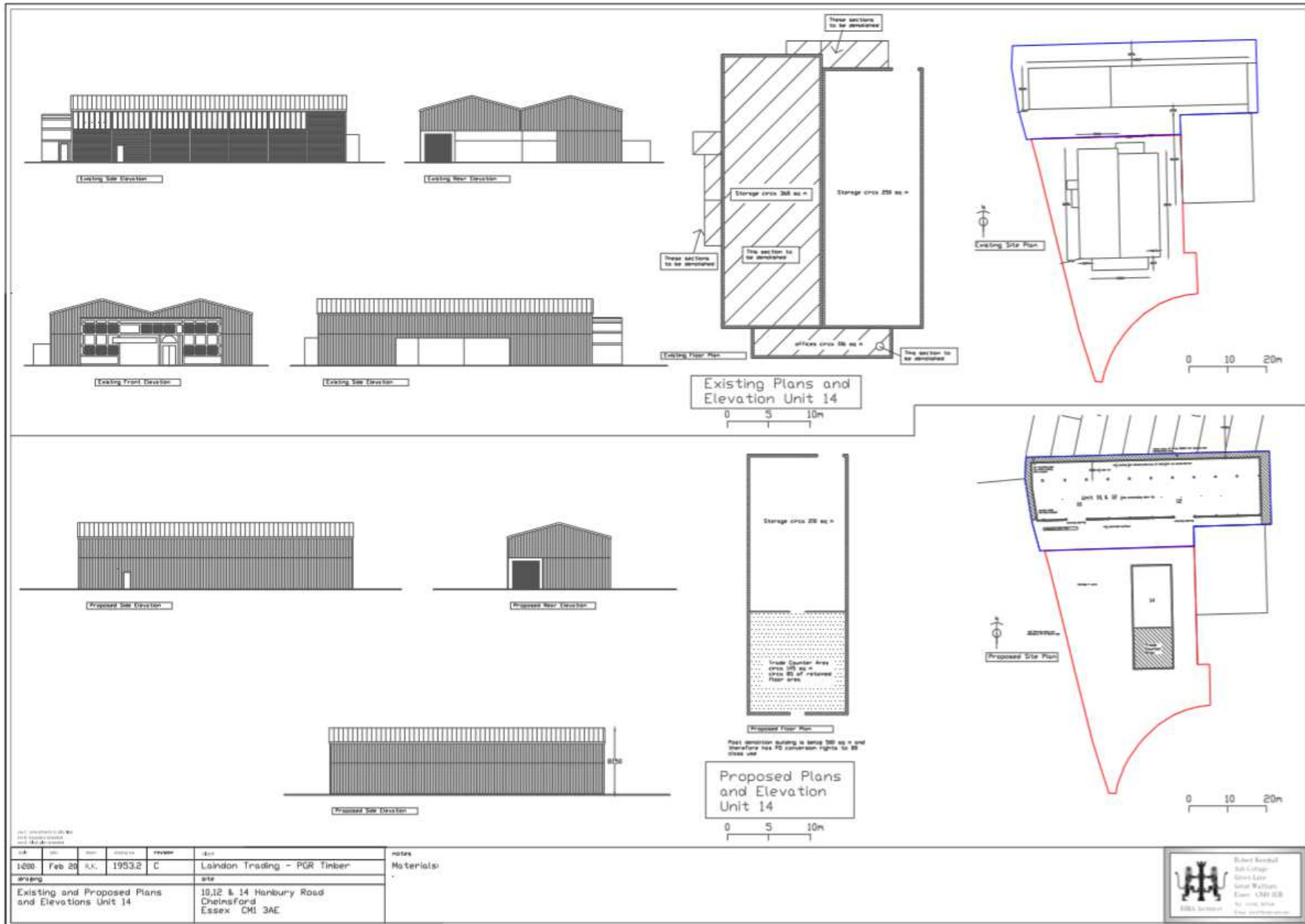
Appendix B - Time History 3

PGR Braintree  
Internal Measurement of Shop  
Wednesday 8 January 2020









## Appendix D - HA Calculations

### Sound Reduction Index Composite

$$SRI_{comp} = -10 \log \left\{ \frac{1}{S_t} \left[ \left( S_1 \times 10^{\left( \frac{-R_1}{10} \right)} \right) + \left( S_2 \times 10^{\left( \frac{-R_2}{10} \right)} \right) + \left( S_3 \times 10^{\left( \frac{-R_3}{10} \right)} \right) \right] \right\}$$

#### Unit 10-12: Rear Façade

Material		Surface Area (m <sup>2</sup> )	Rw
Total Façade	St	536	N/A
Brick Wall with Metal Cladding*	S1	268	50
Door	S2	0	0
**EuroClad Roof - underlined DripStop Felt	S3	268	29

\*indicative based on rough provided construction

\*\*Insul V9 model of exact or similar product

<b>SRIcomp</b>	<b>32</b>
----------------	-----------

#### Unit 14: Rear Façade

Material		Surface Area (m <sup>2</sup> )	Rw
Total Façade	St	72	N/A
Brick Wall with Metal Cladding*	S1	56	50
Door - Roller**	S2	16	30

\*indicative based on rough provided construction

\*\*Insul V9 model of exact or similar product

<b>SRIcomp</b>	<b>36</b>
----------------	-----------

### Noise Source Calculations

Internal workshop/storage Noise Sources	dB(A)
Combilift	75
Forklift x2	78
Celophane Wrapping	68
General Background	51
Calculated worstcase Background	<b>80</b>

External Noise Sources	dB(A)
Vehicles maneuvering	68
Forklift x2	78
General background	63
Lorry - Delivery loading / unloading	81
Calculated worst-case Background	<b>83</b>

Internal Trade Counter Noise Sources	dB(A)
General Background	<b>60</b>

## Noise Impact Calculations

### Noise Sensitive Receiver 1

#### Source: Builders Merchants Unit 10-12

	dB(A)
Builders Merchants sound pressure level	80
-Sound Reduction Index	-32
Internal diffuse field to external freefield, -6	-6
BS4142 Intermittency Penalty	3
BS4142 Impulsivity Penalty	3
Distance attenuation (15m)	-12
<b>Calculated level at Receiver 1</b>	<b>36</b>

*\*Predicted Noise Levels*

### Noise Sensitive Receiver 1

#### Source: Builders Merchants Unit 14

	dB(A)
Builders Merchants sound pressure level	60
Sound Reduction Index	-36
BS4142 Intermittency Penalty	3
BS4142 Impulsivity Penalty	3
Attenuation provided by screening	-10
Distance attenuation (42m)	-33
<b>Calculated level at Receiver 1</b>	<b>-13</b>

*\*Predicted Noise Levels*

### Noise Sensitive Receiver 1

#### Source: External Yard Area

	dB(A)
Builders Merchants External sound pressure level**	83
Mitigation provided by building attenuation	-15
BS4142 Intermittency Penalty	3
BS4142 Impulsivity Penalty	3
Distance attenuation (35m)	-31
<b>Calculated level at Receiver 1</b>	<b>43</b>

*\*Predicted Noise Levels \*\* External sound pressure level*

	dB(A)
<b>Cumulative Sound Pressure Level at receiver 1</b>	<b>44</b>

<b>Typical Background Level</b>	<b>45</b>
<b>Differences</b>	<b>-1</b>
<b>No Observed Effect Level</b>	
<b>BS4142:No Impact</b>	

**BS8233: Internal Daytime Levels**

	dB(A)
Calculated level at NSR	44
Partially Open Window Attenuation	-15
Calculated level in Internal Receiver	<b>29</b>



<b>BS8233 Day Time Criteria</b>	<b>35</b>
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**Noise Impact Calculations****Noise Sensitive Receiver 2****Source: External Yard Area**

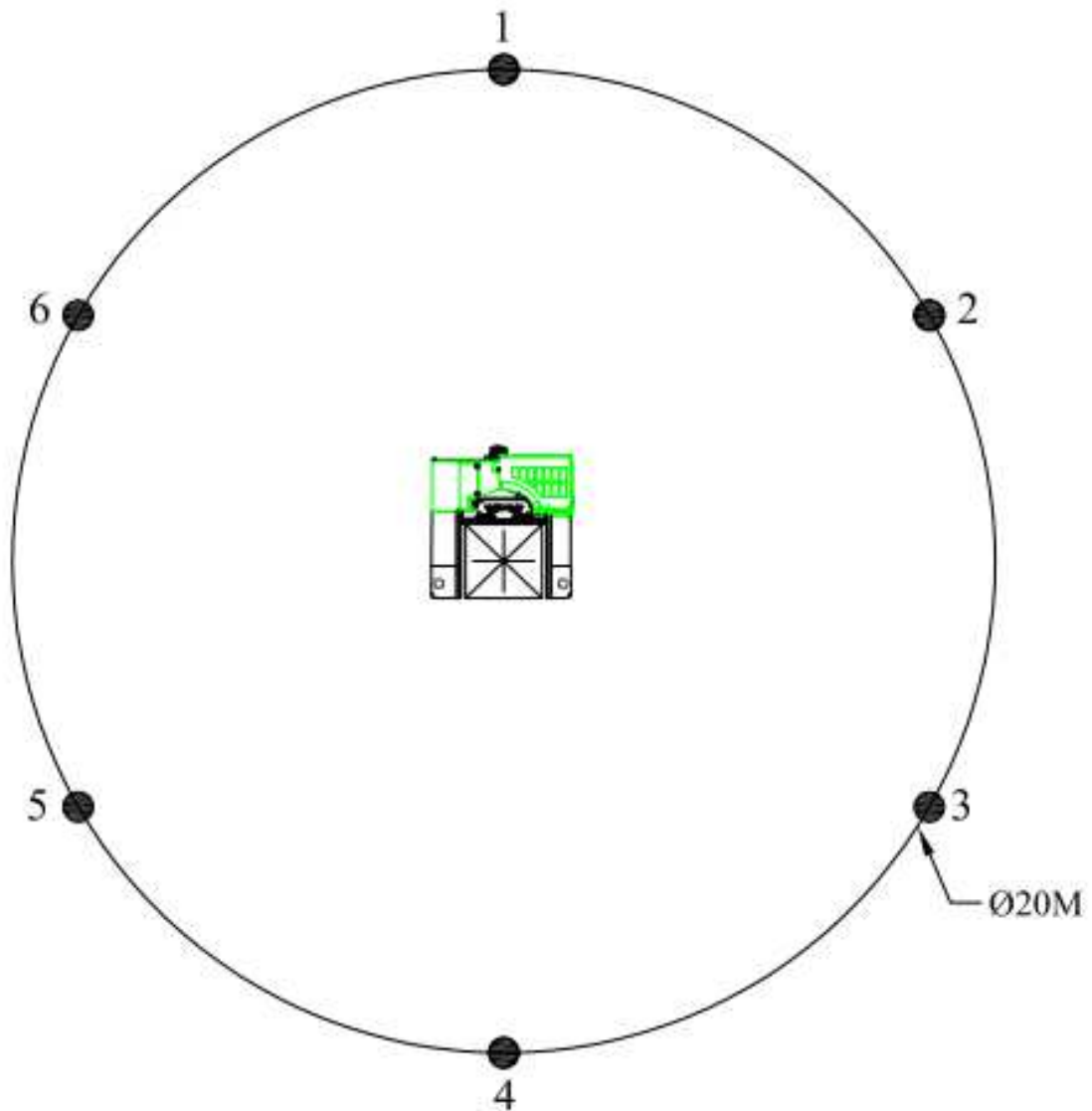
	dB(A)
Builders Merchants External sound pressure level**	83
Mitigation provided by building attenuation	0
Mitigation provided by acoustic fence	-5
BS4142 Intermittency Penalty	3
BS4142 Impulsivity Penalty	3
Distance attenuation (85m)	-39
<b>Calculated level at Receiver 1</b>	<b>45</b>

\*Predicted Noise Levels

\*\* External sound pressure level, worst-case cumulative effect

<b>Typical Background Level</b>	<b>45</b>
<b>Differences</b>	<b>0</b>
<b>No Observed Effect Level</b>	
<b>BS4142:No Impact</b>	

COMBI-LIFT NOISE READINGS



MICROPHONE LOCATION	1	2	3	4	5	6
dB (A)	53.8	54.1	53.8	53.6	53.4	54.2

MACHINE DRIVING AT 10m RADIUS	
dB (A)	54.6

MICROPHONE LOCATION = 1.5M ABOVE GROUND LEVEL

WEATHER CONDITIONS: CLOUDY OVERHEAD  
 LIGHT BREEZE  
 TEMPERATURE OF 6° C

MACHINE SPECIFICATION: COMBI-LIFT C4000 E (Electric Drive)  
 LIFTING 4000KG



# C-SERIES C3000E-C5000E

# COMBiLiFT

LIFTING INNOVATION

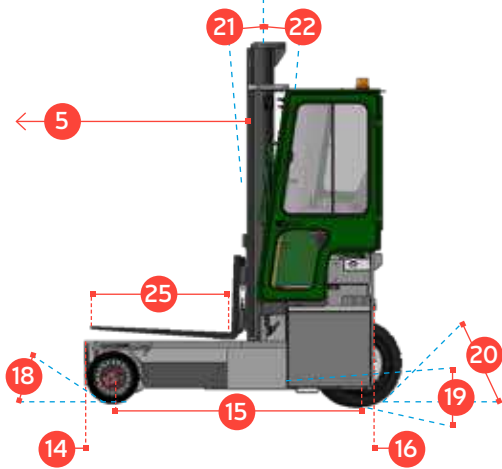
The electric multi-directional forklift designed for the safe, space saving and productive handling of long and bulky loads.



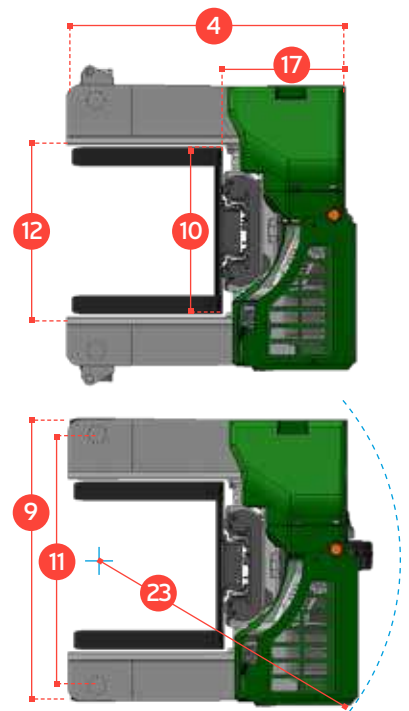
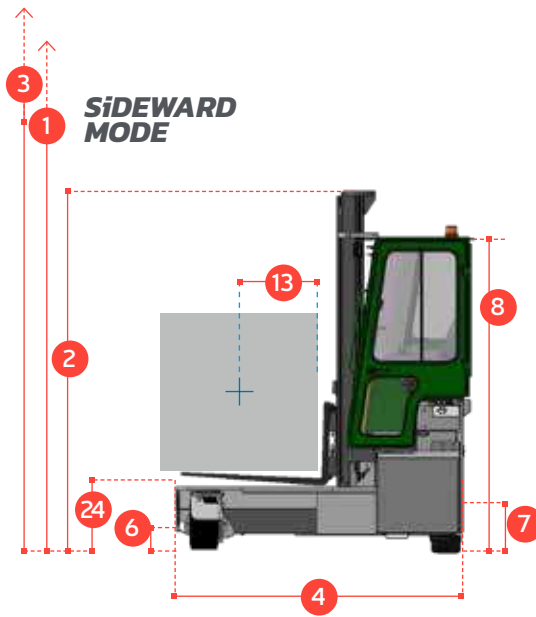
# C-SERIES

## C3000E-C5000E

### FRONTAL MODE



### SIWARD MODE



REF.	DESCRIPTION	C3000 E	C4000 E	C5000 E
1a	Max. Lift Height		4040mm	
1b	Freelift Height		0mm	
2	Height Mast Closed		2855mm	
3	Max. (Mast raised)		4870mm	
4	Overall Length	1950mm	2300mm	2500mm
5	Mast Travel	950mm	1300mm	1450mm
6	Ground Clearance Under Mast		150mm	
7	Ground Clearance to Centre of Wheelbase		310mm	
8	Height Over Cab (Without work lights)		2440mm	
9	Width		2275mm	
10	Outside Spread of Fork Arms		1350mm	
11	Track Front		2025mm	
12	Frame Opening		1400mm	
13	Load Centre Distance	450mm	600mm	600mm
14	Overhang Front		220mm	
15	Wheelbase	1545mm	1895mm	2045mm
16	Overhang Back		135mm	
17	Length From Face of Fork	1100mm	1100mm	1150mm
18	Approach Angle		45°	
19	Ramp Angle		17°	
20	Departure Angle		45°	
21	Forward Tilt		3°	
22	Backward Tilt		5°	
23	Minimum Outside Radius	2235mm	2310mm	2490mm
24	Platform Height		485mm	
25	Platform Length	850mm	1200mm	1350mm
A	Capacity	3000kg	4000kg	5000kg
B	Unladen Weight	6300kg	6650kg	6850kg
C	Maximum Ground Speed		10km/h	
D	Gradeability		10%	
E	Battery Capacity ( V / Ah)		80V / 620Ah	
F	Fork Section	50mm x 150mm x 850mm	50mm x 150mm x 1200mm	50mm x 150mm x 1350mm
G	405x305x220 Front Tyre (Solid Rubber)		OD 406mm / Width 220mm	
H	27 x 10-12 Rear Tyre		OD 680mm / Width 255mm	
I	Standard Colour		Green & Grey	
J	AC Electric Traction Motor x 2		80v / 5kW	
K	AC Electric Pump Motor		80V / 19kW	

### Multi-Directional



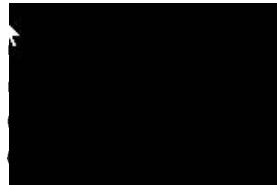
### Features Include:

- Rubber Mounted Cabin
- AC Motor Technology
- Multi-Direction Operation
- Load Sensing Steering
- Curtis AC Software
- 4 Way Lever Positioning of Wheels
- 2 Wheel Drive

### Distributed by:

International Patent Application No. PCT/EP2014/053066; UK Patent Application No. GB 1302811.3

COMBILIFT HAS A POLICY OF CONTINUOUS PRODUCT DEVELOPMENT AND RESERVES THE RIGHT TO ALTER SPECIFICATIONS WITHOUT PRIOR NOTICE. SPECIFICATIONS AND/OR DIMENSIONS MAY VARY FROM THOSE ILLUSTRATED IN SOME COUNTRIES.



Ref: Job number 10119

09 March 2020

**Re: Chelmsford Borough Council Planning Application 19/01917/FUL**


Dear Neil,

**Planning Application 19/01917/FUL**

Change of Use from B2 (Printing Press) and B8 (Storage) to Sui Generis (Builders Merchants) at Units 10-14 Hanbury Road, Chelmsford, Essex CM1 3AE

**Noise Impact Assessment**

HA Acoustics have revised the original Noise Impact Assessment document reference HA/AB808/V1 issued January 2020 with document reference HA/AB808/V4 to accompany the planning application.

The report has been professionally reviewed by Mick Lane BSc (Hons) DipIOA MIOA, Senior Acoustic Consultant at dB Consultation Limited on behalf the Residents Group, represented by 

The 'Further Comments/Considerations' below are considered opinion and observation given the information in the report and reviewer's experience of noise impact assessment and Local Government planning applications.

### Further Comments/Considerations

1. BS 4142:2014 Para 1.1 states the following:

*'The methods described in this British Standard use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident'.*

The statement is generally interpreted to mean that an assessment within an amenity space should be undertaken where appropriate (daytime assessment).

The report should assess gardens that are 1.5m from the rear façade of the proposed new building in this case.

**Using the noise breakout calculation methodology from the report the Rating Level at the garden boundary would be 60dB and 15dB above the background which is an indication of a significant adverse impact.**

**The external façade sound insulation (mostly roof) does need to be considerably enhanced.**

**Enhanced insulation would need to include additional mass layers and sound absorbent material.**

2. The weighted sound reduction index of the external roof cladding has been stated as  $R_w$ 29dB, this level would be characteristic of 0.9mm steel cladding. Lower gauge or aluminium cladding will have a significantly lower weighted sound reduction index. 0.7mm aluminium has a  $R_w$ 20dB.

**Lower gauge or aluminium cladding has the potential to allow more breakout noise increasing the impact within gardens.**

3. The external masonry wall of the proposed extension to Unit 10 and 12 has been assumed to be double skin masonry, the application plans shows a single skin.

**The construction material and sectional drawing should be assessed. A single skin masonry wall may have a lower sound reduction index than a double skin and therefore allow more breakout noise from the warehouse, thus increasing impact within the gardens of the nearest dwellings.**

4. Chelmsford City Council stated that *'The assessment should cover all proposed noisy operations to be carried out at the site, both in the open and within the building, to demonstrate that no undue disturbance will be caused.'*

All proposed noise sources have been assessed, although dBc would suspect that all building merchants would have timber or panel saw operating within the warehouse.

**Bench or panel saws have sound power level typically between 95 and 100dB(A). If installed in the warehouse, internal noise levels may be higher than assumed in the assessment, subsequently leading to higher breakout levels and a higher impact within gardens.**

**The installation of a bench or panel saw must be clarified.**

5. The site plans include a proposed 3mH x 15mL acoustic fence on the site boundary to the west. This will provide screening of the external area for the receptors to the north-west of the site.

**The calculated level at the façade of NSR2 was 45dB(A). The nearest garden to the centre of the external area is approximately 60m away, using the same figures and calculation theory as the report this would give a Rating Level at the receptor of 48dB against a background of 45dB. An excess of 3dB and an adverse impact.**

**The attenuation of the proposed timber fence should be precisely calculated.**

**The timber fence should be installed prior to operations starting on site.**

6. **All reversing alarms on site should be the 'white' noise type as opposed to tonal 'bleeping' type.**
7. **The site should supply to the Local Authority a full noise management plan that should be adhered to and compliance checked on a yearly basis. The plan should detail all noise control measures relevant for the site.**

Your sincerely



Mick Lane BSc (Hons) DipIOA MIOA  
Senior Acoustic Consultant  
dB Consultation Limited



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

<b>Application No</b>	:	19/01916/FUL Full Application
<b>Location</b>	:	10 - 12 Hanbury Road Chelmsford Essex CM1 3AE
<b>Proposal</b>	:	<b>Rear and side extension. Construction of three metre high Acoustic fencing. Retrospective permission for exterior works to buuilding.</b>
<b>Applicant</b>	:	Mr G Toomey Laindon Trading - PGR Timber and Builders Merchants Ltd
<b>Agent</b>	:	R Kemball
<b>Date Valid</b>	:	18th November 2019

**Contents**

1. **Executive summary** ..... 2

**Appendices:**

Appendix 1      Drawings

## 1. Executive summary

- 1.1. Three applications are referred to Planning Committee at the request of a local ward member due to concerns in relation to the impact of the entire development on neighbouring amenity through noise and light disturbance. All three applications were considered at Planning Committee held on June 9<sup>th</sup> 2020 and were subsequently deferred from the Committee Meeting to allow for a site visit.
- 1.2. The Committee are asked to review the merits of three applications within one Report. Each application concerns a composite part of the wider site for which, should permission be granted, would function as a singular commercial unit.
- 1.3. For the planning merits of this application and those concerning the wider redevelopment of the site, please see the Report produced under application reference 19/01917/FUL.

### **RECOMMENDATION**

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

#### **Condition 1**

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 2**

Prior to first use of the site, details of the Jacksons Acoustic Fencing shall be submitted to and approved in writing by the local planning authority. The Jackson Acoustic Fencing shall then be constructed in accordance with drawing no. 1953.6 and in accordance with the approved details. The fencing shall be retained permanently thereafter.

Reason:

To ensure that the development does not prejudice the amenity of neighbouring occupiers in accordance with DM29 of the Chelmsford Local Plan

#### **Condition 3**

The materials to be used in the construction of the external walls of the development hereby permitted shall match those used in the existing building. Where the new materials differ from those of the existing building, details of the materials to be used shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with those details.

Reason:

To ensure that the development is visually acceptable in accordance with Policies DM7 of the Chelmsford Local Plan.

#### **Condition 4**

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

Reason:

To ensure that the development is visually acceptable in accordance with Policy DM23 and DM29 of the Chelmsford Local Plan.

### Notes to Applicant

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

#### Noisy work

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

#### Light work

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

In some circumstance further restrictions may be necessary.

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

### 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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**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**9<sup>th</sup> June 2020**

**AGENDA ITEM 7**

**19/01916/FUL - 10 - 12 Hanbury Road**

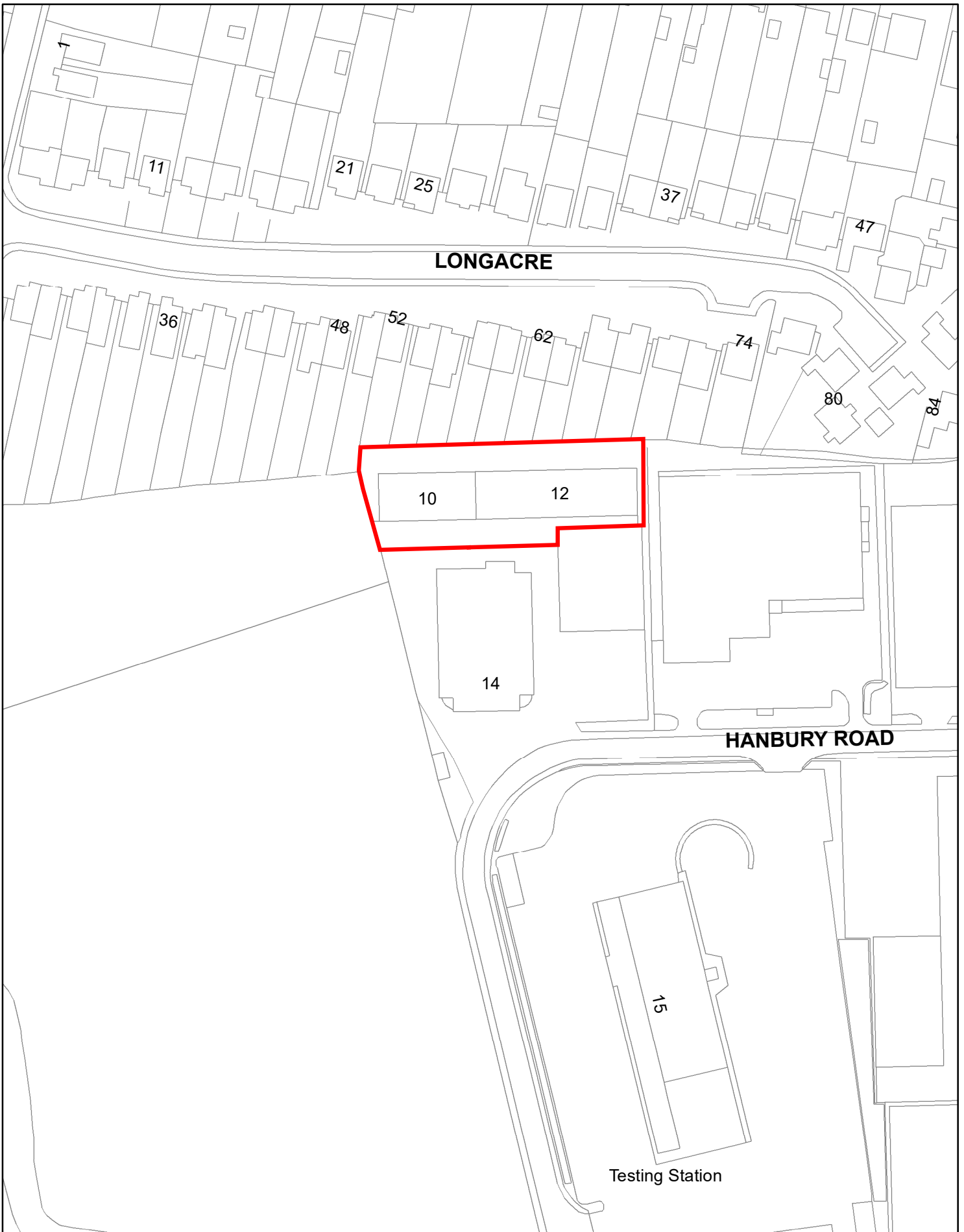
**Amendment to Condition 2:**

***Existing:***

Prior to first use of the site, the Jacksons Acoustic Fencing shall be constructed in accordance with drawing no. 1953.6 and the fencing shall be retained permanently thereafter.

***Amended:***

Prior to first use of the site, details of the Jacksons Acoustic Fencing shall be submitted to and approved in writing by the local planning authority. The Jackson Acoustic Fencing shall then be constructed in accordance with drawing no. 1953.6 and in accordance with the approved details. The fencing shall be retained permanently thereafter.



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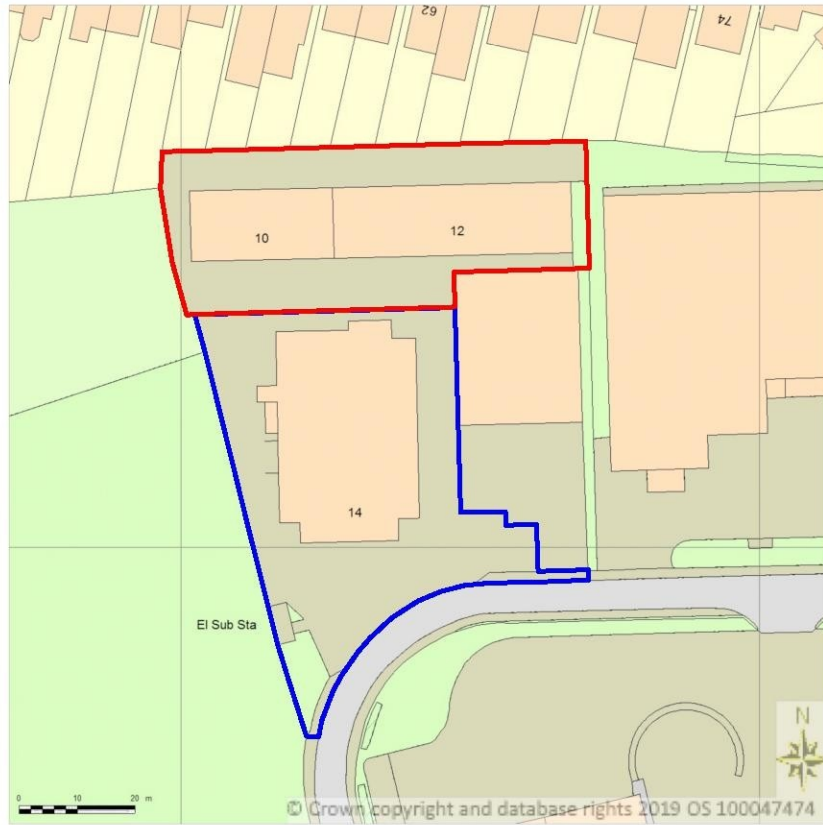


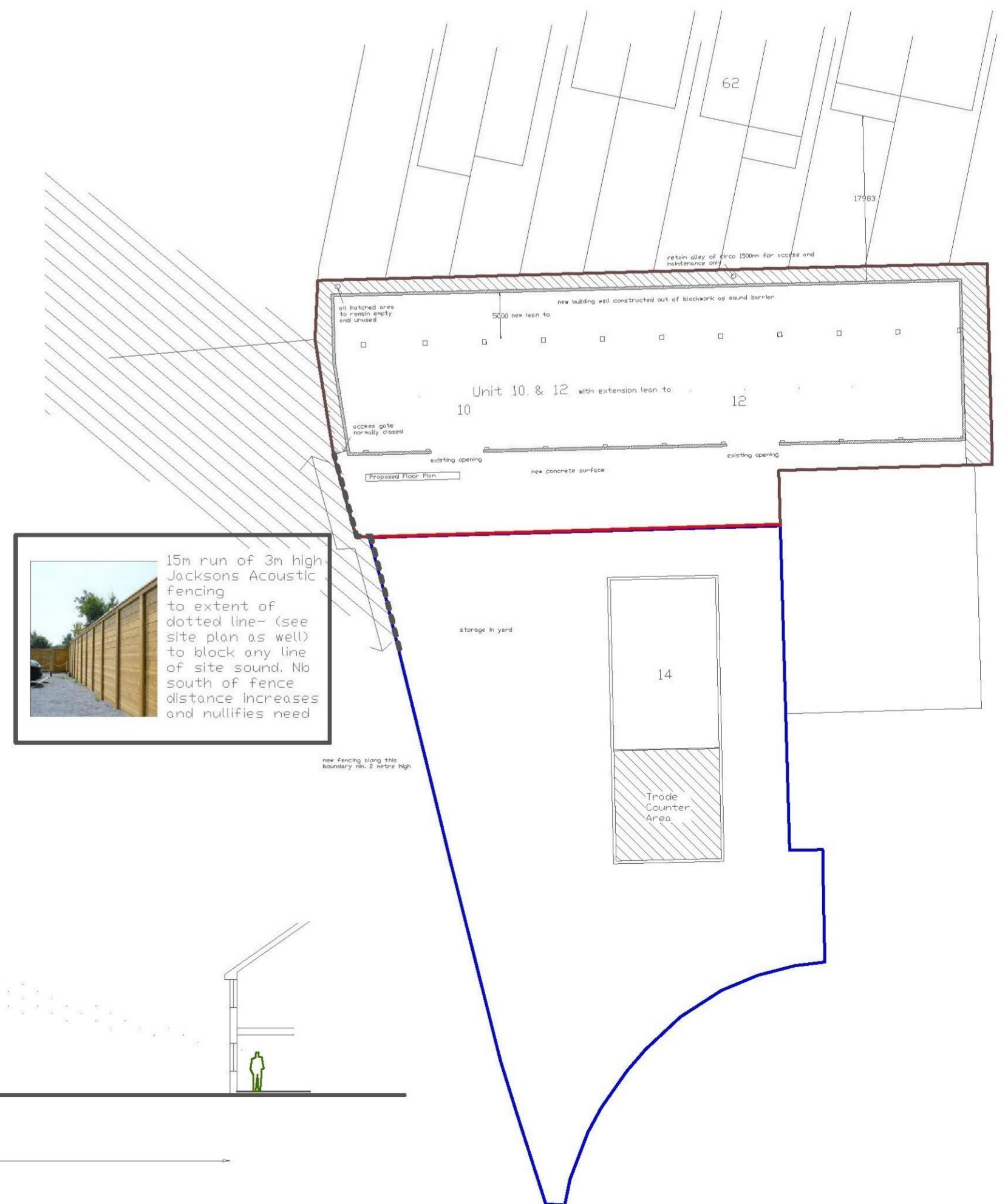
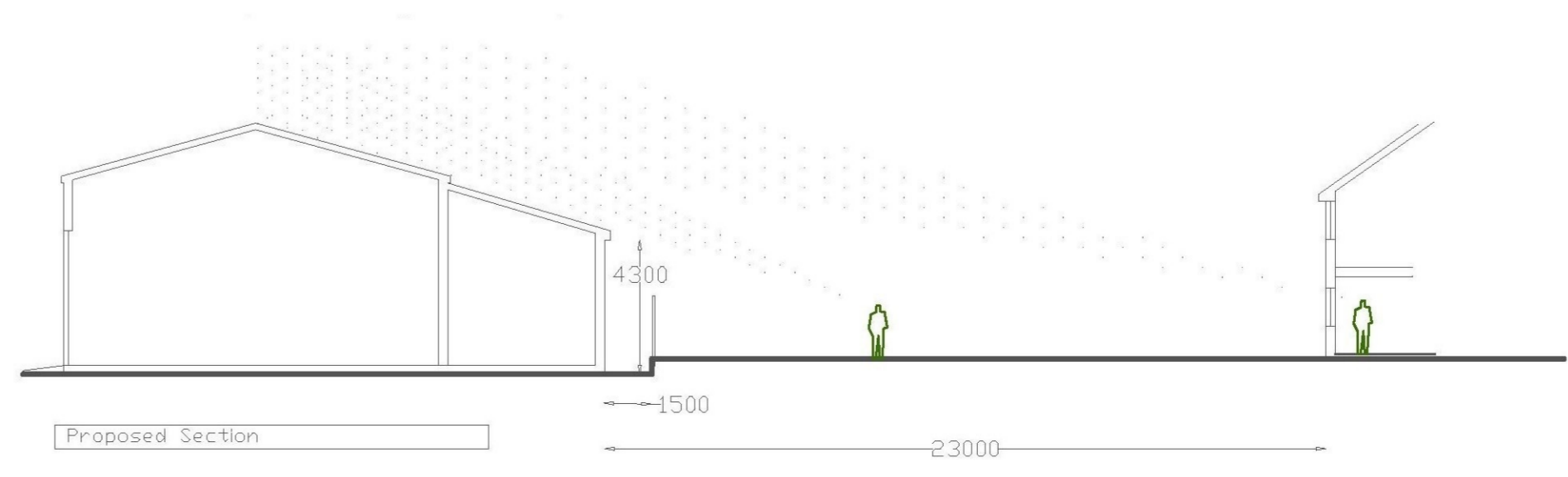
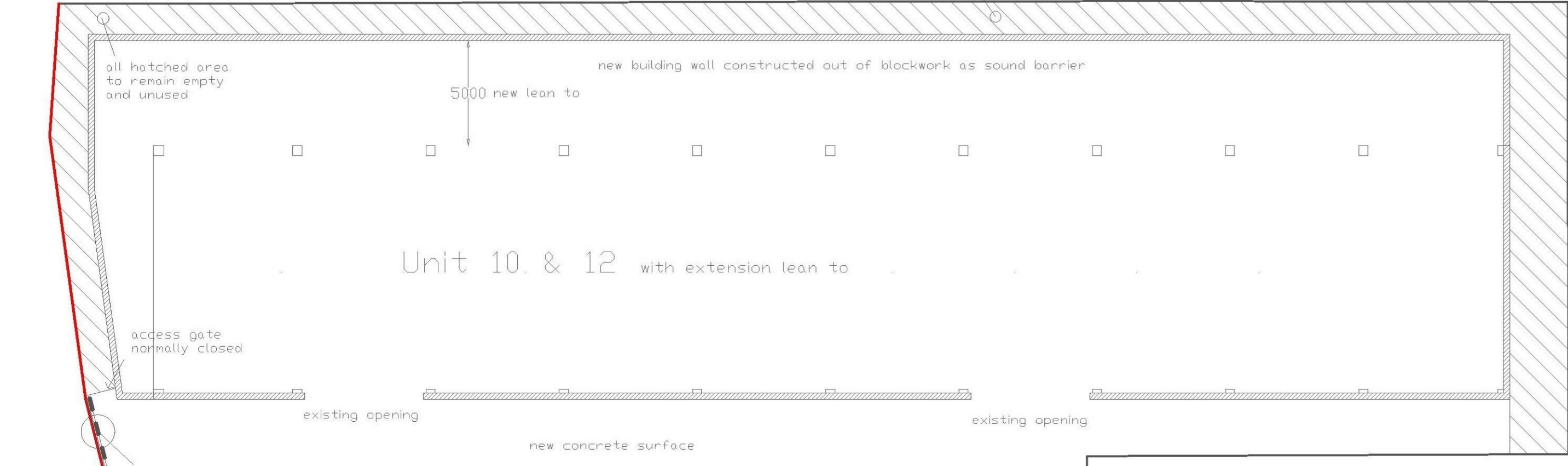
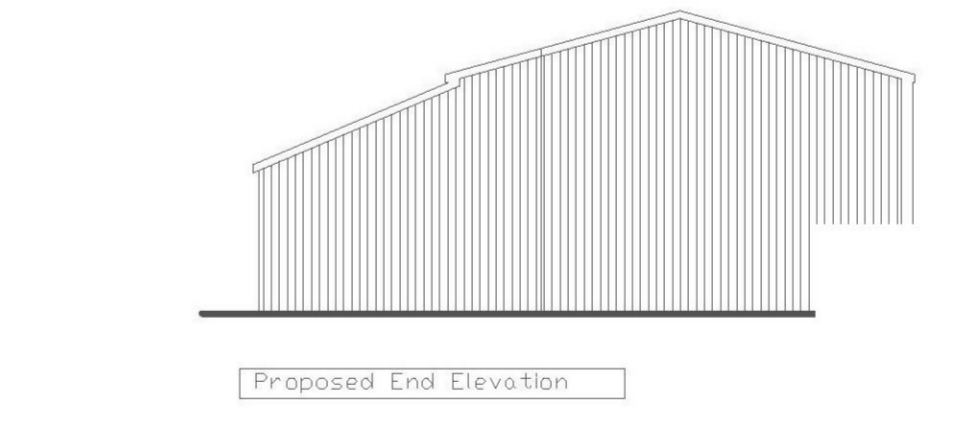
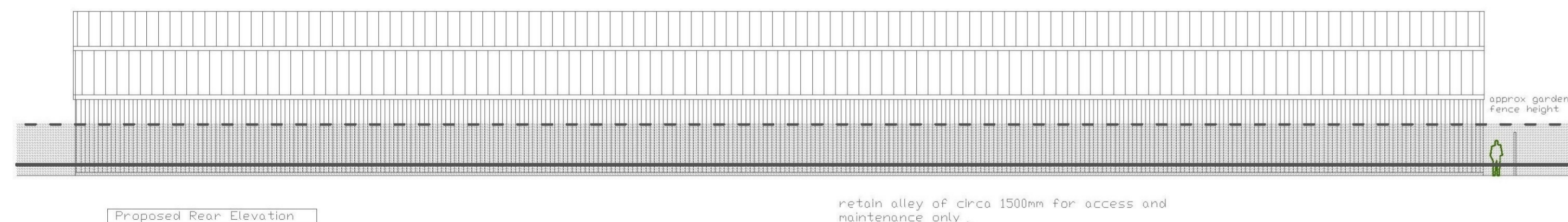
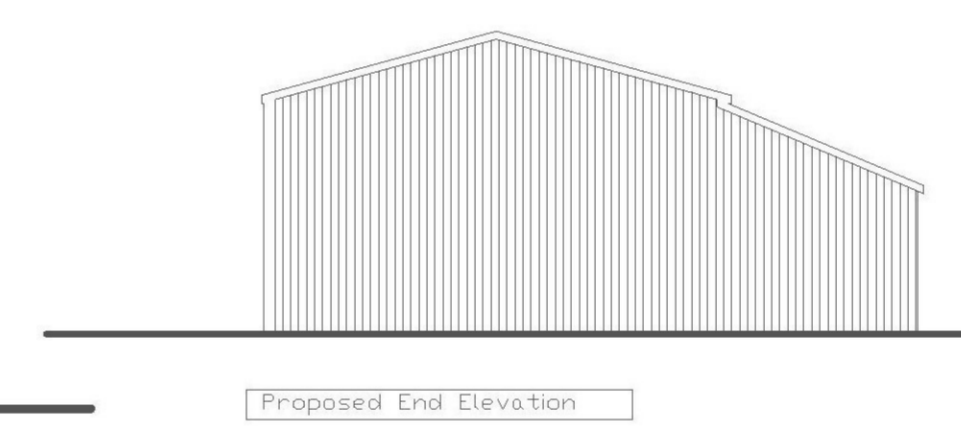
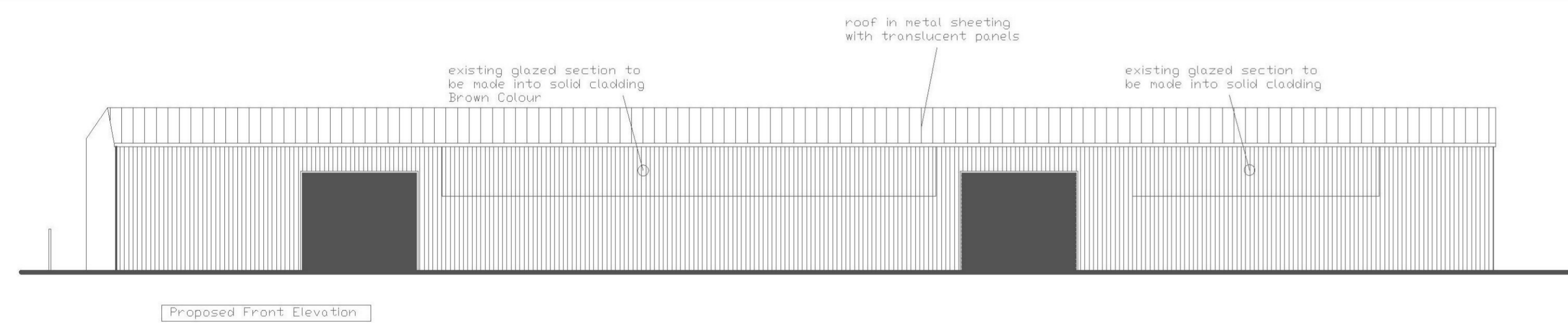
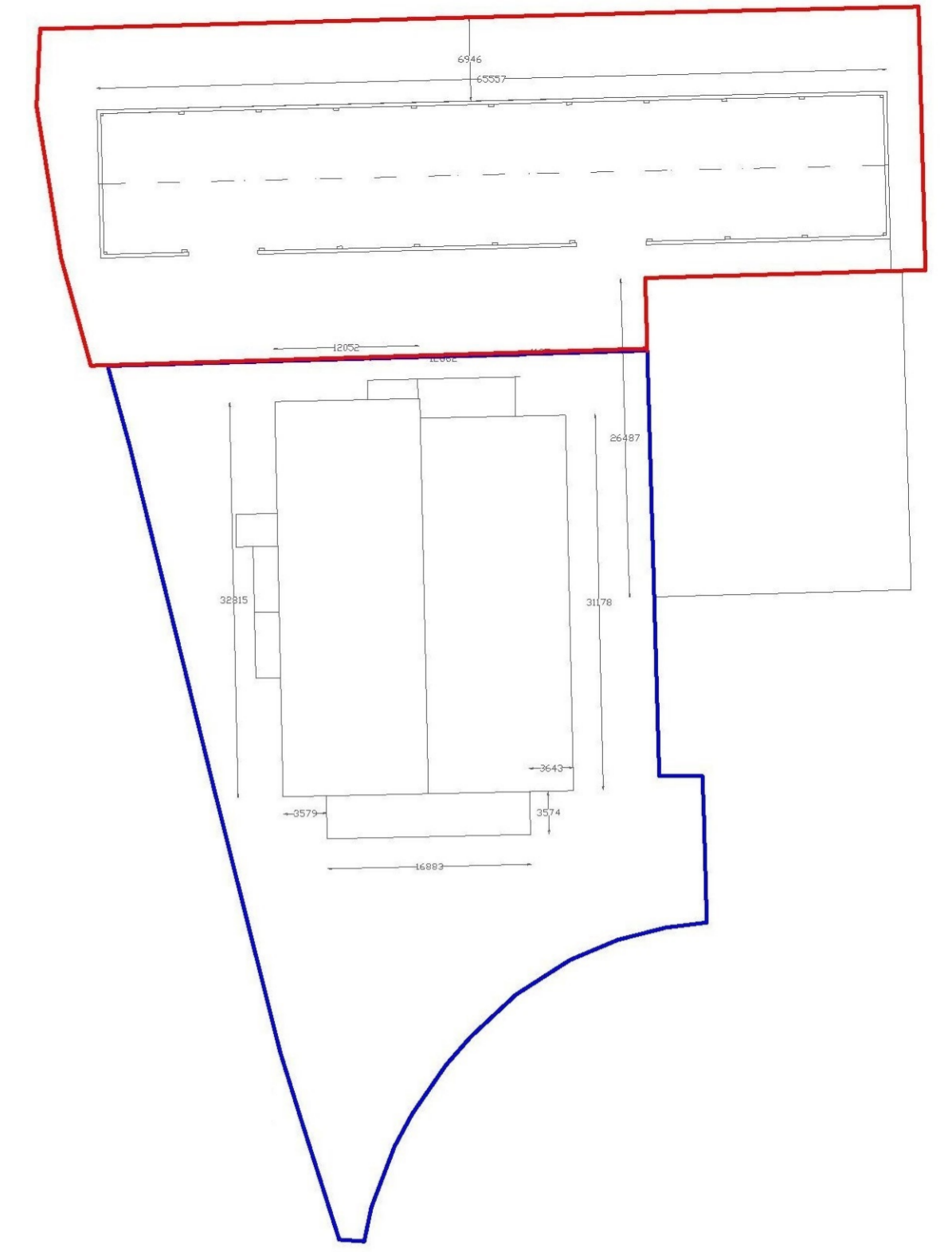
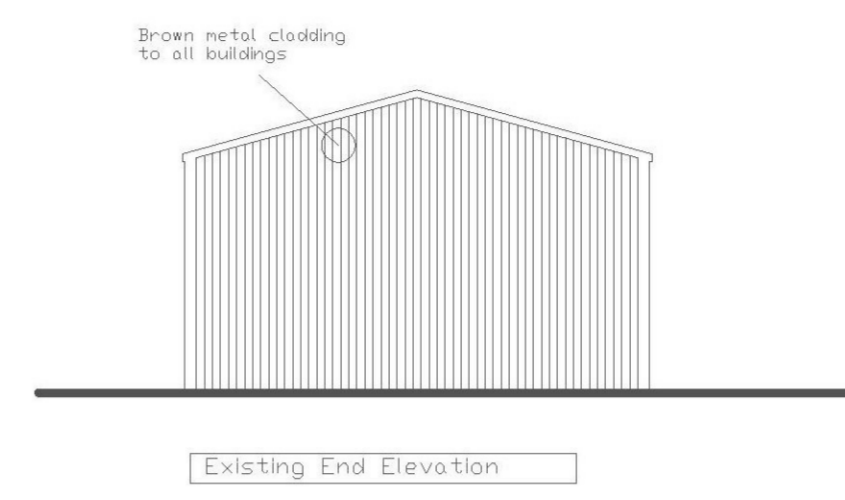
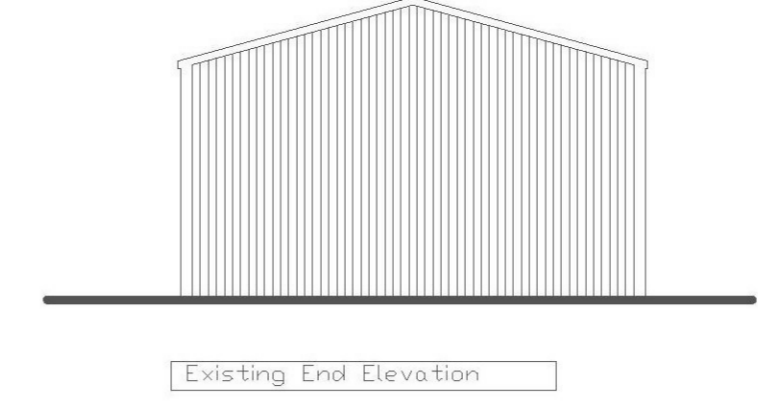
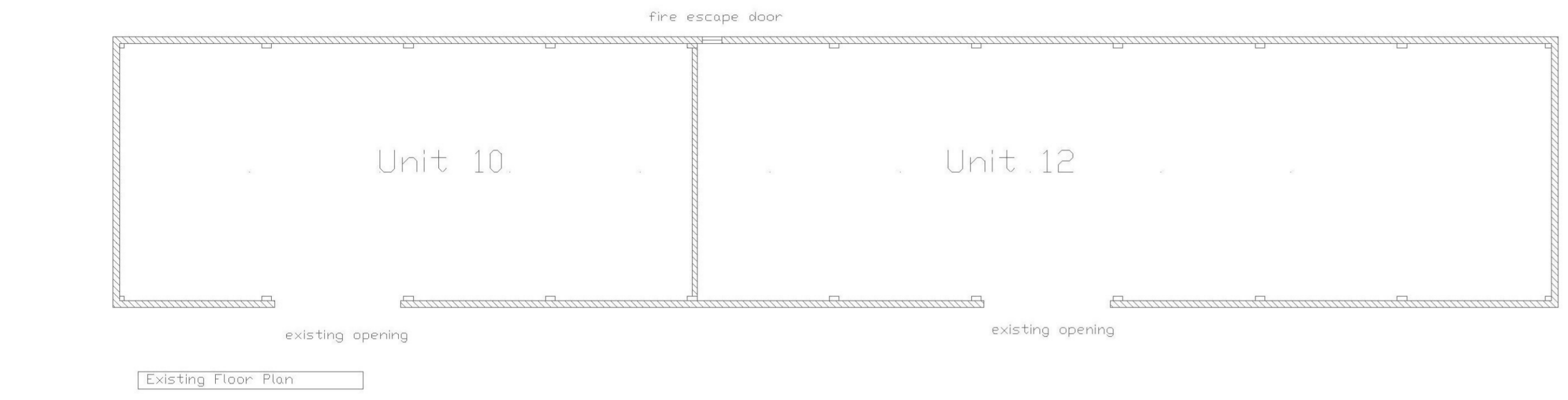
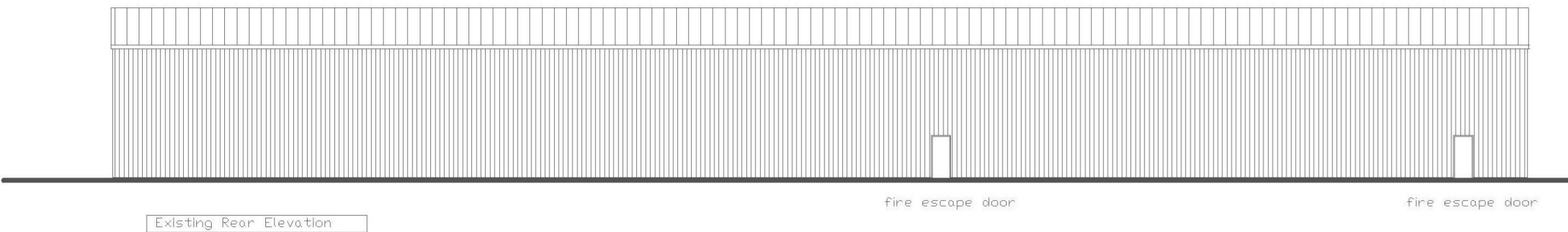
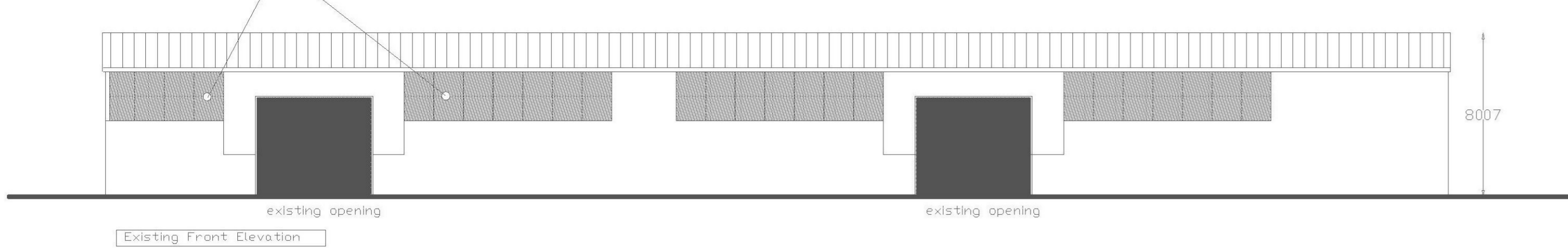
**Planning Committee**  
**19/01916/FUL**

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

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

Telephone: 01245 606826







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

<b>Application No</b>	:	19/01692/FUL Full Application
<b>Location</b>	:	14 Hanbury Road Chelmsford Essex CM1 3AE
<b>Proposal</b>	:	<b>Demolition of the western part of Unit 14 (area approx 368 sqm) and the Offices to the south frontage (area approx 106 sqm). Replace and repair remaining roof and wall cladding and install signage. Construct perimeter 2.1 m fencing (metal pallisade).</b>
<b>Applicant</b>	:	Mr Toomey Laindon Trading LLP / PGR Builders and Timber Merchants
<b>Agent</b>	:	R Kemball
<b>Date Valid</b>	:	31st October 2019

**Contents**

1. Executive summary ..... 2

**Appendices:**

Appendix 1 Drawings

## 1. Executive summary

- 1.1. Three applications are referred to Planning Committee at the request of a local ward member due to concerns in relation to the impact of the entire development on neighbouring amenity through noise and light disturbance. All three applications were considered at Planning Committee held on June 9<sup>th</sup> 2020 and were subsequently deferred from the Committee Meeting to allow for a site visit.
- 1.2. The Committee are asked to review the merits of three applications within one Report. Each application concerns a composite part of the wider site for which, should permission be granted, would function as a singular commercial unit. This report is prepared and sets out the merits of all three planning proposals.
- 1.3. For the planning merits of this application and those concerning the wider redevelopment of the site, please see the Report produced under application reference 19/01917/FUL.

### **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**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. Where the new materials differ from those of the existing building, details of the materials to be used shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with those details.

Reason:

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

### **Notes to Applicant**

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

Noisy work

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays

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

Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 The proposed demolition in the scheme should not be carried out until you have given notice to the Chelmsford City Council (Building Control Manager) of your intention to do so pursuant to Section 80 of the Building Act 1984.

Notice should be in writing and accompanied by a block plan (e.g. 1/500) clearly identifying the building(s) to be demolished.

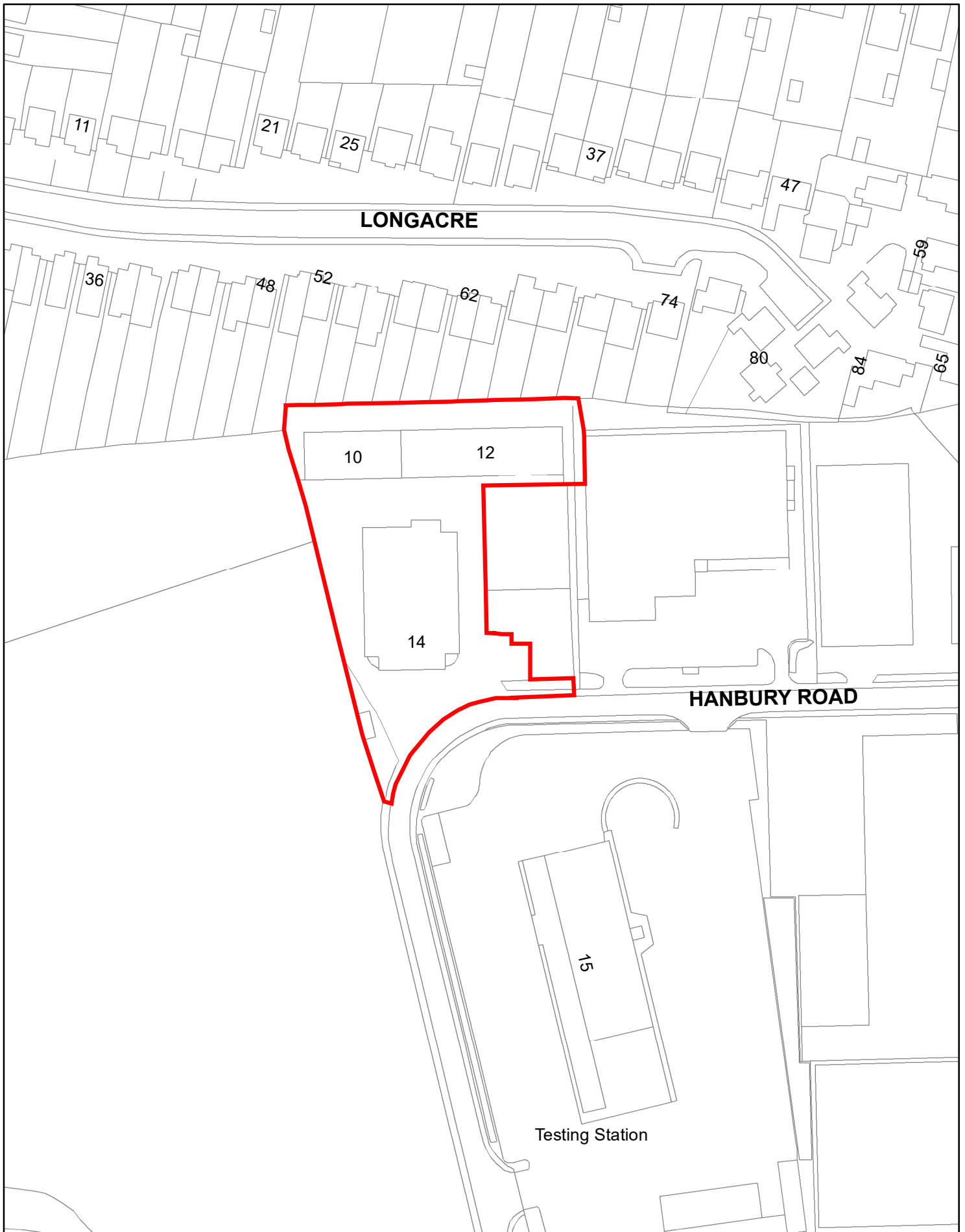
### **Positive and Proactive Statement**

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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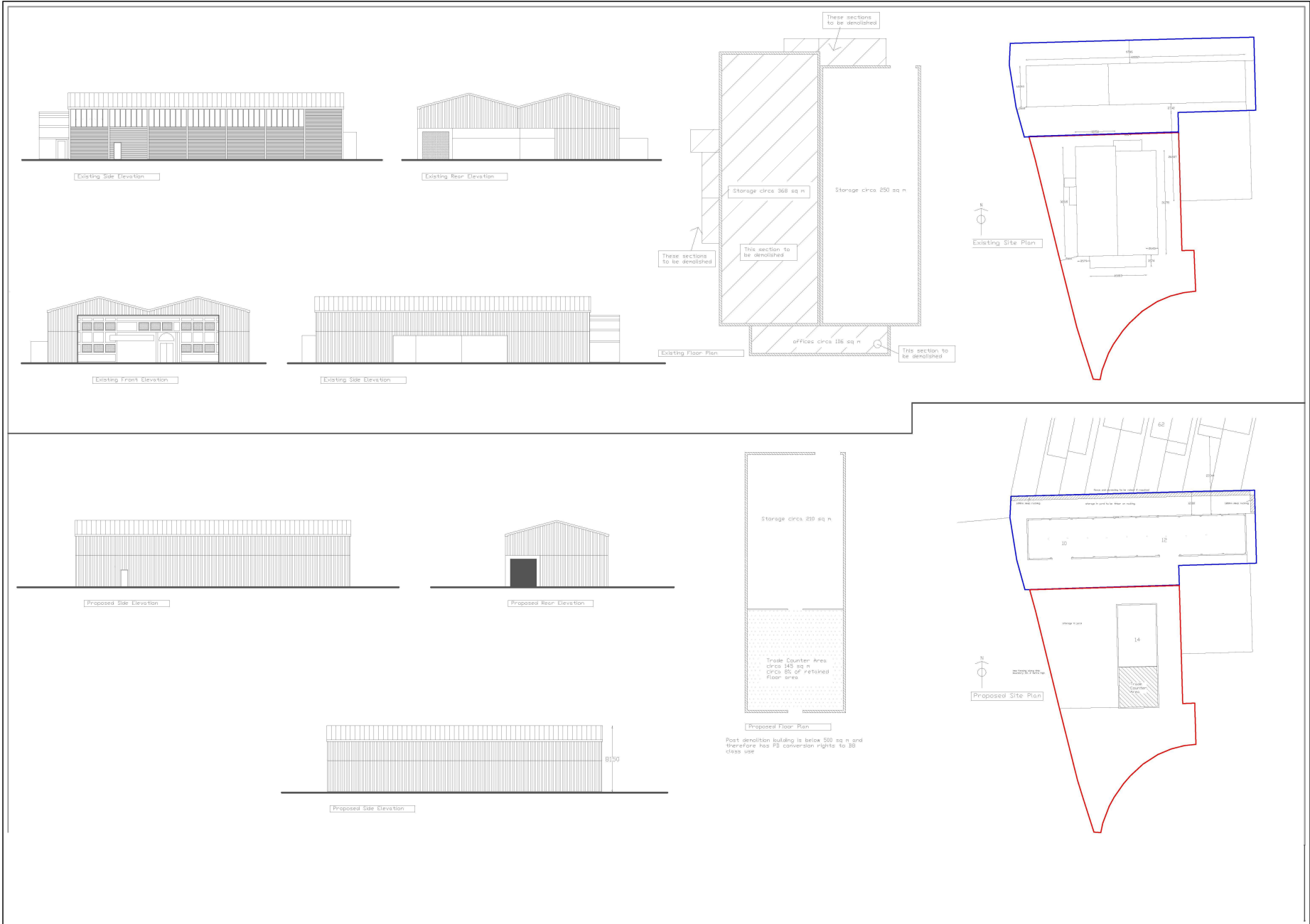
**Planning Committee**  
**19/01692/FUL**

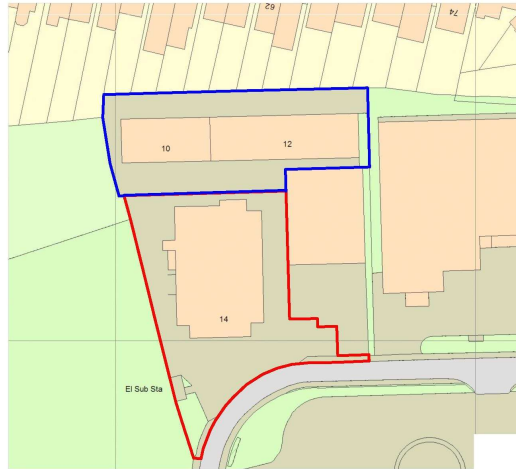
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826









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

<b>Application No</b>	:	20/00094/FUL Full Application
<b>Location</b>	:	Land South Of 69 Torquay Road Chelmsford Essex
<b>Proposal</b>	:	<b>Erection of a 2-storey detached dwelling, proposed part 1-storey and part 2-storey rear extension to the host dwelling.</b>
<b>Applicant</b>	:	Mr S Oldroyd
<b>Agent</b>	:	Mrs C Wallis
<b>Date Valid</b>	:	3rd February 2020

### 1. Introduction

1.1. This application was considered at the Planning Committee meeting on 9<sup>th</sup> June 2020. The Planning Committee resolved not to agree the recommendation for approval, and indicated they were minded to refuse the application for the following reason:

1. The proposed dwelling would harm the character and appearance of the cul de sac and wider area.

1.2. In accordance with the Council's Planning Code of Good Practice the application was deferred until the following meeting to allow consideration of the wording of the reasons for refusal.

### 2. Consideration of concerns raised by the Planning Committee

*The proposal would harm the character of the street and wider area.*

- 2.1. Members were concerned that the position of the proposed house at the end of a cul de sac would make it visually prominent and would harm the purposefully planned character of the wider estate.

Members also considered that the dwelling would erode the visual relief that the site provides within the street.

- 2.2. Section 12 of the National Planning Policy Framework (NPPF) refers to achieving well designed places. Paragraph 127 c) says that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 states that permission should be refused for developments of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides.
- 2.3. Policy DM23 relates to high quality design. This policy states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.
- 2.4. During the committee meeting the local ward member presented a number of drawings to support his opinion that the proposed dwelling would harmfully erode the established pattern of development within the cul-de-sac. These drawings are attached as an appendix for members' reference.
- 2.5. Since the meeting correspondence has been received from the agent representing the applicant. He is of the view that the new material presented by the ward member, particularly with reference to the splaying of houses, was misleading and did not accurately reflect the design of the estate of the surrounding area. Information has been provided by the agent to show other similar development examples within the wider estate. For completeness and for members reference the new information has also been attached as an appendix.
- 2.6. The existence of restrictive covenants were also raised in the previous meeting. Members are reminded that covenants are not material planning considerations and should not form part of any assessment or determination of the proposal.
- 2.7. Members are also reminded that there is a live planning appeal relating to planning application 19/01555/FUL, which was an application for one large dwelling on the site. The planning inspector's site visit for this appeal took place on the 16<sup>th</sup> June and the decision is expected shortly. If the appeal decision is received before the 14<sup>th</sup> July officers will update the planning committee verbally at the meeting.
- 2.8. In light of Members' concerns in relation to the harm that the new house would cause to the character and appearance of the area, the refusal reason below sets out reasons why the proposal does not comply with the objectives of Policy DM23 or the objectives of the NPPF.

Suggested refusal reason;

*Paragraph 127 c) of the National Planning Policy Framework (NPPF) states that new development should be sympathetic to the local character and history, including the surrounding built form and landscape setting.*

*Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

*Policy DM23 of the Chelmsford Local Plan states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.*

*The proposed dwelling would be located on a corner plot at the end of a purposefully designed cul de sac. The site is currently open and undeveloped and provides visual relief within the street. The proposed house would erode the openness and visual relief of the site and would introduce new development onto a currently undeveloped plot. The development would also detract from its surroundings by harming the appearance and layout of the purposefully planned cul de sac.*

*Overall, the proposed dwelling would not be compatible with its surroundings and would fail to reflect the character and appearance of the area. It would therefore be contrary to Policy DM23 of the Chelmsford Local Plan and paragraphs 127 and 130 of the NPPF.*

The previous committee report is also appended below.

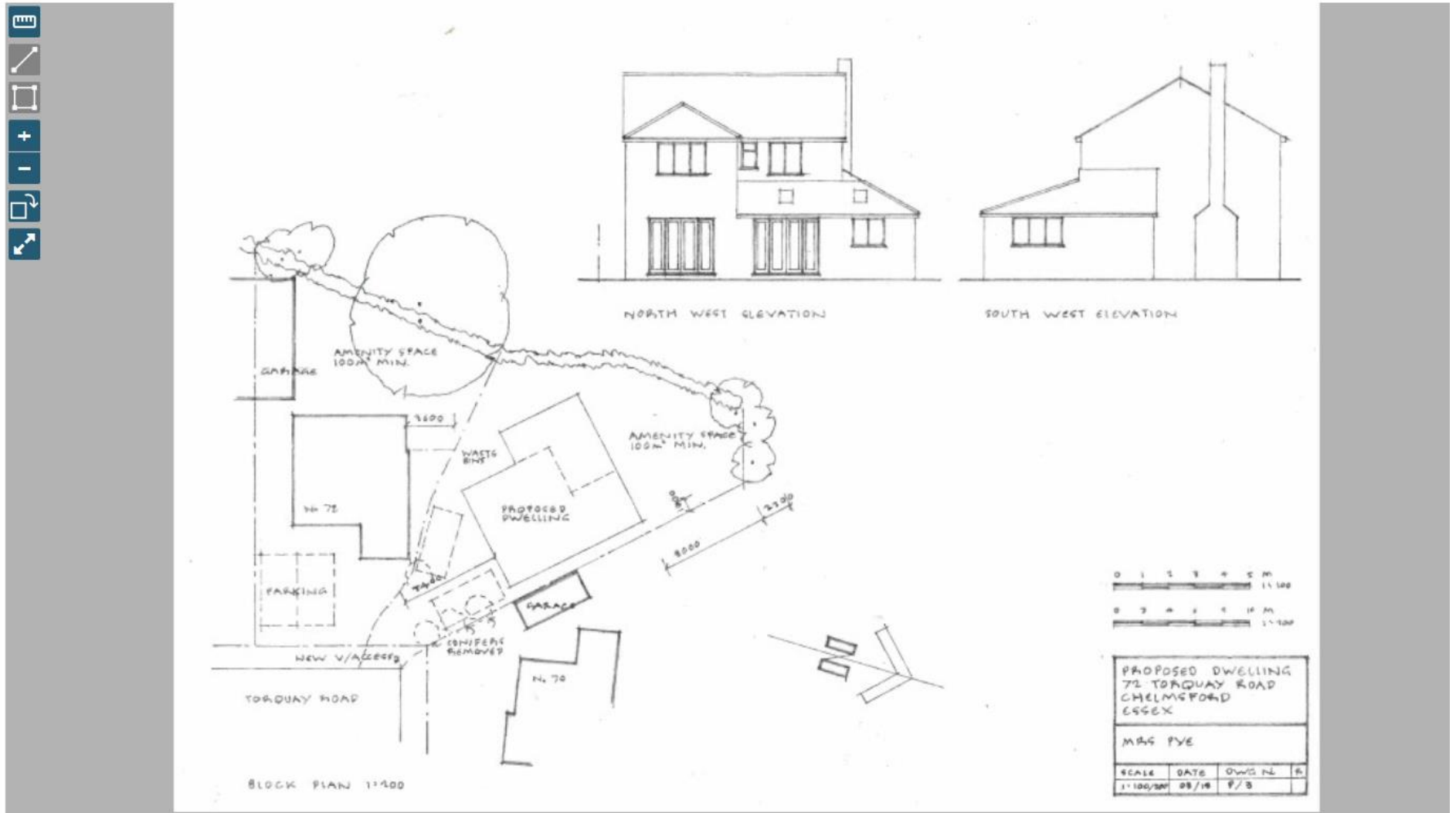
IMAGE SHOWING THAT THE CUL-DE-SAC DOES NOT END IN AN OPEN VISTA, WHEN SEEN OVER MOST OF ITS LENGTH





SITE PLAN FROM A PLANNING APPLICATION SUBMITTED BEFORE ANY OF OUR PLANNING APPLICATIONS, SHOWING THAT ONE NEIGHBOUR WHO NOW OBJECTS TO THE CREATION OF A NEW DWELLING (ON STREETSCENE AND COVENANT GROUNDS) ACTUALLY INTENDED TO DO EXACTLY THE SAME HERSELF!

Application Plans - Drawings - 19/04/2018 [Download PDF](#)





**LYNTON DRIVE - EXAMPLE 1 OF ANOTHER CUL-DE-SAC ON THIS ORIGINAL BILTON ESTATE, SHOWING THAT THE ORIGINAL ESTATE DESIGNERS DID NOT WANT TO ENSURE ALL ENDS OF CULS-DE-SAC WERE 'OPEN VISTAS' AT ALL ON THIS ESTATE, CONTRARY TO WHAT THE COMMITTEE WAS TOLD**



**TOTNES WALK - EXAMPLE 2 OF ANOTHER CUL-DE-SAC ON THIS ORIGINAL BILTON ESTATE, SHOWING THAT THE ORIGINAL ESTATE DESIGNERS DID NOT WANT TO ENSURE ALL ENDS OF CULS-DE-SAC WERE 'OPEN VISTAS' AT ALL, CONTRARY TO WHAT THE COMMITTEE WAS TOLD**



**SIDMOUTH ROAD - EXAMPLE 3 OF ANOTHER CUL-DE-SAC ON THIS ORIGINAL BILTON ESTATE, SHOWING THAT THE ORIGINAL ESTATE DESIGNERS DID NOT WANT TO ENSURE ALL ENDS OF CULS-DE-SAC WERE 'OPEN VISTAS' AT ALL, CONTRARY TO WHAT THE COMMITTEE WAS TOLD**



RUSHEYDALE – 4<sup>TH</sup> EXAMPLE ON THIS ESTATE OF ORIGINAL BILTON ESTATE LAYOUT, SHOWING THAT THE DESIGNERS WERE QUITE HAPPY TO LOCATE DWELLINGS IN SIMILAR POSITIONS, WITH A MUCH TIGHTER RELATIONSHIP THAN THAT WHICH WE PROPOSE.

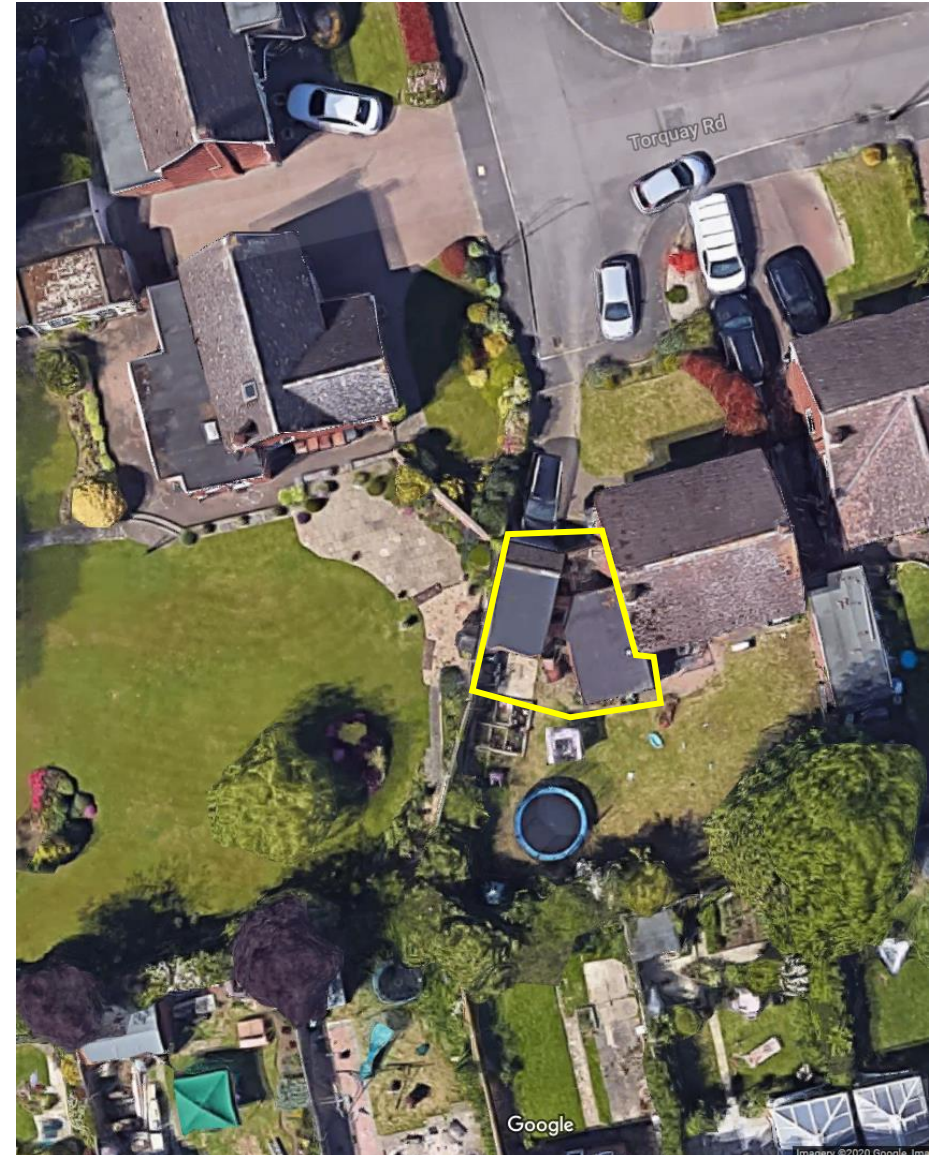
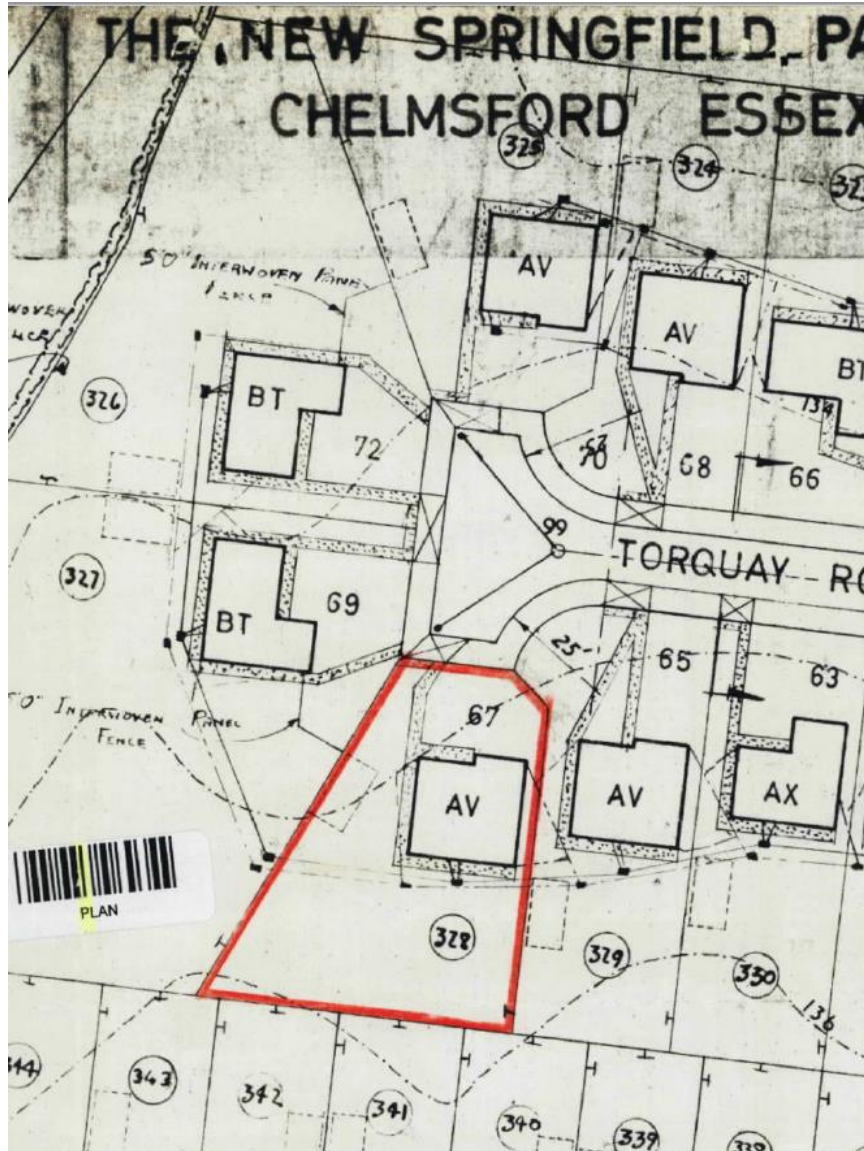


**REDRUTH CLOSE – 5<sup>TH</sup> EXAMPLE ON THIS ESTATE OF ORIGINAL BILTON ESTATE LAYOUT, SHOWING THAT THE DESIGNERS WERE QUITE HAPPY TO LOCATE DWELLINGS IN SIMILAR POSITIONS, WITH A MUCH TIGHTER RELATIONSHIP THAN THAT WHICH WE PROPOSE.**



**EXAMPLE OF ORIGINAL BILTON ESTATE LAYOUT, AGAINST WHICH WE ARE CHECKING TO IDENTIFY LATER CHANGES WHICH BREACH THE SAME COVENANTS AND ALTER THE STREETSCENE WHICH WE ARE TOLD MUST NOT BE ALLOWED TO CHANGE.**

**NOTE THIS HIGHLIGHTS THAT EVEN HOUSE OWNED BY THE LADY WHO SPOKE AGAINST THE APPLICATION, AND IT HAS A SIDE EXTENSION AND GARAGE, WHICH HAVE CHANGED THE STREETSCENE AND BREACHED THE COVENANT!**



**EXTRACTS FROM ORIGINAL 1960 BILTON CONVEYANCES – THE SAME ON ALL PLOTS IN THIS CUL-DE-SAC**

THE THIRD SCHEDULE above referred to

STIPULATIONS AND RESTRICTIONS

1. At all times hereafter to maintain the boundaries adjoining any roadway in the form provided by the Vendor and a good and sufficient fence not less than three feet six inches nor more than six feet in height on the other side or sides of the property marked "T" within the boundary on the said plan

2. The said property shall not at any time hereafter be used for any other purpose than one private dwelling and no trade manufacture business or profession shall at any time be set up or carried on upon the premises or any part thereof

3. No caravan house on wheels or temporary building of any kind shall at any time be erected on the property except a gardening shed and garage for one car only such shed and garage to be of a design and character to be first approved by the Vendor in writing and to conform in all respects with the requirements of the Local and Planning Authorities whose consents to such erection shall first be obtained and produced to the Vendor when its consent is applied for

4. No structural alterations or additions shall be made to any building on the land hereby transferred without the previous consent in writing of the Vendor and of the Local and Planning Authorities such latter consents to be produced to the Vendor when its consent is applied for



**Planning Committee**  
**9<sup>th</sup> June 2020**

<b>Application No</b>	:	20/00094/FUL Full Application
<b>Location</b>	:	Land South Of 69 Torquay Road Chelmsford Essex
<b>Proposal</b>	:	<b>Erection of a 2-storey detached dwelling, proposed part 1-storey and part 2-storey rear extension to the host dwelling.</b>
<b>Applicant</b>	:	Mr S Oldroyd
<b>Agent</b>	:	Mrs C Wallis
<b>Date Valid</b>	:	3rd February 2020

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### Appendices:

Appendix 1	Consultations
Appendix 2	Drawings



## **2. Executive summary**

- 2.9. This application is referred to the planning committee at the request of a local ward member because of concerns that the new house would harm the character and appearance of the street scene.
- 2.10. The site is located within Chelmsford Urban Area where the principle of constructing new houses and extending existing dwellings is acceptable.
- 2.11. No. 69 Torquay Road is located at the end of a cul-de-sac. A new two storey dwelling would be constructed on the land to the south of No. 69 Torquay Road currently part of the garden of the house. The proposed dwelling would have a similar appearance to existing dwellings within Torquay Road and would fit neatly into the street scene. It would cause no harm to the character of the area. Detached garages are also common in the street and this aspect of the scheme would also be acceptable. No objections are raised to the proposed two-storey rear extension to No. 69.
- 2.12. The proposed new house would maintain acceptable relationships with neighbouring properties. It would be provided with parking and garden space in line with the Council's policies.
- 2.13. Approval is recommended.

## **3. Description of site**

- 3.1. The site lies within Chelmsford Urban Area where the principle of development is acceptable.
- 3.2. It is located at the western end of a residential cul de-sac and currently forms the garden of No. 69 Torquay Road.
- 3.3. The street scene is characterised by two storey detached houses which are set out with the houses fronting onto the road. Within Torquay Road, the principal elements of dwellings within the immediate street scene have two storey eaves and are predominantly gable ended. They are typically of three designs and have a combination of projecting front gables with asymmetric roofs, projecting elements with catslide roofs and dormer windows or flat frontages with no projections.
- 3.4. Detached garages are a common feature in the street.

## **4. Details of the proposal**

- 4.1. The proposal includes a number of different elements:
- The construction of a detached dwelling
  - The construction of a single storey garage for the new house
  - A part one storey and part two storey rear extension to the existing house.

## **5. Other relevant applications**

18/01655/FUL - Refused 28th November 2018- Appeal dismissed 6<sup>th</sup> December 2019  
Part single, part two storey rear extension. Construction of two new dwellings, including associated works.  
Widening of the dropped kerb to provide new access.

5.1. This application was for two detached houses within the garden of no 69. It was refused planning permission due to the harm that the dwellings would cause to the neighbours at No. 67 Torquay Road and Paignton Avenue by way of overlooking and being overbearing. The Planning Inspector dismissed the appeal and considered that the dwellings would directly look into the garden of No. 67 and that the narrow gap to the boundary with No. 5 Paignton Avenue would lead to the proposed development being overbearing to the neighbour whilst also significantly reducing their outlook. Neither the Council or the Planning Inspector raised concerns with regard to the effect of the proposal on the character of the area.

19/00314/FUL - Refused 18th June 2019- Appeal dismissed 27<sup>th</sup> February 2020

Part single, part two storey rear extension to existing house. Construction of two new dwellings and one detached garage. Widening of the dropped kerb to provide new access.

5.2. This application was also for two detached dwellings. In order to overcome the previous refusal reasons concerning neighbour relationships, the design of the houses had been altered to prevent them from being any primary windows overlooking No. 67. The dwellings had also been moved further away from the boundary with the neighbours at Paignton Avenue. However, these adjustments led to objections about poor design and harm to character of the area as the new houses now had a design and appearance that was out of keeping with the design of the other houses in the street, particularly because of their low eaves. They also appeared to have been squashed onto the site. In dismissing the appeal, the Planning Inspector considered that the appeal development would appear poorly related to its neighbours particularly due to the low eaves height and exaggerated asymmetric and hipped roofs which failed to suitably respond to their context. In addition the Inspector considered the existing garden area of No. 69 provided a degree of visual relief in the street and that the development of two houses, due to its contrived form and appearance, would diminish this contribution to a significant degree and would not respect the grain or form of development in the street.

19/01555/FUL - Refused 6th November 2019 – Appeal lodged.

Construction of a new detached dwelling. Two storey rear extension to 69 Torquay Road.

This scheme relates to a single, large detached dwelling. Planning permission was refused because the scale and design of the house would fail to reflect the character and appearance of the area, and the design of the house would create a poor living environment for the future occupiers.

## 6. Summary of consultations

6.1. The following were consulted as part of this application

- Public Health & Protection Services
- Essex County Council Highways
- Local residents

6.2. Public Health and protection services requested that in order to encourage low emission vehicles an electric charging point should be provided for the dwelling.

6.3. Essex County Council raised no objection to the scheme subject to suitably worded planning conditions as the new dwelling would have adequate parking provision and a suitable access off the road. The existing dwelling would also retain a suitable access.

6.4. Thirty-three letters of objection were received from twenty-four neighbours. The letters raised concerns with regard to: impact on the character of the area, neighbour relationship, highway safety, drainage and covenants.

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

## **7. Planning considerations**

### ***Main Issues***

7.1. The main issues for consideration are:

- The impact of the proposal on the character and appearance of the street
- The relationship with the neighbouring properties
- Vehicular access into the site and along the road.

### ***Character of the area***

- 7.2. Policy DM23 says that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Torquay Road is a residential cul de sac which is characterised by two storey dwellings which front onto the road. The houses were all built at the same time as part of a planned estate and have a common design approach with houses typically having projecting gables with either sliding or catslide roofs. Detached garages are a common feature within the street scene. There are small gaps between the properties in the street which help to create separation between the dwellings and provide a semi spacious feel in the street. The gaps play an important part in defining the character of the estate. Many of the houses have been extended since their original construction.
- 7.3. The proposed house would be located on a corner plot at the end of the T shaped cul-de-sac on a site that currently forms part of the garden of No. 69 Torquay Road. The garden has an area of approximately 0.08 hectares.
- 7.4. Local residents have raised concerns with regard to the impact that the proposed house would have on the character and appearance of the street scene. They consider that it would remove the visual relief that the garden provides within the street and would be out of keeping within the street.
- 7.5. In the most recently dismissed appeal decision, the Planning Inspector considered that the garden area provided a degree of visual relief within the street. He considered that the appeal scheme (which was for 2 houses), due to its design and contrived form, would significantly diminish the contribution that the site played within the street.
- 7.6. The single dwelling proposed in this application would have four bedrooms and a two-storey form with a ridge height of 7.9m. To the front the house would have a projecting gable with a roof that slides down to the north and a subservient extension to the side. It would be set back from the front of No. 69 Torquay Road. This design would reflect other houses in the street and would be very similar to the design of the neighbour at No. 67. The set-back positioning would also reflect development around the cul de sac where, due to the layout of the turning area, Nos 67 and 73 Torquay Road, at the head of the cul-de-sac are set back from their neighbours.
- 7.7. This application is different from the two schemes dismissed at appeal as it has reduced the number of units from two to one. The design of the proposed dwelling would reflect the

appearance of other houses in the street particularly the neighbour at No. 67, the design of which it would almost match. The positioning of the proposed dwelling would maintain the gaps between the neighbouring properties that is prevalent in the street.

- 7.8. The proposed dwelling would be visible when looking east down Torquay Road towards the hammerhead end of the cul-de-sac. However, whilst it would slightly change the view looking down the street and would develop on some of the existing garden area, its set back positioning would lessen its visual presence or impact in the street and would also reflect the positioning of development at the end of the cul-de-sac. The site, occupied by the proposed dwelling, would still retain some degree of visual relief.
- 7.9. In addition, the complementary design and form of the house would ensure that it would reflect the grain and appearance of the houses in the street and that it would not appear at odds with the prevailing character of the street.
- 7.10. Given that it would respect the design and layout of the houses in the street it is considered that the proposed house would not significantly diminish the visual relief that the existing house and garden provides in the street such that the degree of change would justify withholding planning permission.
- 7.11. To ensure that the house does not fill the whole of the plot and that it protects the visual relief of the site, it is considered appropriate to remove permitted development rights for any future side extensions. A condition requiring this will be attached to the decision.
- 7.12. The proposed garage would be located to the front of the house and would be positioned along the common boundary with No 67 Torquay Road to the east. It would fit well within the street scene where detached garages are a common feature.
- 7.13. The proposed rear extensions to the existing property at No. 69 Torquay Road would cause no harm to the character of the area.

### ***Neighbour Relationship***

#### *- No.67 Torquay Road*

- 7.14. Policy DM29 requires development proposals to safeguard the amenities of occupiers of nearby residential development. No. 67 Torquay Road is located to the east of the application site and the two share a boundary.
- 7.15. The proposed dwelling would be positioned approximately 9m away from the common boundary with the neighbour and approximately 13m away from the western side wall of the neighbour's house. This distance is considered adequate for the proposed development to not be overbearing or prejudice the neighbour's outlook.
- 7.16. The proposed house would have two windows facing towards the neighbour. These serve non habitable rooms and would be obscure glazed. There is also a rooflight on the front which would serve a bedroom. This rooflight would be positioned more than 1.7m above finished floor level. To ensure that the two windows do not overlook the neighbour conditions will be attached to the decision requiring that the windows are fitted with obscure glazing and that no other windows are installed in the front elevation. The development would not result in overlooking of No. 67.

7.17. The garage would be positioned along the common boundary with No.67. The garage would project 4m beyond the neighbour's garage. It would have a height of approximately 3.1m and would have a roof that slopes away from the neighbour. The garage would only run along a small portion of the common boundary fence and would leave a large part of the boundary to the south west open. It is considered that the garage, due to its positioning and size, would not be overbearing to the neighbour or prejudice their outlook.

7.18. The area to the rear of the garage would form part of the garden of the proposed dwelling. The neighbour is concerned that pedestrians could walk in this area causing them noise and disturbance. It is noted that this area is already garden and that the current occupants of No 69 can already walk along their side of the fence if they wished to do so. The relationship between the proposed front garden of the new house and the neighbour would be acceptable.

7.19. There is a large side window on the neighbour's property and this serves a hallway with the doors leading the habitable rooms further back from the window. The distance between the properties would ensure that enough light would still reach the window.

7.20. The use of the proposed driveway would result in an amount of unrestricted pedestrian and vehicular activity including the movement of cars and occasional light spillage. This could be noticeable to the neighbour at No. 67. However, the level of likely vehicular and pedestrian activity from the a single dwelling would be limited and the positioning of the garage and driveway would ensure that most of the manoeuvring would be adjacent to the garage and front garden of the neighbour, which is not an uncommon arrangement for adjacent dwellings in any urban context. The likely level of noise and disturbance would not result in harmful living conditions to the occupants of the neighbouring property.

7.21. Is considered that the proposed dwelling would cause no adverse impacts to the amenities or privacy of the neighbour at No. 67 Torquay Road and would comply with policy DM29 of the development plan.

- *Paignton Avenue*

7.22. The lower, subservient part of the proposed house would be positioned closest to the neighbours at Paignton Avenue. It would be located approximately 6m away from the side boundary and 20m away from the rear wall with No. 5 Paignton Avenue.

7.23. The distance between the properties would ensure adequate separation distances and that no adverse impacts would be caused to the amenities of these neighbours.

- *No. 69 Torquay Road*

7.24. The proposed house would maintain an acceptable relationship with No. 69 Torquay Road.

**Highways and Parking provision**

7.25. Local residents have raised objections with regard to the highway access and parking. They have stated that the proposed access would lead to a reduced dropped kerb and increased danger if the future occupants and neighbours tried to enter and leave their respective driveways at the same time. They are also concerned that it would increase on street parking.

7.26. The Highways Authority have been consulted as part of this application and have provided their expert comments on the acceptability of the scheme. The proposed dropped kerb, turning and

access arrangements are considered acceptable by the Highways Authority. It is noted that the previous three applications and the two dismissed appeals did not include access or safety as a refusal reason or a reason for dismissal of the appeals.

7.27. The proposed dwelling would have off street parking for three vehicles, two on the driveway and one in the garage. This would be acceptable provision for a house of this size in an urban area location.

7.28. No. 69 Torquay Road would maintain acceptable parking provision and access arrangements and comply with policy DM27 of the development plan.

### ***Protected Trees***

7.29. There is a line of mature trees along the rear of the site. These are important specimens in the locality and provide a high level of visual amenity. The application is supported by an arboricultural impact assessment and tree protection plan. The proposal will not directly impact the mature trees to the rear of the site, however a protective barrier will be necessary to ensure the trees are not impacted indirectly.

7.30. Trees within the immediate grounds of the application site are shown to be removed. These trees can be removed without council consent.

7.31. A condition will be attached to the decision requiring compliance with the submitted arboricultural report and tree protection plan.

### ***Recreational avoidance mitigation strategy***

7.32. 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 provided a financial contribution which will go towards mitigation at a local wildlife site.

### ***Other matters***

7.33. A large number of comments have been received from local residents regarding a covenant on the site which limits one house per plot. Comments have also been received regarding drainage. These are civil matters and not material planning considerations that will form part of the assessment of this application.

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

8.1. This application is CIL liable.

## **RECOMMENDATION**

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

### **Condition 1**

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

Reason:

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

### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

### **Condition 3**

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

Reason:

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

### **Condition 4**

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

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

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

### **Condition 5**

The dwelling shall not be occupied until a means of access for vehicles has been constructed in accordance with approved drawing P.401C. The access shall be retained thereafter.

Reason:

To ensure that the development is accessible in accordance with Policies DM24 and DM26 of the Chelmsford Local Plan.

### **Condition 6**

The dwelling shall not be occupied until space has been laid out within the site in accordance with approved drawing P.401C for the parking and turning of vehicles. Thereafter the turning area and parking spaces shall be kept available at all time for vehicle turning and parking.

Reason:

To ensure that sufficient parking is available to serve the development in accordance with Policy DM27 of the Chelmsford Local Plan.

**Condition 7**

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 8**

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 9**

Prior to the first occupation of the dwelling hereby permitted, charging infrastructure for electric 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 S2 and DM25 of the Chelmsford local plan.

**Condition 10**

The dwelling 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 DM25 of the Chelmsford Local Plan.

**Condition 11**

In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled Tree Survey, Arboricultural Impact Assessment and Tree protection Plan December 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 accordance with Policy DM17 of the Chelmsford Local Plan

**Condition 12**

The trees to the west of the site as shown on the approved drawing P.401C shall be protected by a barrier erected in accordance with BS 5837: 2012 - Trees in relation to design, demolition and construction - Recommendations Figure 2. The fence shall be erected before the commencement of any clearing, demolition and building operations. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area 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 in accordance with Policy DM17 the Chelmsford Local Plan

**Condition 13**

The first floor windows in the eastern front elevation and shown on approved Drawing No P.404D shall be:

- a) obscured (minimum Level 3 obscurity level) and
- b) of a design not capable of being opened below a height of 1.7m above finished floor level and shall remain so obscured and non-openable.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DM29 of the Chelmsford Local Plan.

**Condition 14**

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 windows or other openings other than those expressly authorised by this permission shall be constructed or inserted within the eastern roof wall of the house hereby permitted.

Reason:

To safeguard the privacy of the occupiers of the adjacent property or properties in accordance with Policy DM29 of the Chelmsford Local Plan.

**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 dwelling hereby permitted shall not be enlarged or extended to either side without the grant of an additional planning permission by the local planning authority.

Reason:

To ensure the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

**Notes to Applicant**

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

- 2 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- 3 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 4 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.
- 5 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.
- 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 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.
  
- 9 The lamppost which currently sits to the front of the site would need to be repositioned. Relocation costs would be at the applicant's expense.

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

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 unallocated).

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

This revised scheme for one new dwelling follows planning applications:

18/01655/FUL - Construction of two new dwellings ' Appeal dismissed.

19/00314/FUL - Construction of two new dwellings ' Appeal dismissed.

19/01555/FUL - Construction of one new dwelling ' Appeal in progress.

The recommendation below is consistent with the previous Highway Authority recommendation.

The host dwelling no. 69 retains two off-street parking spaces plus existing garage and the new dwelling includes three off-street parking spaces. These would be provided with off-street parking in accordance with the City's adopted and emerging Parking Standards.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

Note - MUD / DEBRIS ON HIGHWAY

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

2. Prior to first occupation the vehicular access, which is located within the turning head at the end of Torquay road, shall be provided as shown in the Proposed Site Layout, drawing no. P.401 C which includes extending the existing dropped kerb vehicular crossing of the footway by 3.7 metres..

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.

Notes:

i. Removal and re-siting of the existing lamp column would be required as it would obstruct the proposed vehicular access to the proposed new dwelling. The re-siting of the street column will be determined by the Development Management Team and carried out as part of the highway works. The full cost of all associated works will be met by the applicant/site owner, see Informatives (I) and (II) below.

ii. The extended dropped kerb width would ease vehicle manoeuvres vehicles to and from the site and would allow separate and unconflicted vehicular access to the host dwelling and the proposed new dwelling.

3. The vehicular turning area shown in the Proposed Site Layout, drawing no. P.401 C 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.

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 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 he proposed development vehicle parking for no.69 and for Plot 1 (the new dwelling) shall be constructed ready for use as shown in the Proposed Site Layout, drawing no. P.401 C. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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.

8. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of 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 for the new dwelling.

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:

i. The applicant/site owner must be made aware that the relocation costs of the existing lamp column in the highway, in 2i) above, shall be fully at the applicant's expense and at no cost to the Highway Authority.

ii. If the Local Planning Authority is minded to granting planning permission, the applicant must apply to the Highway Authority for permission to extend the existing dropped kerb crossing to provide vehicular access to the new dwelling.

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

## Local Residents

### Comments

Throughout the lifetime of the application thirty three letters of objection were received. The comments

raised the following matters:

*Character of the area*

It would look out of character with the estate.

No room for the property in the street and reflects the character of the area.

The set- back position does not fit with the street.

The house would not blend into the street

Cause excessive visual intrusion in the street

The garden is an important feature within the street

The plans give a misleading impression of the present street view.

Overdevelopment of the site

*Parking and access*

The dwelling would increase the parking on the street creating a hazard for large vehicles.

Inadequate site access during building which would cause safety issues.

Increase traffic in the area

The dwelling could increase turning issues in the hammerhead

Harm to highway safety through increased dropped kerb

Harm to highway during construction

Proposed turning area is dangerous.

Increased dropped kerb would be dangerous for pedestrians.

There would be poor visibility from the new driveway.

Insufficient parking on the street

*Neighbour relationship*

Will cause excessive noise and disruption to neighbours

Security risks during construction

Reduce sunlight to the neighbour at no.65 Torquay road

Financial gains and no consideration of the opinions or objections of residents.

Would still harm the outlook, privacy and light of neighbours on Paignton Avenue



Harm would be caused, through overlooking reduced outlook and loss of light to the neighbour at No. 67 due to the size scale and positioning of the dwelling.

There would be excessive noise and vehicular movements along the boundary with No. 67.

#### *Covenants*

There is a covenant on the site to prevent developments of this nature and to require one dwelling per plot.

#### *Drainage*

Drainage problems would be created and the sewer would be overloaded

#### *Lampost*

Redistribution of the lamppost would give an uneven distribution of light

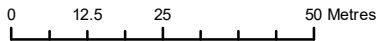
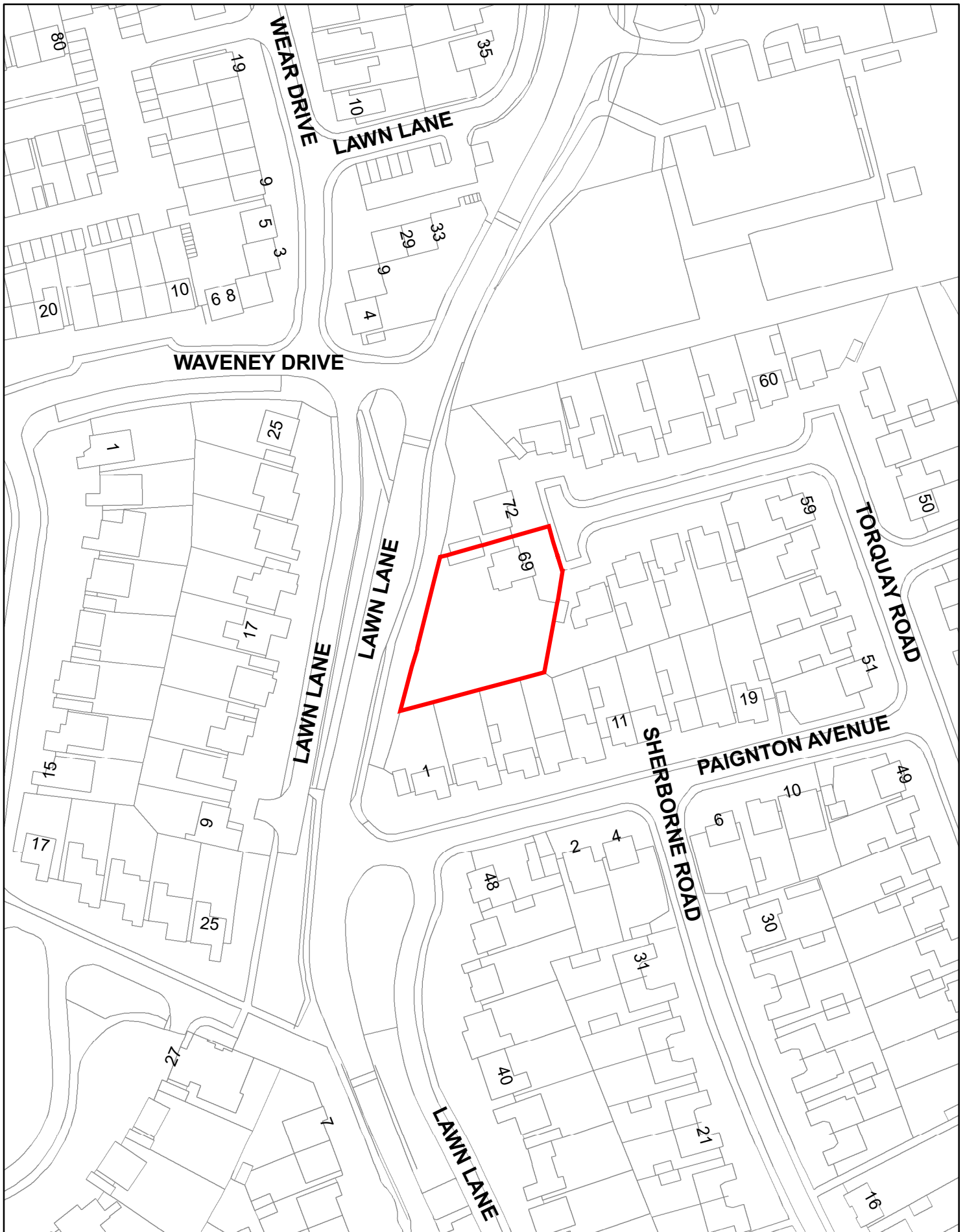
#### *Flowers and Fauna*

Removal of established plants and trees in the garden

#### *Other matters*

Potential subsidence issues from the new dwelling

Where would the refuse be located on collection day without impeding pedestrians.



1:1,250



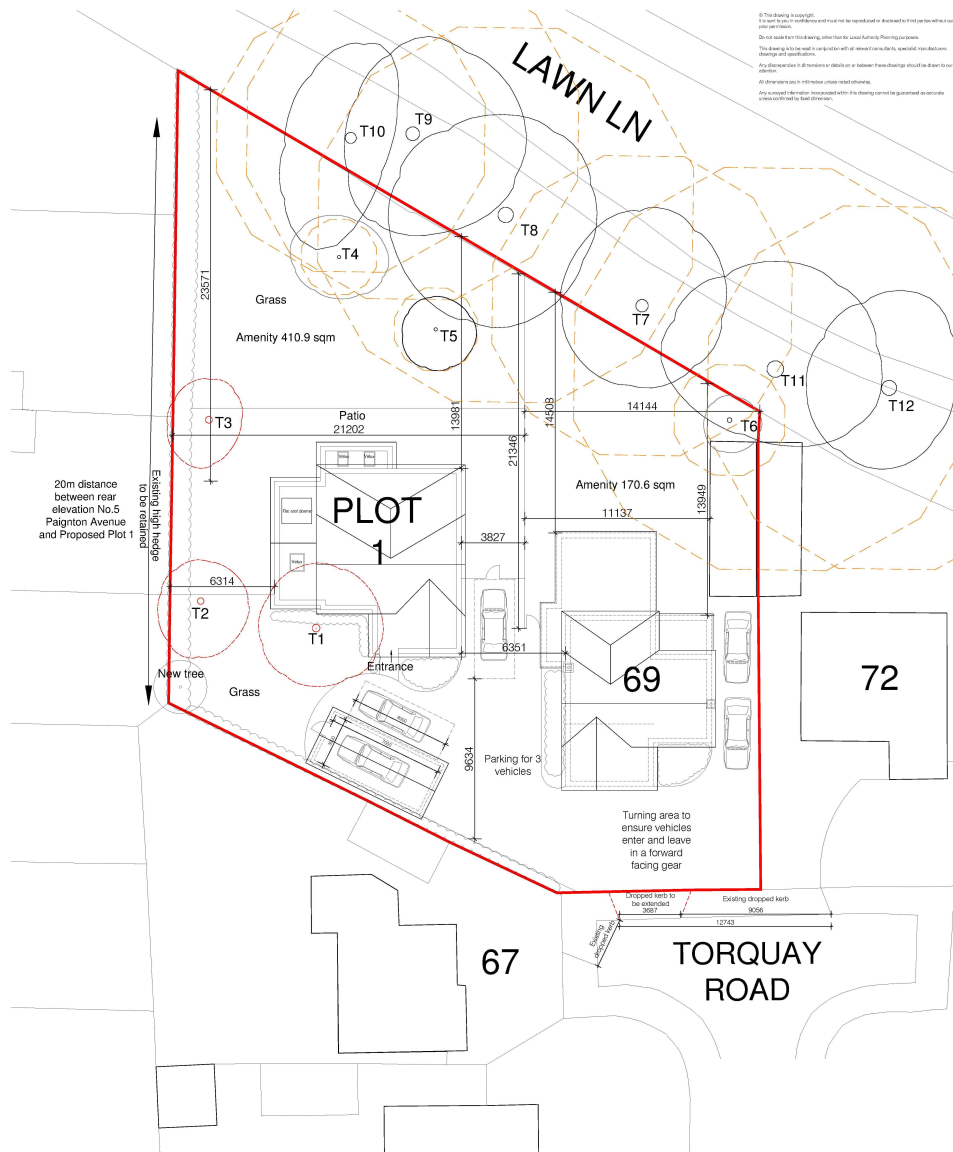
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**20/0094/FUL**

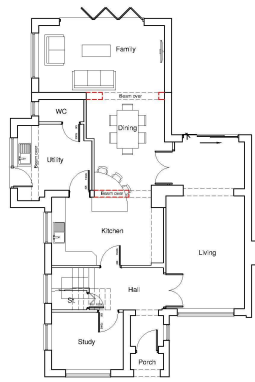
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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

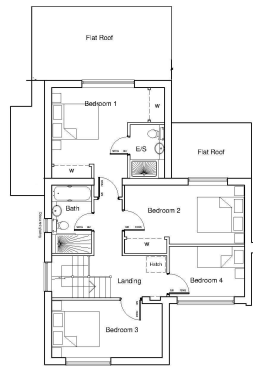
Telephone: 01245 606826

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 Any dimension shown hereon is not to be construed as a guarantee of accuracy  
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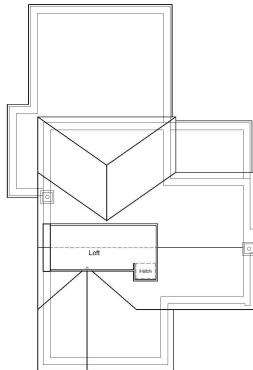




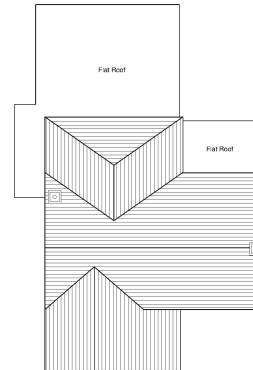
Ground Floor Plan



First Floor Plan



Loft Plan



Roof Plan



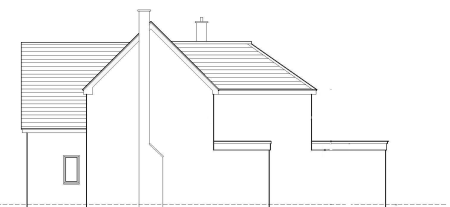
East Elevation



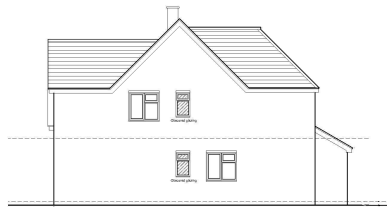
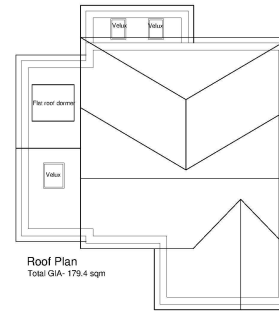
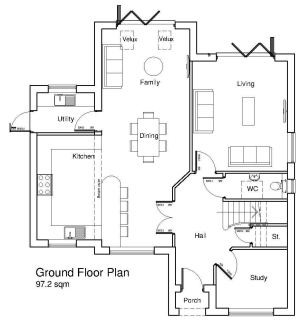
South Elevation



West Elevation



North Elevation



North Elevation



East Elevation



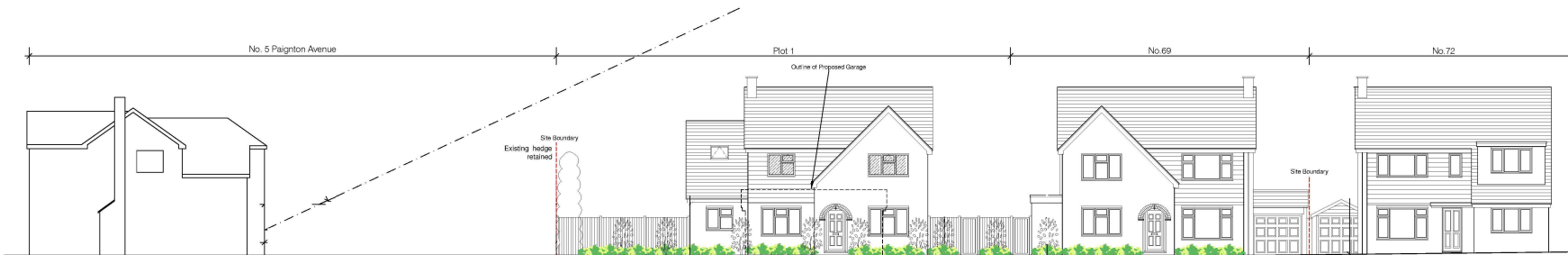
South Elevation



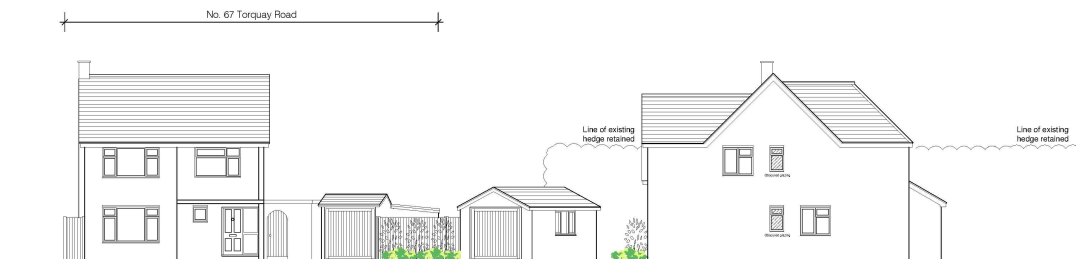
West Elevation



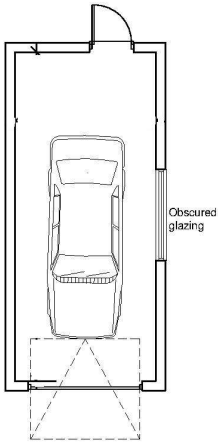
Existing Street Scene



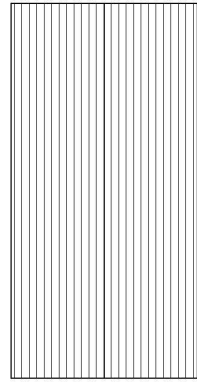
Proposed Street Scene  
Facing 69- 72 Torquay Road



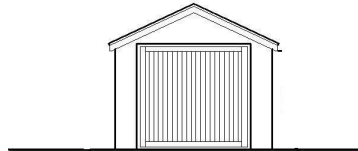
Proposed Street Scene  
Facing 67 Torquay Road



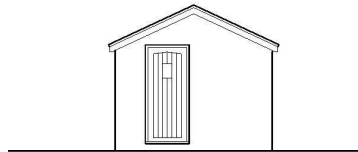
Ground Floor Plan  
21 sqm



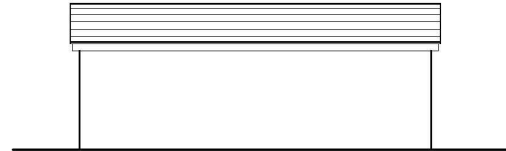
Roof Plan



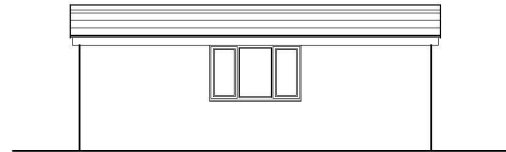
North Elevation



South Elevation



East Elevation



West Elevation



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

<b>Application No</b>	:	20/00251/FUL Full Application
<b>Location</b>	:	90 Brook Lane Galleywood Chelmsford CM2 8NN
<b>Proposal</b>	:	<b>Proposed 1st floor rear and side extension</b>
<b>Applicant</b>	:	Mr James Pye
<b>Agent</b>	:	J Bell Design & Conservation
<b>Date Valid</b>	:	18th February 2020

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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 9<sup>th</sup> June 2020.
- 1.2. The application has been referred to planning committee at the request of local ward Councillors because of concerns raised by neighbours relating to the loss of their amenity.
- 1.3. The proposal is for the extension of the existing property. A first floor extension would be added above the existing rear and part of the existing side single storey addition.
- 1.4. The site is located within the Defined Settlement of Galleywood where the principle of development and construction of extensions is acceptable.
- 1.5. The proposal is acceptable in design, streetscene and amenity terms.
- 1.6. Approval is recommended.

## **2. Description of site**

- 2.1. The site lies in the Defined Settlement of Galleywood where the principle of development is acceptable.
- 2.2. The building is a two-storey semi-detached house on the southern side of Brook Lane.
- 2.3. Parking is provided to the front of the property on a private driveway. The rear garden is partially located within the Green Belt.
- 2.4. The house is sited close to one end of a ribbon of houses and there are open fields on the opposite side of the lane.
- 2.5. The gaps between the houses contribute to a sense of spaciousness that arises from the semi-rural setting of the streetscene.

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

- 3.1. The proposal seeks planning permission for a first floor rear and a side extension to the property.
- 3.2. The extension would be sited on the footprint of the existing L shaped single storey extension which runs the full depth of the west side elevation and across the rear of the house. The rear element of the proposed first floor extension would extend across the full rear width of the house. The side extension would be set back from the front (south) building line of the property by about 4.2 metres.
- 3.3. The extension would be finished with materials to match the existing.
- 3.4. Internally, it would form a third bedroom at the property (currently there are two) and would relocate the first floor bathroom.

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

- 4.1. 15/01370/FUL - Two storey side and rear extension and alterations to front elevation to form new bay window, porch and roof. Refused on 24<sup>th</sup> November 2015. Appeal dismissed on 18<sup>th</sup> April 2016.
- 4.2. The application was refused planning permission on two grounds. The first ground considered that the proposed extension in infilling most of the gap between No. 88 and No. 90, would form a terracing effect within the streetscene, and that would be out of character with the spacing within the streetscene and harmful to the character and appearance of the area.
- 4.3. The second ground considered that the extension would have an unacceptable relationship with No. 88 Brook Lane. In exposing a large and dominating mass of brickwork close to the boundary with No. 88 this would have an overbearing and dominating impact leading to loss of daylight and sunlight to the neighbour's existing kitchen window, affecting the usability and enjoyment of the kitchen.
- 4.4. In dismissing the subsequent appeal, the Inspector considered that the proposal would give the streetscene an uncharacteristically built up feel, but, the degree of conflict was not sufficient by itself to warrant refusing permission.
- 4.5. Regarding neighbouring amenity, the Inspector considered that bringing the first floor of No. 90 closer to No.88s kitchen window would cause a significant loss of light and outlook, harmful to the amenities of the neighbouring property.

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

Galleywood Parish Council.

- 5.1. Galleywood Parish Council objects to the application. They state that the proposal will lead to loss of a gap between No.s 88 and 90 Brook Lane, resulting in a terracing effect out of keeping with the streetscene.
- 5.2. Further, the proposal will lead to an unacceptable loss of light and overlooking to No.88 Brook Lane.

Local residents

- 5.3. One letter of representation has been received to the proposal from the occupier of No. 88 Brook Lane. They raised concerns relating to the effect that the extension will have upon the occupier's amenity/ living conditions and the character and appearance of the streetscene.
- 5.4. Full details of the consultation responses are set out at Appendix 1.

#### **6. Planning considerations**

##### ***Main Issues***

6.1. The first issues are the design of the development and the effect on the streetscene and the second issue is the amenity implications of the proposal.

*Design of development and effect upon the character and appearance of the streetscene*

6.2. Policy DM23 of the development plan requires that extensions are of high-quality design and compatible with the character and appearance of the area.

6.3. The house is sited close to one end of a ribbon of houses and there are open fields on the opposite side of the lane.

6.4. The gaps between the houses contribute to a sense of spaciousness that arises from the semi-rural setting of the streetscene. This would be maintained due to the significant set back position of the first-floor side element.

6.5. The proposal is well designed and would match the form, architecture and appearance of the existing house.

6.6. In considering the previous proposal 15/01370/FUL the Planning Inspector considered that whilst the formation of a two-storey side extension would give the streetscene an uncharacteristically built up feel, the degree of conflict was not sufficient by itself to warrant dismissing the appeal.

6.7. The appeal decision is a material consideration. The current proposal sets the first-floor side element of the extension 4.2m back from the front elevation, unlike the appeal proposal where the proposed the first floor side element ran the full depth of the side elevation creating a seamless two storey side addition. In light of the Inspector's comments in not finding the seamless side extension harmful enough to justify refusal in terms of the street scene, the current scheme, which would have a noticeably less visual impact on the street scene, would not be harmful to the character and appearance of the streetscene.

*The amenity implications of the development*

6.8. Policy DM29 of the development plan requires that development safeguards the amenities of the occupiers of any nearby residential properties by ensuring that the proposal is not overbearing and does not result in unacceptable overlooking or overshadowing.

6.9. The front (north) of the proposed side extension would sit 4.2 metres back from the front building line of the property.

6.10. The neighbour's kitchen has a window and part glazed door in the side elevation. The front building line of the proposed first floor side extension would sit level with the rear window frame of the side kitchen door of No. 88. As a result of this siting, the extension would not project forward of No. 88's kitchen window and door.

6.11. The kitchen window at No. 88's allows light into a through kitchen / dining room. There is some borrowed light within the room from a rear window within the dining room at the rear (south) of the house. The side window is the primary light source to the neighbour's kitchen, although due to the presence of the dining room window, it is not the only source of light to the room.

6.12. Outlook for the side kitchen window and the light it receives is already affected by No's 90's existing ground floor side extension and first floor side wall. The neighbour's kitchen window currently faces out onto a single storey brick wall and light is able to enter the kitchen from the

dining room window to the south of the building and through the narrow gap between the properties.

- 6.13. In dismissing the previous appeal, the Inspector considered that bringing the two-storey part of the dwelling close to the neighbour's side kitchen window would cause a significant further loss of light and outlook, sufficient to justify refusing permission.
- 6.14. However, the appeal proposal is not directly comparable to this proposal. The extension considered as part of the appeal was sited level with the front building line of No. 90, whereas the proposed side extension is set 4.2m back from the building frontage, and sits behind the neighbouring kitchen window and door.
- 6.15. As a result of this proposed siting, it would still be possible for light to enter the neighbours side kitchen window from the north from the existing small gap between the properties. The impact upon daylight and sunlight as a result of this proposal would be less than the appeal proposal.
- 6.16. Sufficient light would still be able to enter into the room to not lead to a material loss of overshadowing and daylight/sunlight.
- 6.17. Whilst the proposed first-floor side extension would be visible from No. 88's kitchen window, due to the siting of the extension, it would not be overbearing.
- 6.18. The Inspector raised no objections to the proposed rear extension; which would extend in depth from the rear building line of the property by 2.6 metres on the common boundary shared with No.92. It is noted that No.92 benefits from a ground floor extension on the common boundary. As a result, it is considered that the relationship remains acceptable.
- 6.19. As considered by the Inspector, any increase in overlooking for the repositioned rear bedroom window would be marginal.
- 6.20. It is considered that the proposal would have an acceptable relationship with No. 88 and 92.

#### *Other Matters*

- 6.21. An acceptable level of private amenity space and parking area would be retained at the property.
- 6.22. Loss of blight (property value) is not a planning consideration.
- 6.23. The information contained within the application drawings is acceptable and sufficient to determine the application. There is no requirement to show the position of gutters/ boundary line. A site visit of the area has been undertaken and the hip angle of No. 92 Brook Lane is noted. The application drawings were amended to show No.s 88 and No. 90 sited parallel to each other. The 45-degree line has been measured in accordance with guidelines set out in appendix A of the development plan. The proposed elevations show the correct window arrangement. The distance between the two properties (No's 88 and No. 90) is shown on the application drawings.
- 6.24. The comments relating to the Design and Access statement are noted. However, a full assessment and consideration of the application is given above.

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

- 7.1. The proposal is not CIL liable and there will be no 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**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. Where the new materials differ from those of the existing building, details of the materials to be used shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with those details.

Reason:

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

## **Notes to Applicant**

### **1 Hours of work during construction**

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)

## Party Wall Act

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>

## **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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## Galleywood Parish Council

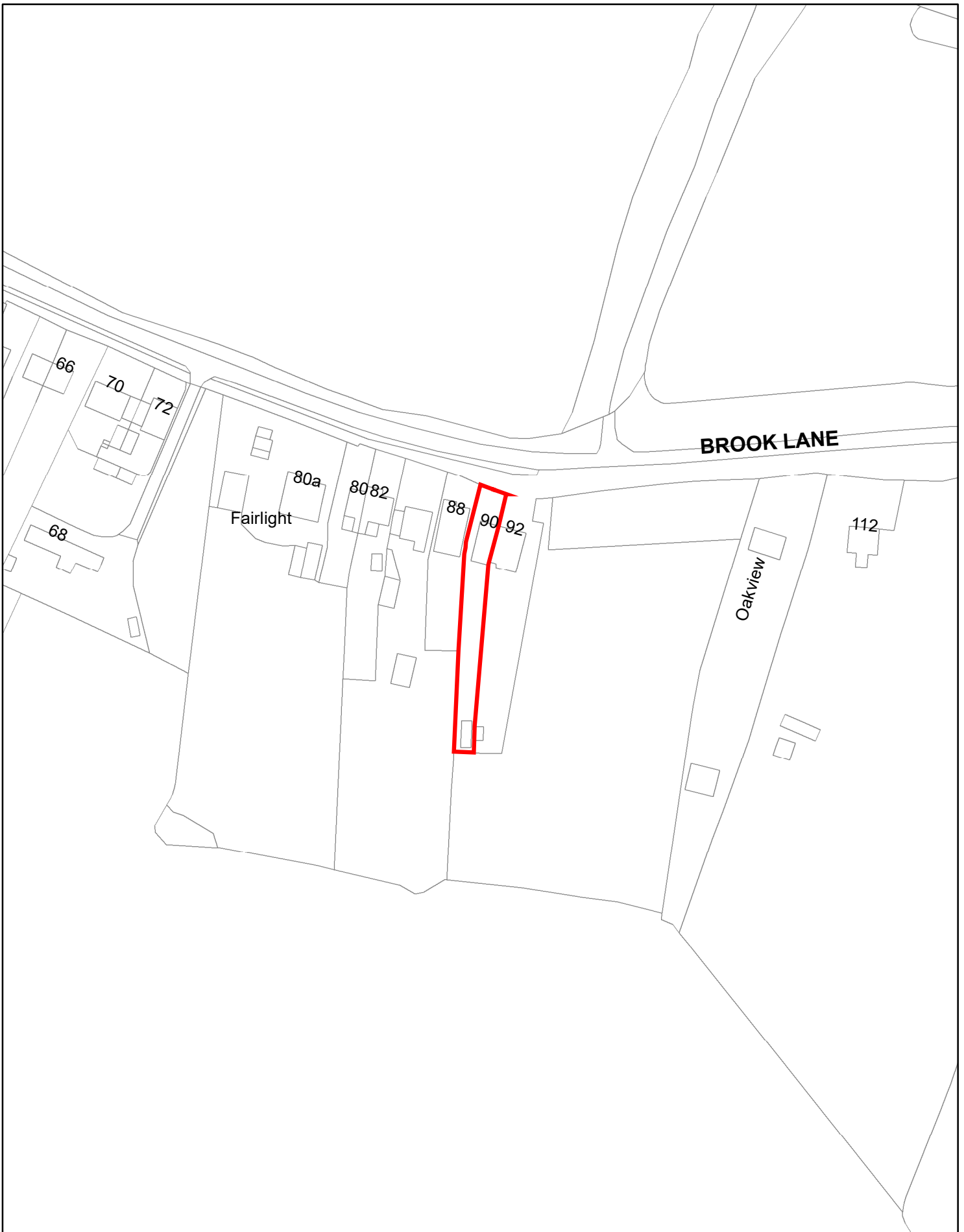
Comments
<p>The submission is the collective views of Councillor members to the Planning and Highways Committee which is currently not undertaking public meetings due to COVID-19 restrictions</p> <p>Committee members returned an objection to the proposed amendments received to 20/00251/FUL which appear to show an amendment to the boundary line and slight movement of 0.5m to the siting of the extension.</p> <p>Whilst Councillors recognised that amendments to the plan had been made, the amendments did not fully address the concerns previously forwarded on 18 March 2020 which Councillors wish to once again bring Officers attention to and which remains relevant to the proposed amendment.</p> <p>The Galleywood Parish Council Planning and Highways Committee to be held on 17 March 2020 was closed due to advice received from the Essex Association of Local Councils regarding COVID-19.</p> <p>The following submission is a collation of Committee Members views.</p> <p>To object to the application - Yes  Previous application refused October 2015; appeal refused April 2016  Reasons for refusal:  o very small gap between nos. 88 and 90 existing at ground floor level will be continued up to second floor  o results in appearance of terrace out of keeping with the street scene  o results in unacceptable loss of light to and overlooking of no. 88</p> <p>Pre-application meeting with CCC in November 2019: design statement for this application states that comments have been incorporated. Proposed extension does not protrude past the rear wall of no. 88, and second floor has been stepped back at the front to provide light to no. 88 kitchen.</p> <p>Strong objection from neighbour at no. 88 for the same reasons as above.  Neighbour also believes plans are misleading because they do not adequately characterise the gap between the properties; not only is the resulting gap very small but the extension sits very close to the boundary of no. 90 making maintenance difficult.</p> <p><b>Recommendation</b> - GPC objects; although the proposal goes some way to addressing the concerns in the previous application, it still does not remove the fundamental problem that the extension is very close to no. 88, is detrimental to the neighbouring properties amenity and to the general street scene.</p>

## Local Residents

Comments
<p>One letter of representation received. Main issues:</p> <ul style="list-style-type: none"> <li>• The proposal will lead to overshadowing, overlooking, loss of daylight and sunlight and breach of sunlight/sunpath.</li> <li>• It will be overpowering and overbearing.</li> <li>• The suntrack is not shown on the drawings.</li> </ul>

- Loss of light will lead to increase in electricity costs.
- The gap between the two properties will be reduced, disturbing the balance and spacing of the frontage.
- There will be insufficient room for maintenance.
- The extension would be overbearing and out of context with the streetscene.
- Proposal not compliant with PA1 of the submission development plan.
- Proposal will lead to loss of blight (property value).
- Disagrees with statements made within the Design and Access Statement.
- Drawings fail to show the position of gutters and party /boundary line, the hip angle of No. 92 Brook Lane is drawn incorrectly. No.88 and No. 90 side elevations are parallel, but the floor plans shows these are angled. The 45-degree line is shown incorrectly. Two obscured windows are missing from the existing side extension drawings. The distance between the two properties is not recorded on any drawing.





0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**20/00251/FUL**

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

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

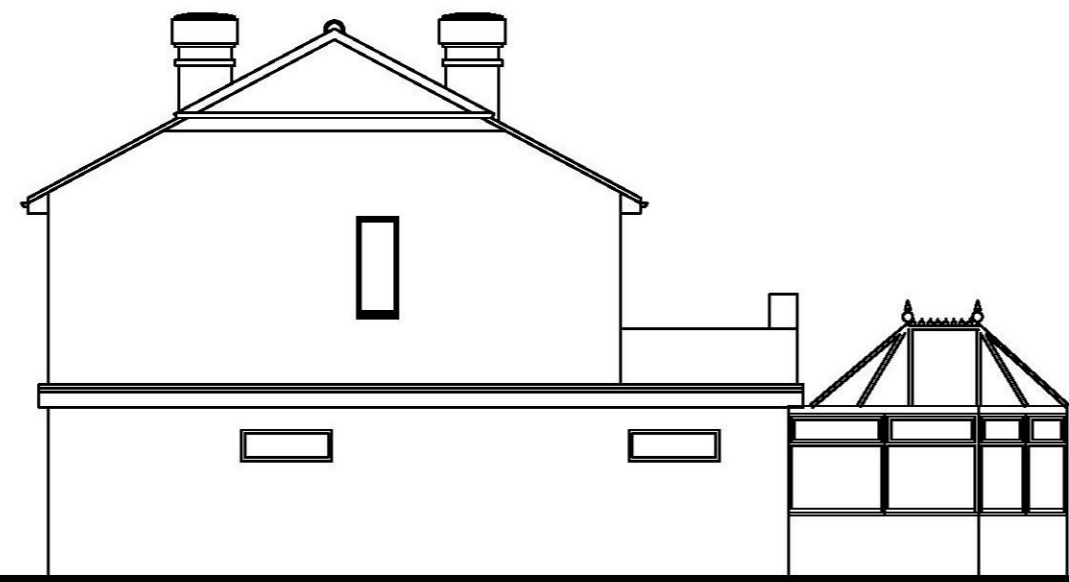
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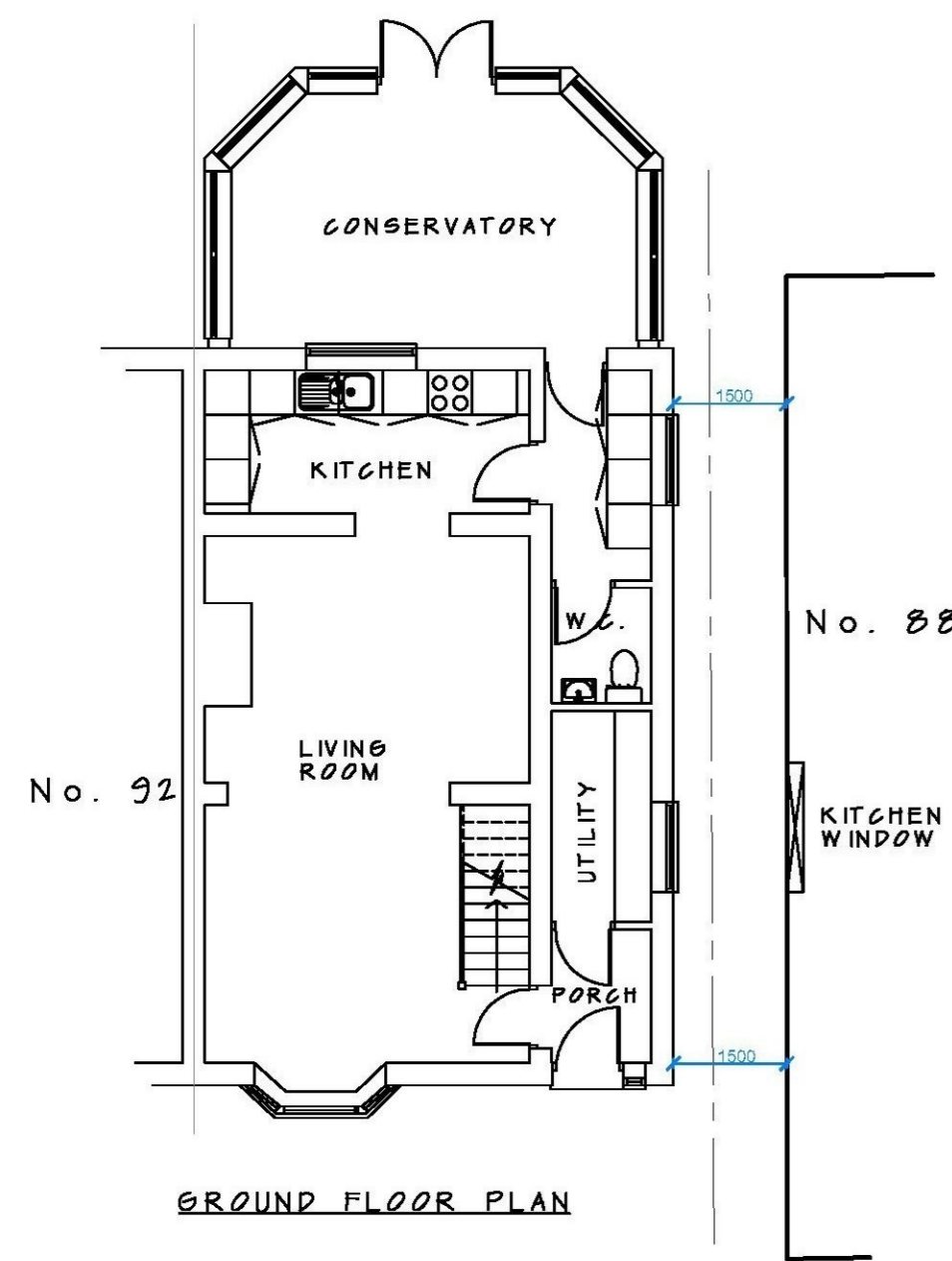
No. 92  
FRONT ELEVATION (NORTH)



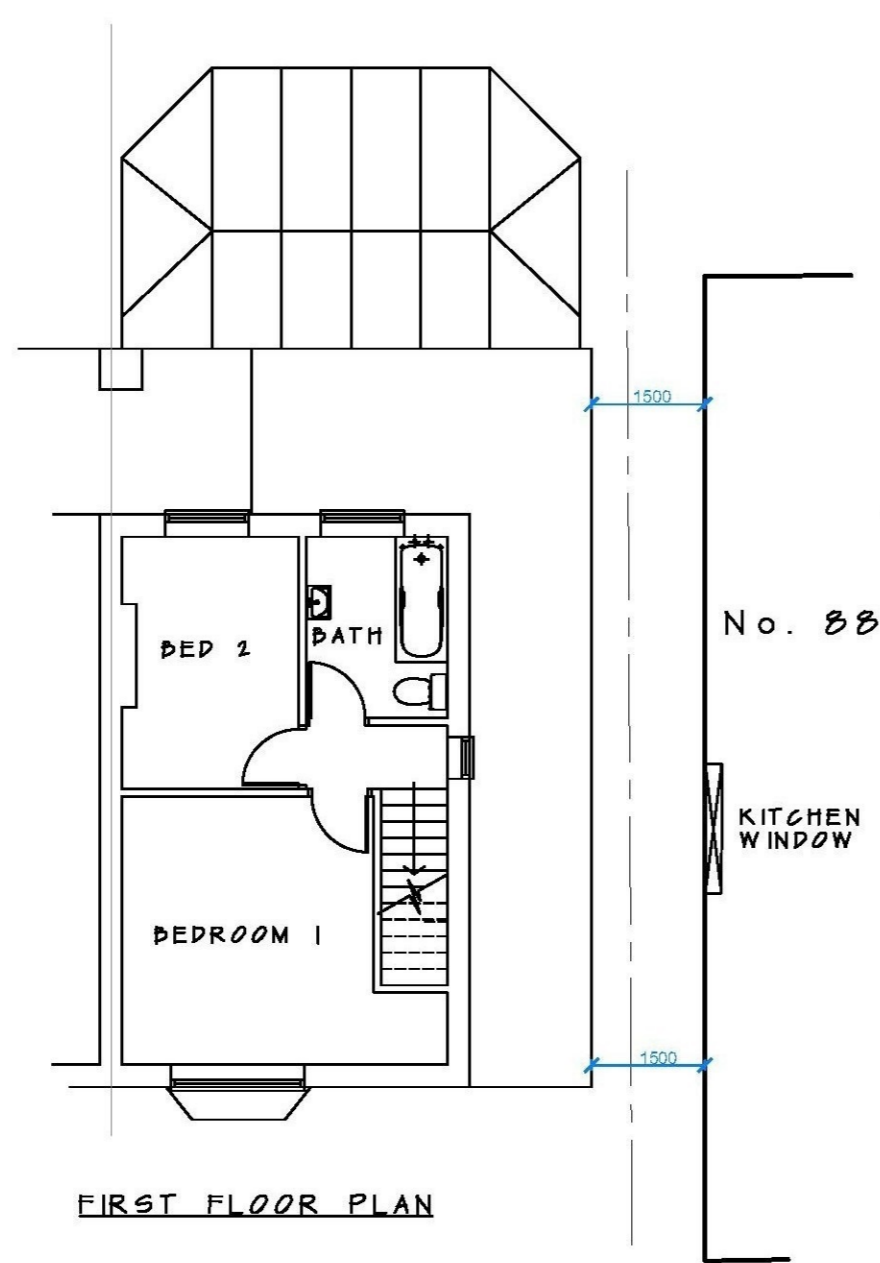
SIDE ELEVATION (WEST)



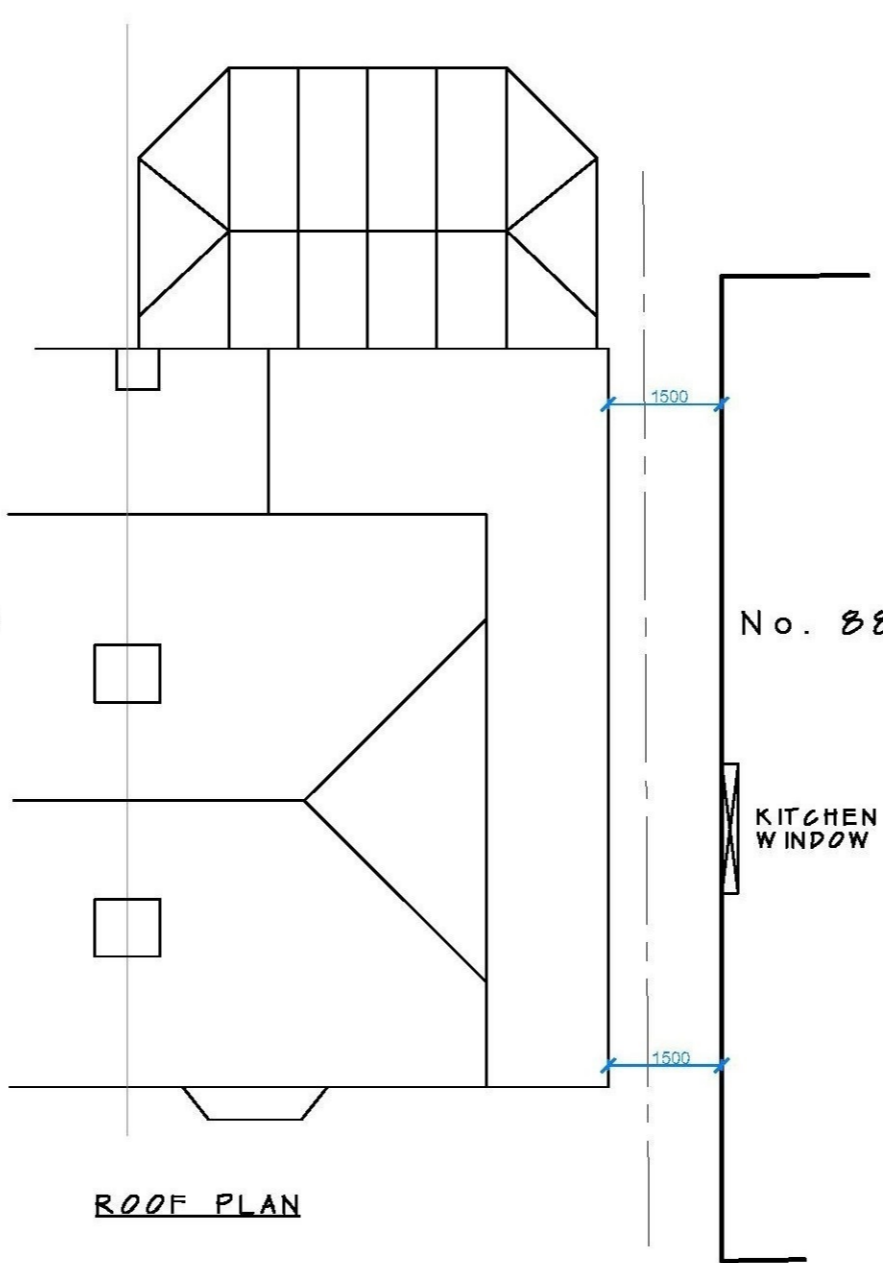
No. 88 No. 90 No. 92  
REAR ELEVATION (SOUTH)



GROUND FLOOR PLAN

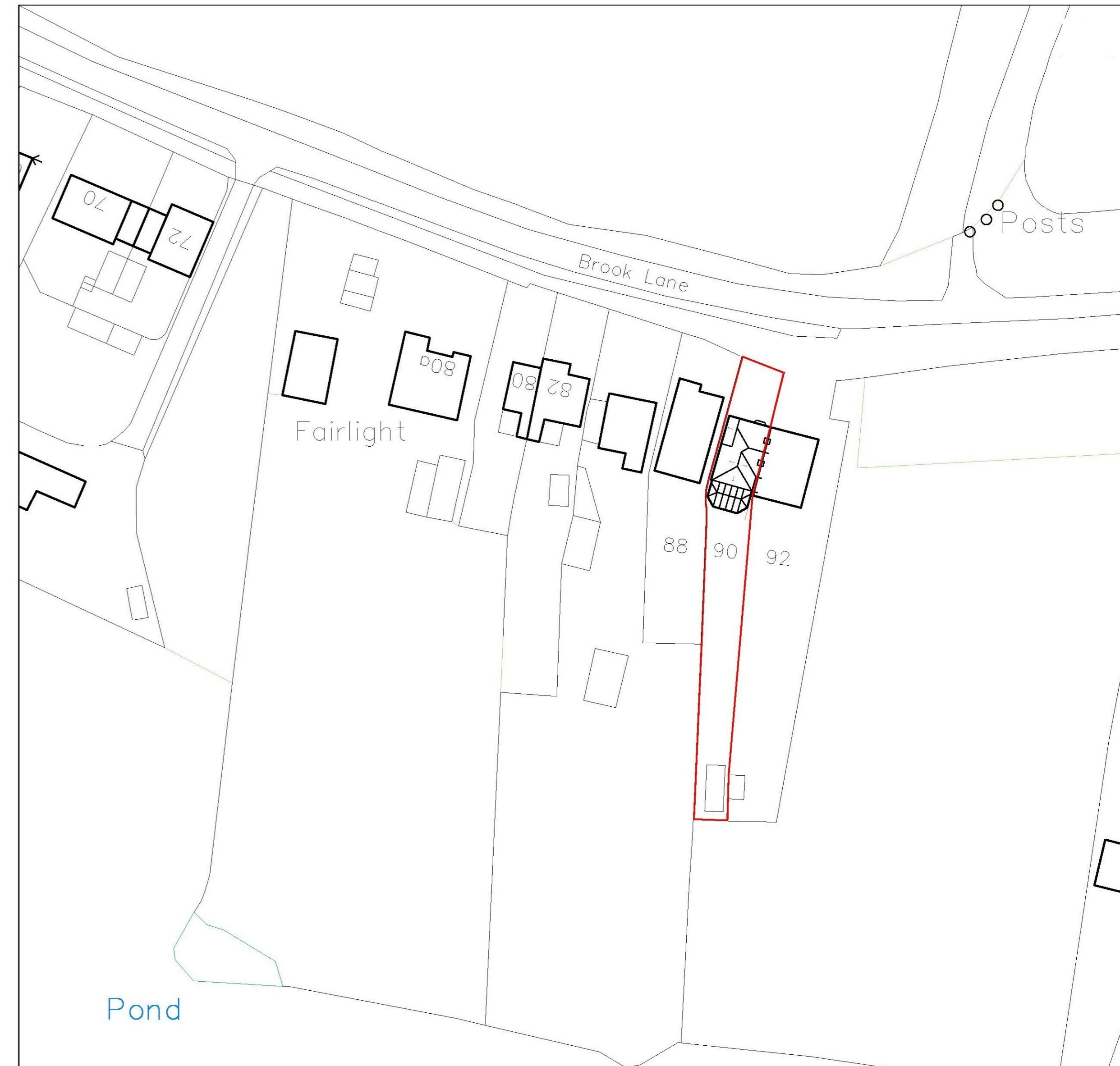
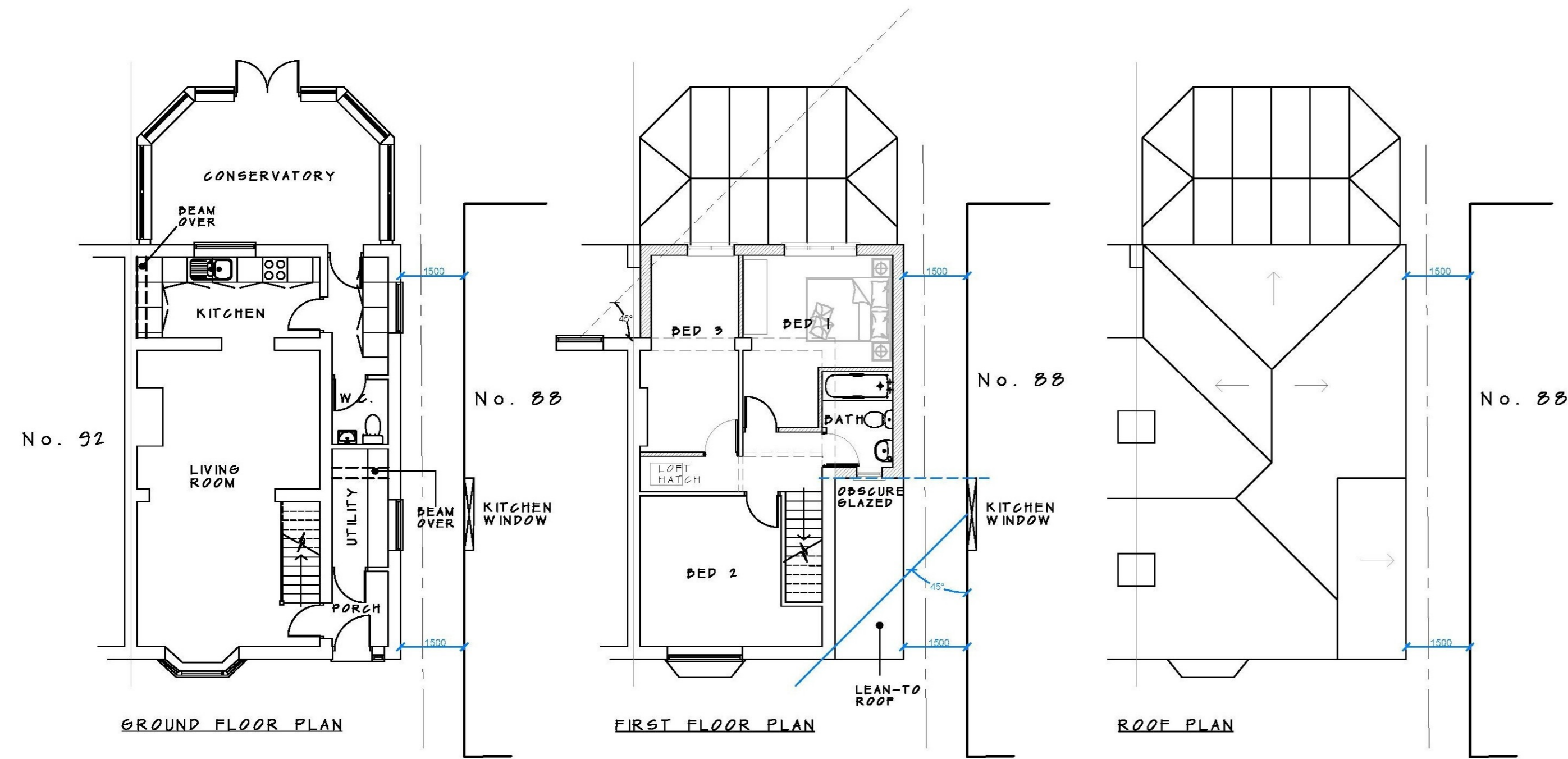
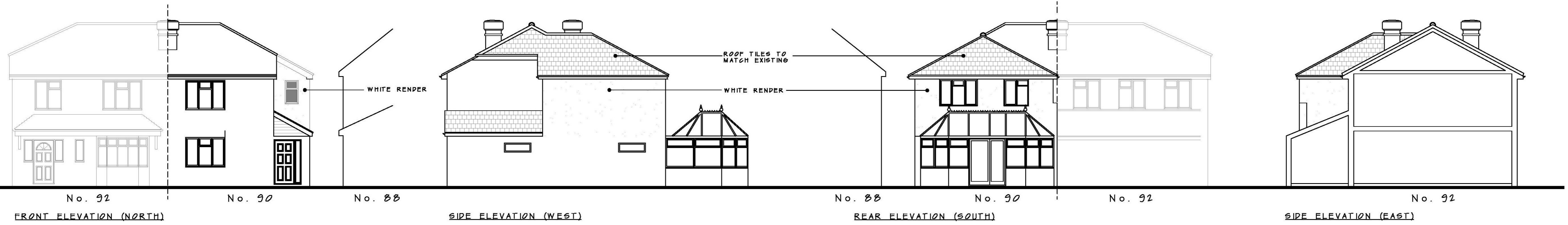


FIRST FLOOR PLAN



ROOF PLAN







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

<b>Application No</b>	:	20/00386/FUL Full Application
<b>Location</b>	:	The Lodge Country Inn Hayes Chase Battlesbridge Wickford Essex SS11 7QT
<b>Proposal</b>	:	<b>The construction of 22 No. single storey 2 bed chalets to supplement the existing accommodation in the hotel.</b>
<b>Applicant</b>	:	
<b>Agent</b>	:	Premier Piling & Foundations Ltd (Henry Mendel)
<b>Date Valid</b>	:	2nd April 2020

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**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings
Appendix 3	Applicant's Design and Access Statement

## **1. Executive summary**

- 1.1. This application is referred to Planning Committee at the request of a local ward member due to concerns that the Council's intention to refuse planning permission would stifle the economic and business development of The Lodge Country Inn and that the benefits to the existing business amounts to very special circumstances to outweigh any harm to the Green Belt.
- 1.2. The site lies within the Metropolitan Green Belt, where there is a presumption against new development and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 1.3. The proposal is recommended for refusal as it amounts to inappropriate development in the Green Belt and is therefore contrary to the National Planning Policy Framework (NPPF) and Chelmsford Local Plan.

## **2. Description of site**

- 2.1. The site is located within the Metropolitan Green Belt, where there is a presumption against new development.
- 2.2. The site is located outside of any defined settlement boundary and within the Metropolitan Green Belt. The hotel stands in relative isolation to the north of Burnham Road with very little built form in the immediate vicinity, it is surrounded by open and undeveloped farmland. The site is served by road and has no access to public transport options in the close or wider vicinity.
- 2.3. The land surrounding the site is largely undeveloped vacant grass and farmland, bounded by mature and well-established hedgerows. The site is found in a countryside location where an open character prevails.
- 2.4. Hayes Chase retains a rural appearance with mature hedgerows on its boundaries, dissecting through largely open farmland, which sits on either side. The Chase provides access to the handful of residential properties located at the northern end and access to the A132/Burnham Road to the south.
- 2.5. The land to be taken to the proposed three buildings currently functions as a beer garden, whilst maintaining a green and rural aesthetic in its grassed nature, the land is populated by transient paraphernalia such as benches and climbing frames. There is also a small crazy golf course near to the car park. Whilst the presence of such items have some urbanizing visual impact, this is very limited in that all such ancillary items could be removed returning the land to an open and undeveloped field. In this regard the application site remains a composite part of the wider countryside and open land therein.

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

- 3.1. The application seeks permission for the construction of four single storey buildings that would provide twenty-two additional bedrooms to supplement the hotel. The hotel currently has eight bedrooms and is located to the north-west of the application site. The buildings proposed would be located within land that currently serves as the garden to the hotel bar and restaurant.
- 3.2. The proposed buildings measure a cumulative 135 sq. metres in footprint and all four buildings would measure 4 metres in height. Block A would measure 12.5 metres in length and 2.84

metres in width; Block B would measure 10.3 metres in length and 2.9 metres in width; Block C would measure 12.15 metre in length and 2.9 metres in width whilst Block D would measure 12.3 metres in length and 2.7 metre in width. The building would be laid out in a triangular formation with a central lawn in between, herringbone block paving would be laid as pathways serving each building and an area of tarmac would be laid to serve as an off-loading area.

- 3.3. The submitted Design and Access Statements sets out that the buildings would be for the purpose of providing additional accommodation to supplement to the main hotel buildings and provides an economic justification as to why the buildings should be granted planning permission.
- 3.4. The same proposal has been previously submitted and refused planning permission in April 2019 (application 19/02027/FUL refers).

#### **4. Summary of consultations**

##### 4.1 Rettendon Parish Council –

The Parish Council note that this application is in designated Green Belt land and can see no reason for anything contained within the application to override this

##### 4.2 Public Health & Protection Services –

No comments provided

##### 4.3 Essex County Council Highways – **Objection**

The developer has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency.

The supporting information states that the existing Public House/Hotel car park has 200 parking spaces and would be adequate for the proposal. However, there is no information provided in the proposal to support this.

Additional information is required to show the existing off-street parking arrangements and its adequacy and the additional off-street parking for the proposal.

##### 4.4 Local residents –

No comments

#### **5. Planning considerations**

##### ***Main Issues***

- 5.1. The following issues will be considered as part of this report:
  - a) Controlling development in the Green Belt
  - b) Impact of the Development on the Green Belt
  - c) Very Special Circumstances
  - d) Impact on Users of the Highway
  - e) The Sustainability of the Proposal
  - f) Other Matters

##### ***Controlling Development in the Green Belt***

- 5.2. The site lies within the Metropolitan Green Belt and open countryside. Chapter 13 of the National Planning Policy Framework (the Framework) seeks to protect Green Belt land. At paragraph 133 the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It goes on to state that the essential characteristic of Green Belts are their openness and permanence.
- 5.3. Paragraph 134 of the Framework sets out the five purposes of the Green Belt. These include 'to assist in safeguarding the countryside from encroachment'.
- 5.4. Whilst there is no definition of “openness”, it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects. Openness is taken to be 'open textured' and can include both spatial and visual considerations.
- 5.5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.6. At paragraph 144 of the Framework states that when considering Planning Applications Local Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.7. Paragraph 145 states that the construction of new buildings should be considered inappropriate unless they fall within a specific list of exceptions. This includes buildings for agriculture and forestry, appropriate facilities for outdoor sport and recreation, extensions to a building, a replacement building provided that the building is not materially larger than the one it replaces and the redevelopment of previously developed land. Paragraph 146 also lists forms of development, such as engineering operations and the change of use of land, which are not considered to be inappropriate development providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 5.8. The construction of a building for the purposes of hotel accommodation and tourism does not fall with any of the exceptional forms of development set out within the Framework.
- 5.9. Policy DM6 sets out the criteria for new buildings in the Green Belt. The policy states that new buildings will only be accepted where it complies with a list of exceptions. This list follows the Framework and does not include buildings for the purpose of hotel accommodation or tourism. Policy DM10 relates to engineering operations in the Green Belt and follows the requirements of the Framework to preserve openness and not conflict with the purposes of including land within the Green Belt.

### ***Impact of the Development on the Green Belt***

- 5.10. The proposed building would be located to the south and east of the main hotel building and complex consuming land that is otherwise undeveloped, grassed and green leaving aside the transient garden paraphernalia mentioned above. The proposed building would not represent nor fall into any of the exceptional forms of development listed within the Framework nor Policy DM6 of the Council's Local Plan.

- 5.11. Under the direction of the above policy the construction of the four buildings is therefore inappropriate development and is, by definition, harmful to the Green Belt. This harm is afforded substantial weight. Inappropriate development should not be approved except in very special circumstances. Whether there are very special circumstances will be considered later in this report.
- 5.12. Beyond the development being inappropriate, the four buildings proposed would result in a spatial loss of openness eroding an undeveloped and open parcel of the Green Belt. The development would also represent urbanizing and intrusive development into an area of prevailing rurality such that would be a visual loss in openness.
- 5.13. Conversely to the current condition of the application site, the development proposed would see the introduction of a considerable quantity and size of formalized and permanent built form into the site. The buildings would be dense and substantial in proportion representing linear blocks that would consume 135 sq. metres of undeveloped and open land and such an impact represents a negative change to the openness of the Green Belt. The development would spatially encroach into land that forms part of the wider countryside and therefore the proposal would frustrate and conflict with the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. The introduction of such development is harmful to the characteristics of the Green Belt reducing and eroding its open nature.
- 5.14. The development would also be readily viewable within the immediate context, primarily disrupting the soft landscaped edges and pastoral features enjoyed within the hotel grounds but further representing visual intrusion into the surrounding countryside. The development would be highly visible from Hayes Chase which is a well-used road providing access to the A132 to the south and readily viewable within the wider landscape. In combination with the existing hotel complex and the areas of hardstanding within the development proposed would convalesce to form a highly urban and incongruous feature. The building, whilst single storey in height would likely protrude above and stand proud of the perimeter boundary landscaping and retain an elevated position in the surrounding landscape by virtue of the slight hill upon which the hotel sits.
- 5.15. In combination the proposed development would increase the spread and extent of built form on site by about 25% and would lead to a significant reduction in the general openness of the area both spatially and visually. Beyond the harm to the Green Belt by way of inappropriateness the development would conflict with the purposes of including land within it and represent a noticeable intensification of built form in any area where it is currently sparse. The proposed development is therefore contrary to the requirements and direction of National Planning Policy and the Council's Local Plan.

### ***Very Special Circumstances***

- 5.16. Emerging Policy DM6 states that planning permission for inappropriate development in the Green Belt will not be approved except in very special circumstances. The National Planning Policy Framework says that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm, resulting from the proposal is clearly outweighed by other considerations.
- 5.17. The applicant has provided a detailed Design and Access Statement in supplement to the application setting out an economic argument for permission to be granted for the four buildings. The statement is available at Appendix 3 of this Report and in summary sets out that the Lodge Country Inn is a licensed wedding venue and provides accommodation for visitors to weddings and in the area, it is stated that there is a shortage of hotel accommodation in the local area and the facility



experiences a high demand for its services leading to a desire for the business to expand. With the expanded facilities it is stated that the hotel would provide local employment to a further 8 full-time staff and 7 part-time staff and use a local supply chain to provide meat, veg and linen. The statement goes on to suggest that the expanded hotel accommodation could provide a base and facility from which golfing holidays could operate.

- 5.18. The statement is accompanied by a list setting out the numbers of enquiries turned away by the hotel on the basis of a lack of rooms available and the monetary cost that this equate to on an annual basis; this is stated to be £265,608 per year.
- 5.19. The Council have reviewed the economic case put forward in the statement for expanding the hotel in detail however it is not considered that these amount to very special circumstances such that the development would be acceptable in the Green Belt.
- 5.20. Reviewing each element of the case put forward in turn, the applicant suggests that there is a shortage of hotel accommodation in the local area however it is not clear as to the quantity of accommodation that would need to be available in order for demand to be met in the area, neither is there certain evidence of the demand forthcoming. The statement provides a letter from Essex County Council Tourism which states that having more accommodation would benefit leisure and tourism however no tourist demand modelling or forecasting has been provided that may convincingly demonstrated that there is an essential need for increase hotel accommodation in the south of the Borough. Further the statement points to a number of already available facilities providing hotel accommodation in the area adding further doubt that there is a shortfall.
- 5.21. The statement also suggests that there is high demand for tourists using the hotel however page 3 to the statement indicates that traveling salespersons, visiting contractors and construction personnel working locally occupy the hotel frequently. Further the list to the rear of the statement is limited to a list of refused bookings and limited weight is attached to it in view of the absence of any detail. Finally, the Golf holidays proposed do not appear to be a functioning element of the business as yet.
- 5.22. Taking account of the above, it appears to the Council that the expansion of the facility would have a modest contribution to the local economy however in view of the viability of the business not being threatened and the absence of any overriding nor essential need for the expansion the economic factors are not considered to amount to very special circumstances that would clearly outweigh the harm to the Green Belt set out above. The economic reasons put forward remain unconvincing and a desire to expand one's business nor the aggregation of a number of commonplace factors does not amount to very special circumstances.
- 5.23. In the long term, the needs of a business will always be transient when compared to a permanent building where the harm to the Green Belt would continue beyond the building's use. It remains unclear that the absence of the buildings would render the business unviable and the commonplace economic arguments could be replicated in many other instances within the Green Belt such that this would undermine the public policy of preserving the Green Belt and wider planning system. The economic factors of expanding the business are not considered to clearly outweigh the considerable visual and spatial harm to openness Green Belt. Very special circumstances do not exist and the proposal is therefore contrary to National and Local policies to preserve the openness of the Green Belt.

### ***Impact on Users of the Highway***

- 5.24. The Framework directs at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.25. Within in this context, subsequent paragraph 110 directs that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use and create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards amongst other matters.
- 5.26. The Chelmsford Local Plan at Policy DM27 concerns parking standards it states that the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards – Design and Good Practice (2009) document when determining applications.
- 5.27. Essex County Council Highways raise objection on the basis that the application fails to demonstrate that it is served by adequate off-street parking. On this basis it is considered that it is not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency.
- 5.28. It is likely that the increase of accommodation and expanded hotel will hold an increased impact on the surrounding highway network and the parking available within. The application lacks the sufficient evidence to identify whether there is spare car parking capacity and if there is, whether it would be adequate for the proposal
- 5.29. The standards required in Essex Parking Standards – Design and Good Practice (2009) document for a C1 Use (Hotel) is one parking per bedroom. Under this standard, an increase of twenty-two off street parking spaces is required to be shown, the application fails to demonstrate this.
- 5.30. The Council cannot be therefore sure that the proposal complies with the required parking standard and Policy DM27. The application therefore fails to respond to local design standards and adequately provide off-street parking. This is further compounded by the distinct lack of public transport available to serve the site.

### ***The Sustainability of the Proposal***

- 5.31. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 5.32. Paragraph 8 of the Framework sets out that achieving sustainable development mean that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right

time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.33. The application does not achieve the three overarching and interdependent objectives of sustainable development. Whilst granting the application would allow the business to expand providing modest contribution to the local economy this is outweighed by the environmental harm to the Green Belt and to the rural character and appearance from the development. This harm is compounded by the failure to attain the social objective of sustainable development.

5.34. The site is served by Hayes Chase which connects with Woodham Road to the north and the primary distributor of A132/Burnham Road to the south which provides adequate levels of accessibility by private car. However the site is largely detached from South Woodham Ferrers, Battlesbridge and Rettendon Place where public transport options are available. Hayes Chase is a private road which is narrow, absent of street lighting and public footway whilst Woodham Road and Burnham Road are Class III and A Road with fast throughflow and no street lighting. The closest bus stop to the site is in excess of 500 metres to the north on road not conducive to public footfall.

5.35. It is highly likely that staff, customers and visitors to the hotel would rely of private car by way of access and as such the proposal is not socially sustainable. This weighs heavily against the proposal.

5.36. The proposal would hold economic benefit, when considered in the round, this does not outweigh the negative social and environmental impacts of the scheme and therefore the application fails to represent sustainable development. This is contrary to overarching direction of the Framework at paragraph 8.

### ***Other Matters***

5.37. The submission of this application follows from a previous 19/02027/FUL refused on 9<sup>th</sup> April 2019 for the same proposal. The application subject to this report does not show any amendments to the built form proposed and whilst additional information is provided in the Design and Access Statement beyond that readily provided by the applicant, the position of the Council has not changed.

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

6.1. This application is CIL Liable and if approved a CIL charge would be payable.

## **RECOMMENDATION**

**The Application be REFUSED for the following reasons:-**

### **Reason 1**

The site lies within the Metropolitan Green Belt and open countryside where the National Planning Policy Framework directs that new building are to be considered as inappropriate development unless falling within a list of exceptional development or very special circumstances exist to grant the permission. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The application proposes four buildings for the purposes of additional hotel accommodation and tourism. This type of development does not fall into any of the listed exceptions set out in the Framework and is therefore inappropriate development. The proposal would also harm the openness of the Green Belt through encroachment into and consumption of an area of open and undeveloped grassland. The incumbent buildings would be visually intrusive and would urbanise the surrounding countryside. In combination this would contribute a high level of harm to the openness of the Green Belt and this attached substantial weight.

The applicant however considers that the economic benefit of granting the proposal amounts to very special circumstance that would allow the proposal to be acceptable in the Green Belt. The Council have reviewed the economic case submitted and consider that whilst there would be a modest economic contribution to the local economy this is not so great that it can represent very special circumstances to outweigh the harm to the Green Belt.

The proposal amounts to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt which is not outweighed by very special circumstances and is therefore contrary to the National Planning Policy Framework and Local Planning Policy DM6.

### **Reason 2**

Policy DM27 concerns parking standards it states that the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) document when determining applications.

Under the standard set out within this document, the application is required to show that an addition 22 parking spaces are available to support the expanded facility, the application fails to do this. The application therefore fails to respond to local design standards and adequately provide off-street parking. This is further compounded by the distinct lack of public transport available to serve the site.

The application does not demonstrate that the proposal would be acceptable in terms of highway safety and efficiency. The application therefore fails to respond to local design standards and adequately provide off-street parking and is contrary to Local Planning Policy DM27.

### **Reason 3**

Paragraph 8 of the National Planning Policy Framework (NPPF) sets out the dimensions of sustainable development: economic, social and environmental. Paragraph 11 of the NPPF sets out the approach to the presumption in favour of sustainable development. Policy S1 of the Chelmsford Local Plan reflects the sustainability objectives of the NPPF.

The proposal would not meet the environmental role of sustainable development through harm the Green Belt and open and rural countryside. The site is located on a road absence of streetlighting and pedestrian

footway and is poorly served by public transport. The application would not therefore meet the social objective of sustainable development. Both factors weigh heavily against the proposal.

The proposal would see the creation of jobs on the site and use of local supply chains; this represents a modest economic contribution that would represent economic fulfilment of sustainable development however this does not outweigh the environmental and social factors weighing against the proposal.

The principles of sustainable development are not fulfilled and the development does not amount to sustainable development of the purposes of paragraphs 8 and 11 of the Framework and Policy S1 of the Chelmsford Local Plan.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

### **Background Papers**

Case File

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**Rettendon Parish Council****Comments**

28.04.2020 - The Parish Council note that this application is in designated Green Belt land and can see no reason for anything contained within the application to override this.

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

15.04.2020 - No PH&PS comments with regard to this application.

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

05.06.2020 - Your Ref: 20/00386/FUL

Our Ref: CO/EGD/SD/RM/CHL/20/386/34498

Date:- 6th June 2020

**Holding Recommendation for Refusal**

This recommendation is consistent with the previous application 19/00135/FUL, which is identical highways terms.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency.
2. The supporting information states that the existing Public House/Hotel car park has 200 parking spaces and would be adequate for the proposal. However, there is no information provided in the proposal to

support this.

3. Additional information is required to show the existing off-street parking arrangements and its adequacy and the additional off-street parking for the proposal:

i. The existing parking provision and layout to be shown within the application redline plan area.

ii. The likely trip generation together with the number of parking spaces required for the proposal.

iii. A parking accumulation survey to establish the usage and any spare capacity of the existing Public House/Hotel car park. This is to identify whether there is spare car parking capacity and if there is, whether it would be adequate for the proposal.

The proposal as submitted is therefore contrary to policies DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

## Local Residents

Comments
Representations received – needs summarising







Hotel & Restaurant

Pedestrian Entrance

Housekeeper's store

Boundary Fence



Tarmacadam



Lawn



Herringbone Block paving

Off Loading Area

Vehicle Entrance

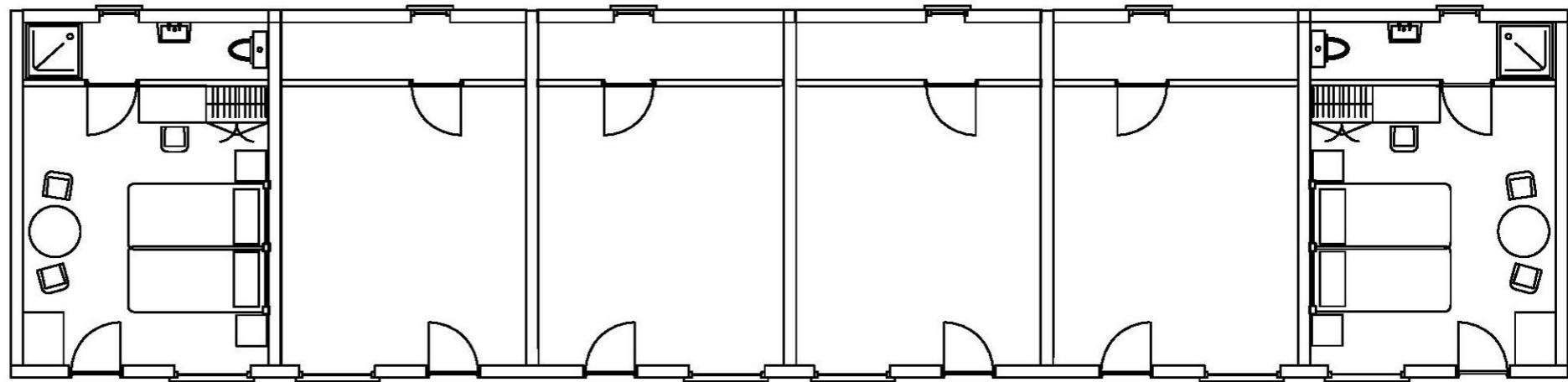
Boundary Fence

6 Unit Accommodation Block C

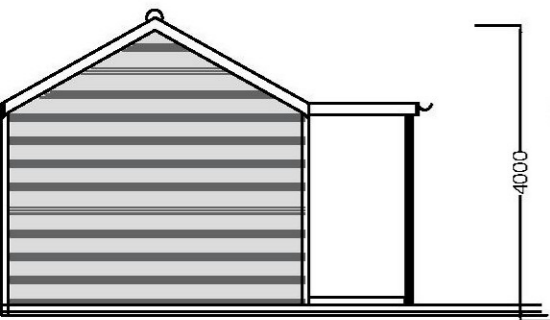
6 Unit Accommodation Block D

6 Unit Accommodation Block A

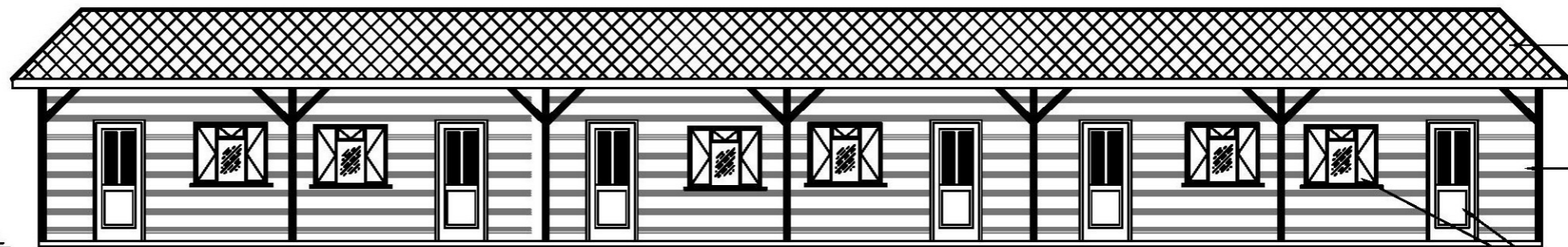
6 Unit Accommodation Block B



Typical 6 Unit Accommodation Block  
Designed and constructed by Kingspan Timber Ltd



Accommodation Unit Side Elevation

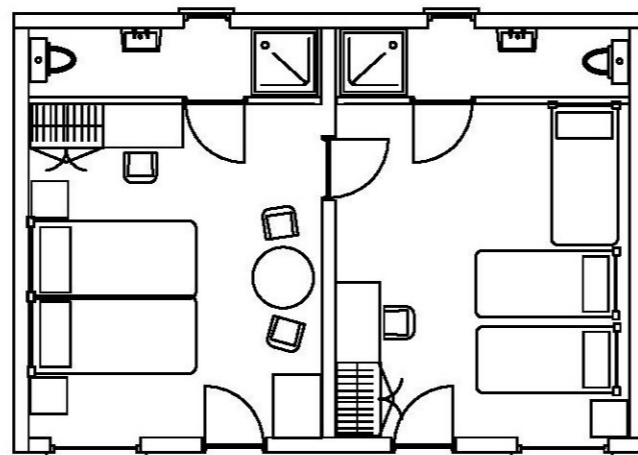


Accommodation Unit Front Elevation

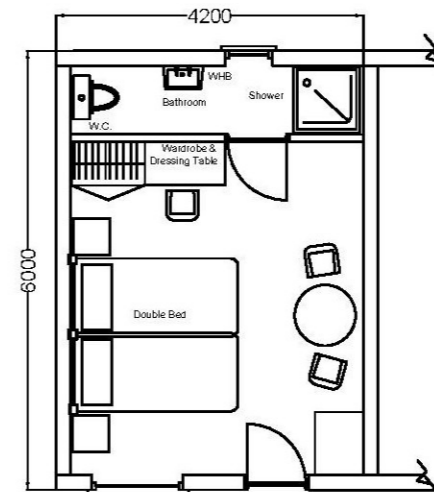
Marley Thrutone Fibre  
Cement Slate Tiles

Fortex misty gray  
shiplap planks

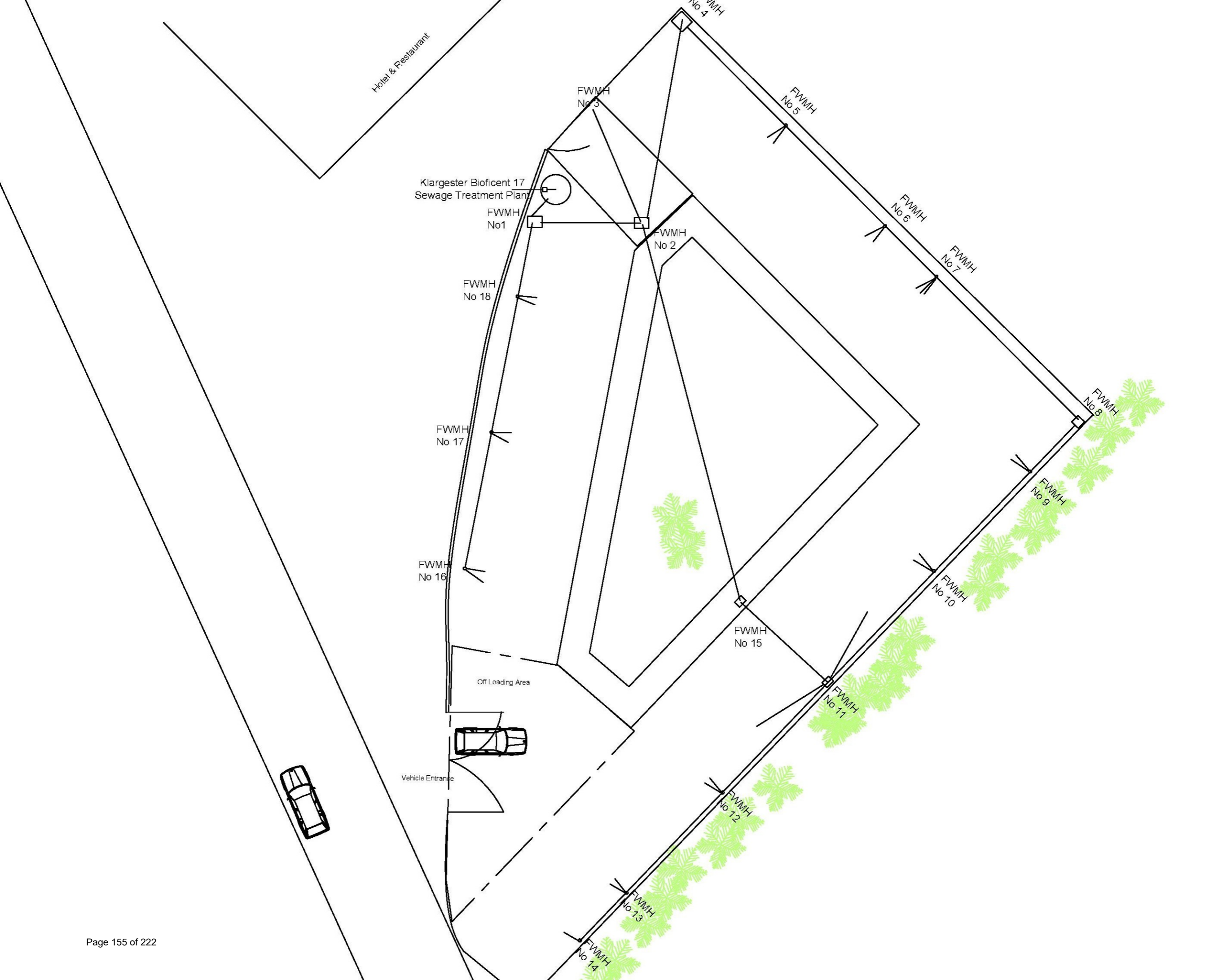
Doors & windows  
White UPVC  
double glazed units

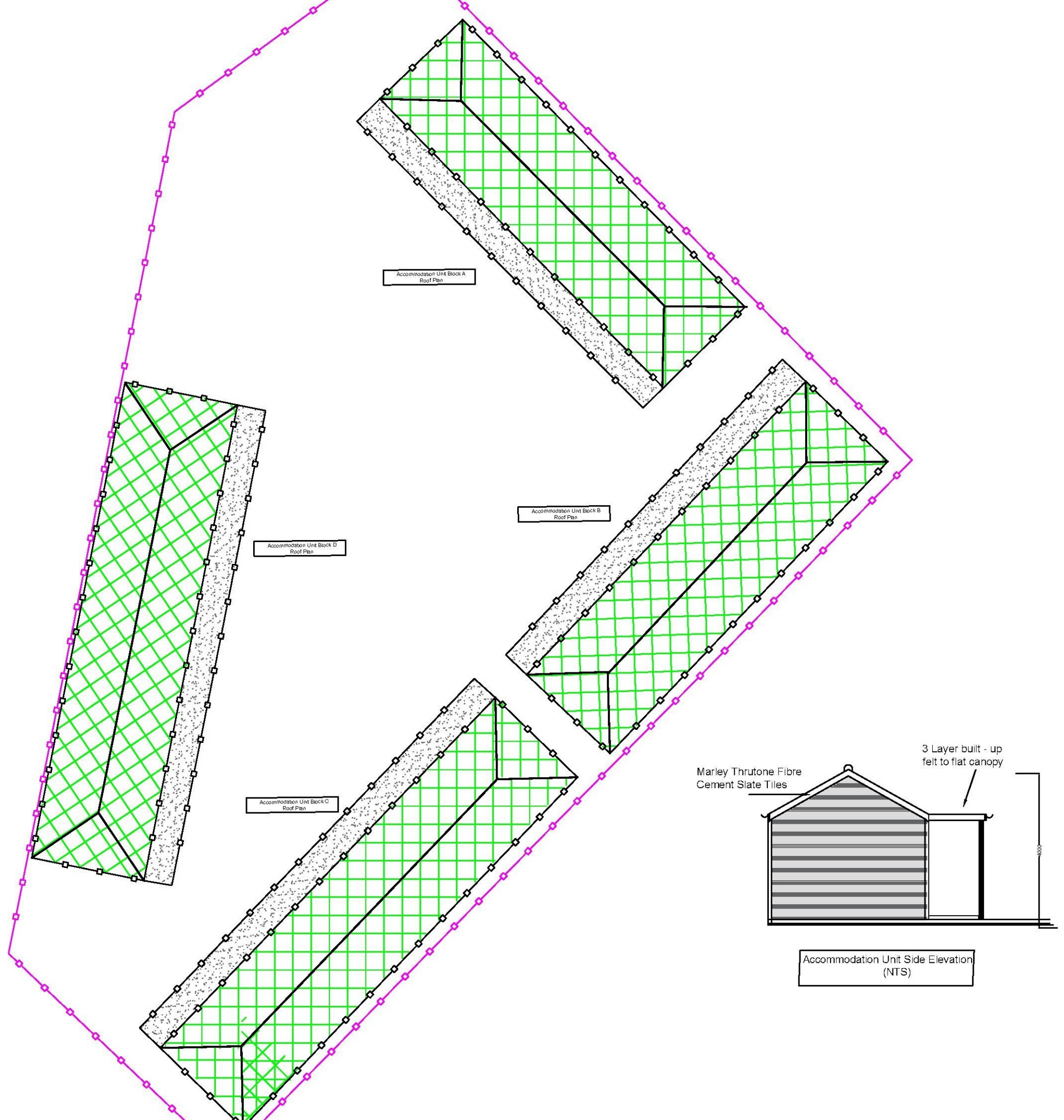


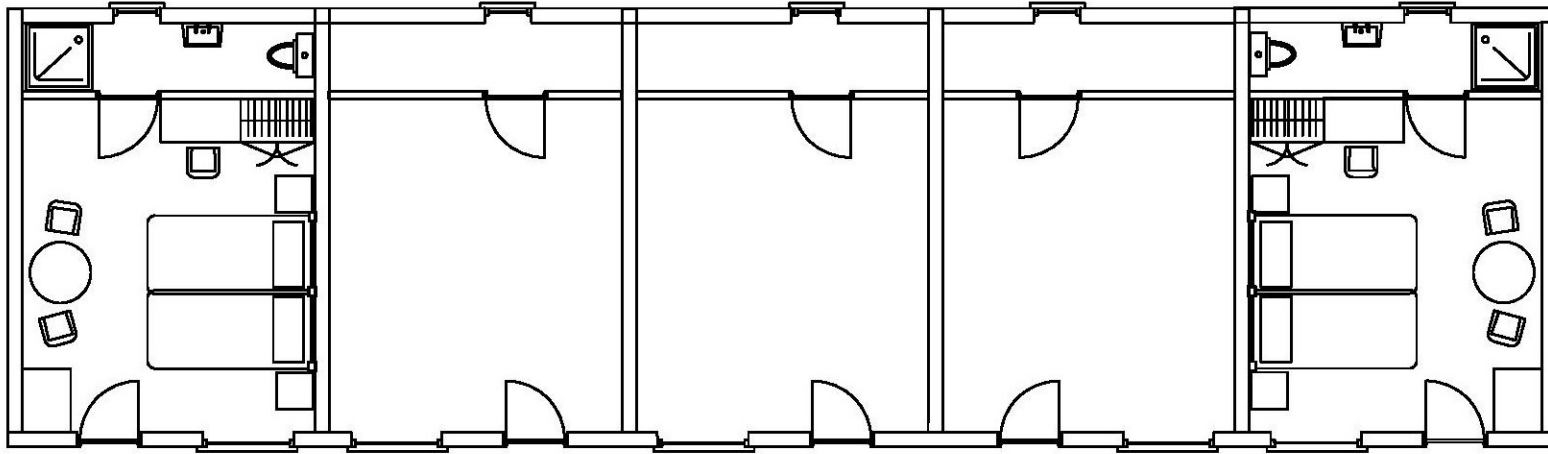
Typical Family Unit



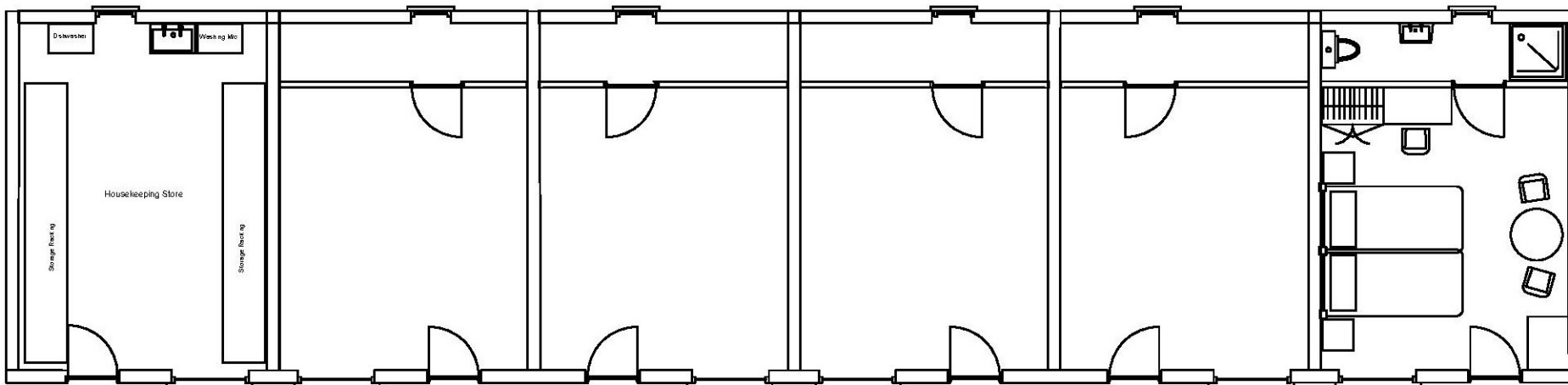
Typical Double Bed Unit



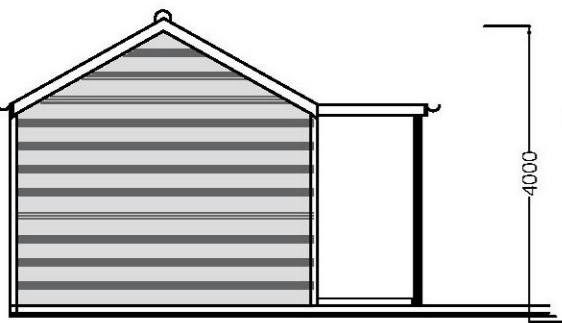




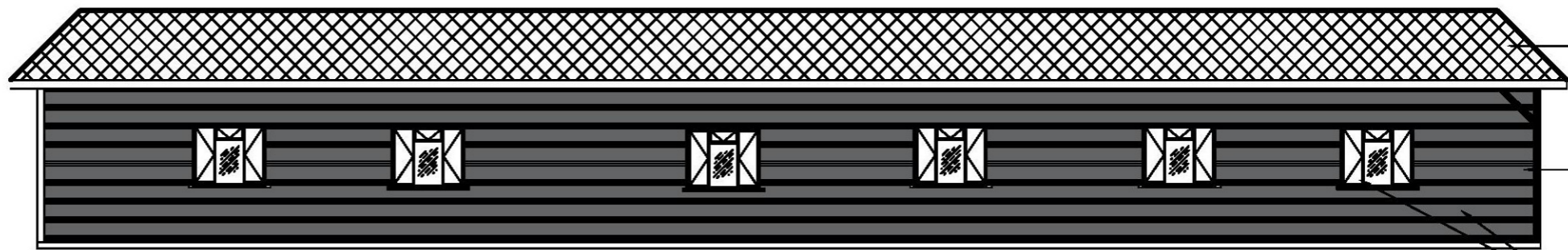
Floor Plan Accommodation Block B



Floor Plan Accommodation Block A



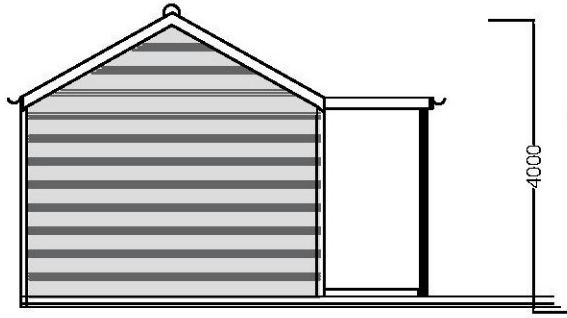
Side Elevation Blocks C & D



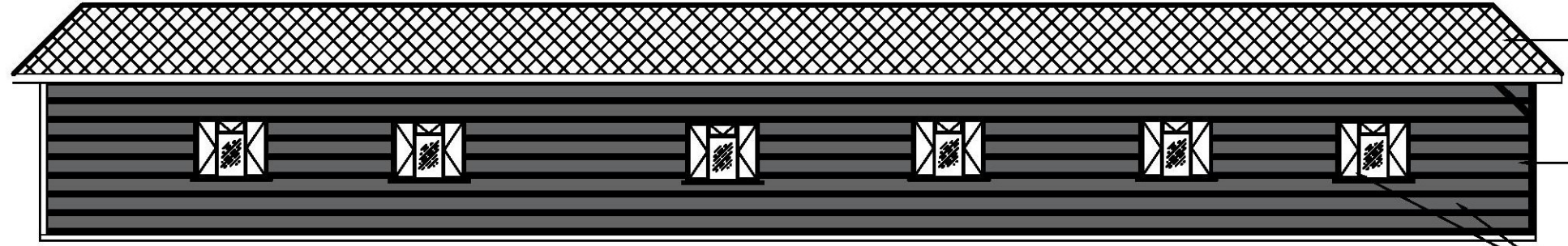
Accommodation C & D Rear Elevation

Fortex misty gray shiplap planks

Doors & windows  
White UPVC  
double glazed units

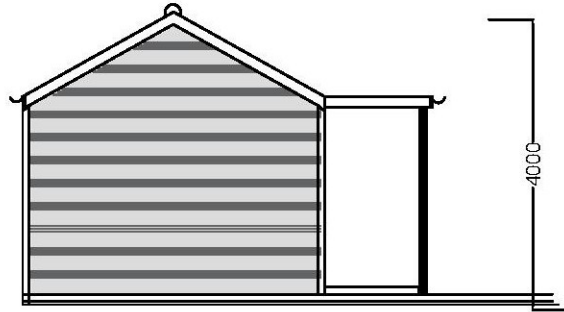


Side Elevation Blocks C & D

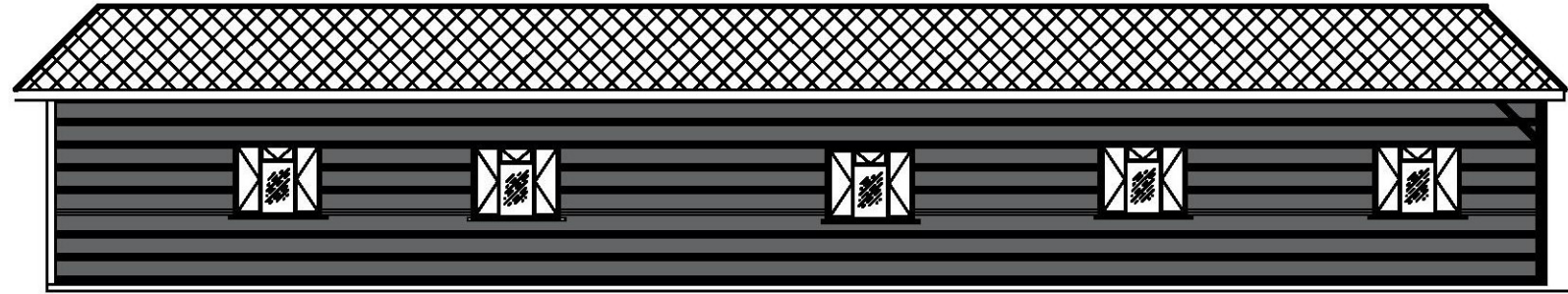


Accommodation Block A Rear Elevation

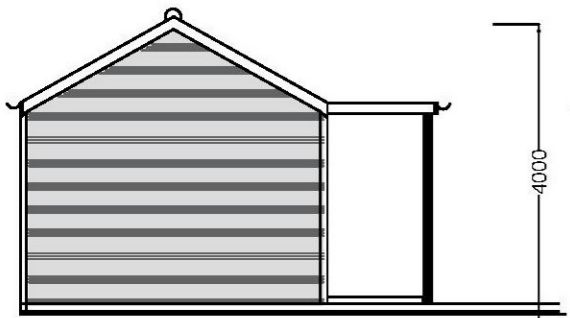
Fortex misty gray shiplap planks  
Doors & windows White UPVC double glazed units



Side Elevation Blocks C & D



Accommodation Block B Rear Elevation



Side Elevation Block B

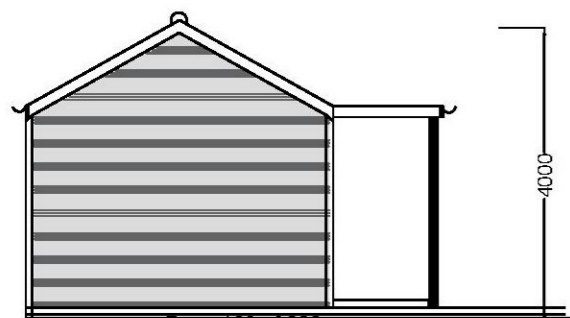


Accommodation Block B Front Elevation

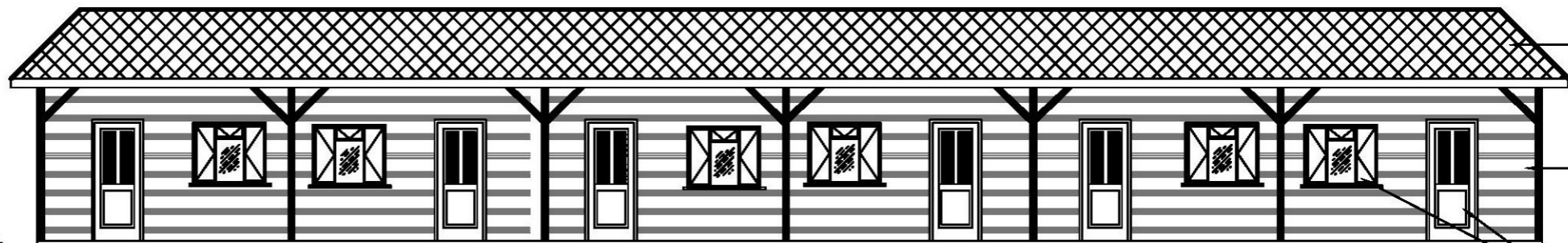
Marley Thrutone Fibre Cement Slate Tiles

Fortex misty gray shiplap planks

Doors & windows White UPVC double glazed units



Side Elevation Block A



Accommodation Block A Front Elevation

Marley Thrutone Fibre Cement Slate Tiles

Fortex misty gray shiplap planks

Doors & windows White UPVC double glazed units



# *The* **Lodge**

COUNTRY INN



**Access Statement & Description**

**of**

**Proposed Development**

**Revision B February 2020**

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## 1.0 INTRODUCTION

The Lodge Country Inn is a privately owned and operated establishment providing refreshment, accommodation and entertainment for patrons ranging from children to senior citizens.

The venue has been owned and operated by the current incumbent, Mr Brian Butterworth and his family for over 15 years. Throughout this period the business has expanded to provide limited accommodation, a meeting point for several clubs and societies and during the past two years has become a licensed venue for weddings and a variety of family gatherings.

## 2.0 JUSTIFICATION OF NEED

The South East corner of Essex has many attractive venues and visitor attractions but is short on reasonably priced, good quality overnight accommodation. This shortage is particularly noticeable in the Wickford, South Woodham Ferrers, Burnham-on-Crouch, Fambridge and surrounding areas.

The following is a schedule of premises within a 6 mile radius of the Lodge showing number of rooms and the approximate cost per night (as at 01/08/19):

Ref	Venue	Rooms	£/per night
1	Oaklands Hotel	36	62.00
2	Lodge Country Inn	8	55.00
3	Toby Carvery	28	54.00
4	Fazer's Guest House	4	85.00
5	The Chichester	36	70.00
6	Downham Hall	6	79.00
		<b>Total</b>	<b>110</b>

Table 1: Local Accommodation

This shortfall has become especially noticeable since The Lodge Country Inn joined the popular website system, Booking.Com, a facility for direct on-line bookings for hotel accommodation by members of the public. With only 8 self-contained rooms being available in The Lodge's main building the staff who operate the accommodation section of the business, are finding themselves having to turn away several enquiries each day due the existing 8 rooms being fully occupied for most nights of the week and weekends. Table 2 summarises the number of enquires that had to be

refused over the past few months. Although not specifically logged and cauterised, we are able state that the amount of refusals faced over the past 2 years are consistent with the figures shown in Table 2 below.

The records for past 3 months of declined bookings are scheduled in *Appendix 2* below.

Month	No of Enquires	Room/Nights	
Aug 19	145	276	
Sep 19	103	322	
Oct 19	98	243	
<b>Total</b>	<b>346</b>	<b>841</b>	

*Table 2: Summary of Refused Room Enquires*

From the above table, it can be determined that the average refused enquires per week between 1st August and 29th October amounts to 25 No. which equates to 60 lost nights of accommodation income.

Whilst this situation costs The Lodge Country Inn valuable income, it also deters members of the public from visiting this part of Essex causing a loss of tourism, which is detrimental to the community at large and to local businesses, in particular those who operate in this area of the County of Essex.

Many customers occupying the rooms during weeknights are:

- ❖ Traveling Salespersons
- ❖ Visiting Contractors
- ❖ Construction personnel working locally short term
- ❖ Tourists
- ❖ Wedding Guests (mainly at Weekends)

The most critical of the above to the business are the guests attending weddings and other social parties, particularly at weekends.

The lack of on-site accommodation is having a direct effect on the business and is prohibiting our ability to promote and build-up the Wedding Services side of the business. Clients wishing to book weddings at The Lodge are deterred from booking our venue as many of the guests attending such functions often need to travel long distances (Including

from overseas) and therefore require overnight accommodation. It is not practical for guests attending the function and leaving circa 23/24.00 hrs to travel offsite to local accommodation, when most likely alcohol has been consumed during the day.

If the shortage of accommodation on site can be overcome, this will have a knock-on effect in terms of providing permanent and temporary jobs at the venue, and also potentially increasing the turnover of many local businesses due to the Proprietors of The Lodge Country Inn having a policy of sourcing goods and services from locally based companies.

### **3.0 EMPLOYMENT OPPORTUNITIES**

If the additional accommodation on site is provided, it will create a need for additional full and part time staff which will be sourced locally.

Additional positions will be created as follows:

Title	Full Time	Part Time
Housekeepers (4)	2	2
Security Persons	1	1
Receptionists (2)	2	
Commie Chef	1	
Secretary/Administrator	1	
Bar Tenders (2)	1	1
Waiters (3)		3

*Table 3: Additional Staff*

### **4.0 SPORTING ACTIVITY PROPOSAL**

A unique opportunity to encourage selected visitors to the South Essex area is to provide Golfers a facility for mini-golf breaks.

The author is a keen golfer and undertakes several mini-golf tours throughout the year.

Golf is a very popular participating sport for men and women of all ages and background.

A typical mini-golf tour would consist of 16-20 persons for a 3 or 4 day

break, playing 3 rounds of golf and some sightseeing and visits to local tourist attractions.

In my experience, it is very convenient to stay at a fixed venue for accommodation, particularly if the venue can provide meals, refreshment and entertainment as would be the case with the extended Lodge Country Inn facilities.

In addition to the accommodation and victuals, we would intend to provide transport to and from the base at Rettendon, to local golf courses via a local minibus/driver for the convenience of the golfers and their equipment.

We have discussed this proposal with 5 local golf clubs, and all have offered preferential Green Fee terms for golfers participating in this type of golf tour.

Properly advertised and presented, we would expect to attract 3 or 4 groups each month throughout the year.

## **5.0 SUPPORTING LOCAL SUPPLIERS**

The owners of The Lodge County Inn have a policy of sourcing as much of their goods and services from local sources whenever possible.

The table below shows the companies/persons that regularly trade with The Lodge and whose turnover will increase if the proposed Chalets are constructed. It is estimated, that due to increased accommodation and subsequent turnover for The Lodge, the increase in business with the local trades will be between 35/40% of the amounts shown in the Table.

Ref	Name	Good supplied	£spent/p.a.
1	Meatline	Meats	52,000
2	Clip Meats	Meats	54,000
3	Swift	Fruit & Veg	18,200
4	1st Class Linen	Laundry	62,400
<b>Totals</b>			<b>£186,600</b>

*Table 4: Local Business Trading*

## **5.0 INCREASED ACCOMMODATION PROPOSAL**

The owners of The Lodge Country Inn see this shortage of accommodation being solved by the provision of Chalet units sited on the unused land to the South of the main buildings as shown on the accompanying plans. This proposal is intended to occupy an area of approximately 0.2 hectares which is currently used for children's entertainment and external dining. These activities will be re-located elsewhere on the site.

*Appendix 1* is a photographic survey of the site from several aspects. By studying the photographs, it can be concluded that this proposal will have no visual impact on the surrounding areas.

## **6.0 BRIEF SITE DETAILS/HISTORY**

The area of the site where the proposed chalets are intended to be erected is currently, and has been for more than 18 years, an outdoor dining area and children's play area. It is intended to relocate this facility elsewhere on the site if possible.

Whilst the proposed area is zoned as Green Belt, it is not available for public access or use.

The said area forms part of The Lodge Country Inn curtilage and is private land not accessible to the public. Also, the area is not visible from any public thoroughfare or pedestrian access.

The facility, if built, will not cause any loss of amenity to the general public or any commercial businesses but will make good use of otherwise wasted land.

## **7.0 ECONOMIC LOSS DUE TO LACK OF ACCOMMODATION**

By reviewing Table 2 above it shows The Lodge having to turn away over 800 potential overnight bookings during a three-month period.

It is a fact that many of the guests staying overnight will make use of the bars and restaurants during their stay; It is calculated 35% of the guests purchase food and drinks, mainly evening meals.

Appendix 4 below shows the loss of income during the 3-month period. By calculating the cost of servicing guests and the amount spent by guest, we demonstrate the additional income that would be enjoyed if the additional accommodation was available.

## **8.0 MINIMAL IMPACT ON LOCAL INFRASTRUCTURE**

Given the amount of existing traffic movements by the public using the existing facilities on site, there would be little additional traffic occupying the A136 road where the site entrance adjoins the site as a result of this proposed accommodation facility.

Adjacent to the proposed development area there are existing car parks currently in use. These parking areas can accommodate the entire number of vehicles that are likely to use the new facility, with only minor modifications.

Full sewerage, water and electrical power are available adjacent to the proposed site without major upgrading.

For the convenience of customers, a covered walkway will be constructed to link the new chalets to the main services building.

## **9.0 BRIEF SPECIFICATION FOR CHALET UNITS**

The proposed accommodation blocks would consist of 3 blocks of 6 and one block of 5 self-contained terrace units, each accommodating two persons. Some unit would have communicating doors to the adjacent unit to form family units.

In addition to the accommodation units, one or more units would be provided to serve as plant rooms and storage to be used solely to serve the accommodation units.

Some units would be constructed to comply with the Disability Legislation.

All units will be provided with en-suite bathrooms, heating, lighting, and ventilation.

The area in the centre of the terraces would be landscaped including some seating. A permanent access path would be provided between the new accommodation complex and the main buildings.

It is proposed to construct the new units using SIPS and trussed low-pitched roofs. The sections would be manufactured off-site by Flight Timber Engineering Ltd, a specialist timber frame company based in Earls Clone, Essex, and Kingspan Timber Ltd and assembled on-site.

The external finish would be from light coloured plastic faced urethane shiplap cladding, the roofs would be finished with artificial grey slate. The windows shall be traditional double-glazed casement UPVC frames with doors to complement the proposed facade.



The rows of Chalet units shall be constructed on raft foundations consisting of a grid of mini piles supporting flat reinforced concrete slabs.

The general arrangement of the site and details of the buildings are shown on the attached drawings.

Prepared: Henry Mendel

15/02/2020

Contact: 01245 224645

Email: [mendel@btinternet.com](mailto:mendel@btinternet.com)

henry@premierpiling.com

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**From:** Cheryl Owen, Partnership Manager <[Cheryl.Owen@essex.gov.uk](mailto:Cheryl.Owen@essex.gov.uk)>  
**Sent:** 24 September 2019 14:30  
**To:** [lodgecountryinn@hotmail.com](mailto:lodgecountryinn@hotmail.com); [henry@premierpiling.com](mailto:henry@premierpiling.com)  
**Subject:** The Lodge Country Inn - Visit Essex  
**Attachments:** Guestlink-Venue NVG Forms 2019.pdf; Guestlink-Accommodation new NVG forms 2019.pdf

Good afternoon Henry and Brian

It was good to meet you this morning Henry. As I said you have a hidden treasure in The Lodge Country Inn. Visit Essex would be able to promote your accommodation, food and drink, weddings, conference, team building and crazy golf.

Thank you for showing me your future plans which looks great and an asset to your business. As I mentioned I can only assist members. Also I can only write on behalf of tourism stating what benefits this would have on tourism. As we Council run we cannot seem to be biased. However on this occasion having more accommodation in the area would obviously benefit leisure and tourism.

I also mentioned that we are holding our 2<sup>nd</sup> Visit Essex hospitality meeting, details as below. It would be good for you to attend as this networking meeting is intended for businesses involved.

Arrive 7.30am Tea/coffee and Bacon/Egg Rolls  
8am Welcome from Alex Rayner, Chairman and James Sharp, County Hotel General Manager  
Speakers include  
Cllr Mark Durham and Lisa Bone - Visit Essex  
UK Hospitality  
Alliance  
Ending with a Q & A from our panel of speakers  
Book now on  
<https://www.eventbrite.co.Uk/e/visit-essex-hospitality-networking-event-tickets-71244254483>

If you would like any further information then please do let me know

Kind regards

Cheryl

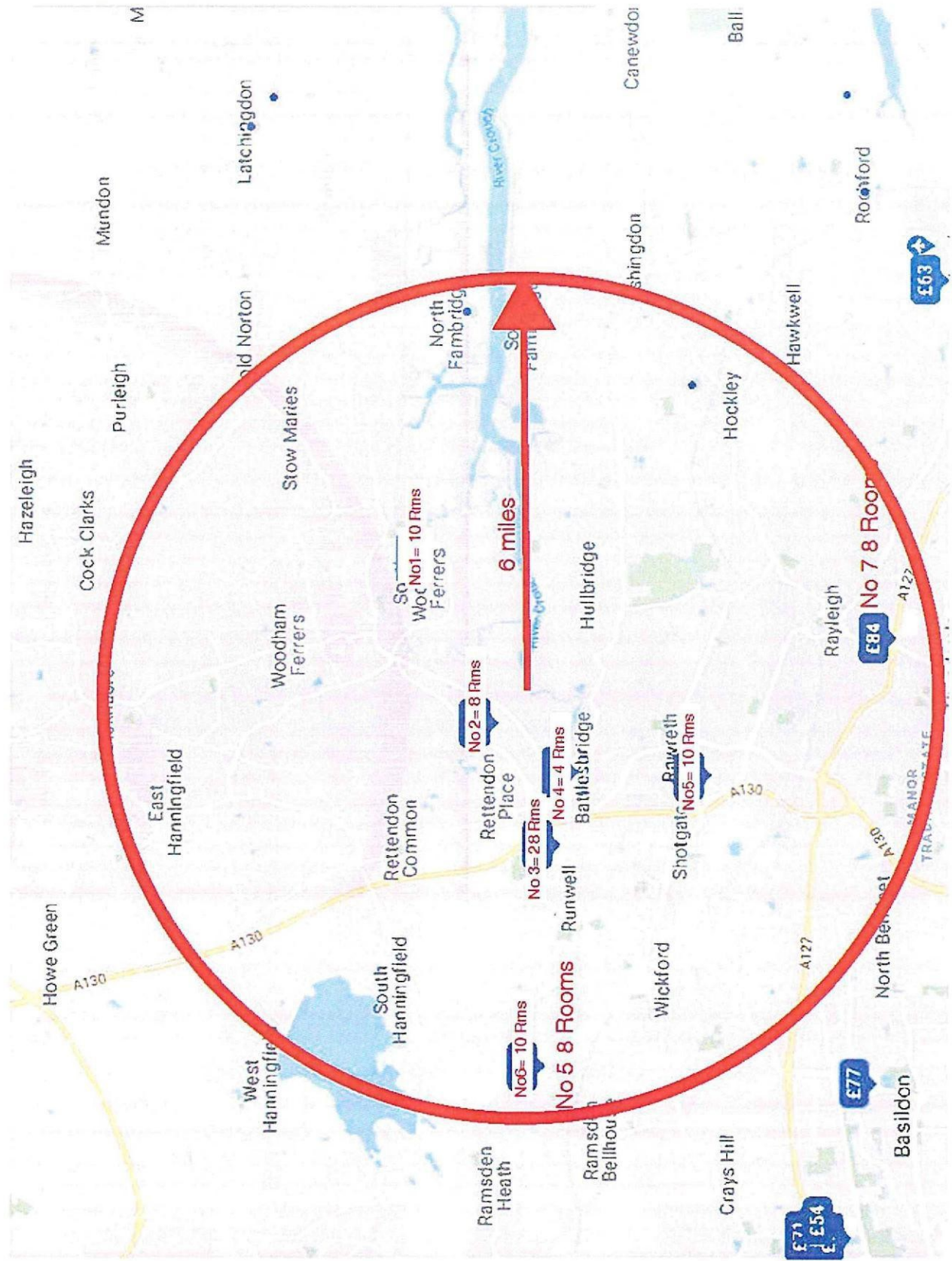
**Cheryl Owen**  
*Partnerships Manager*

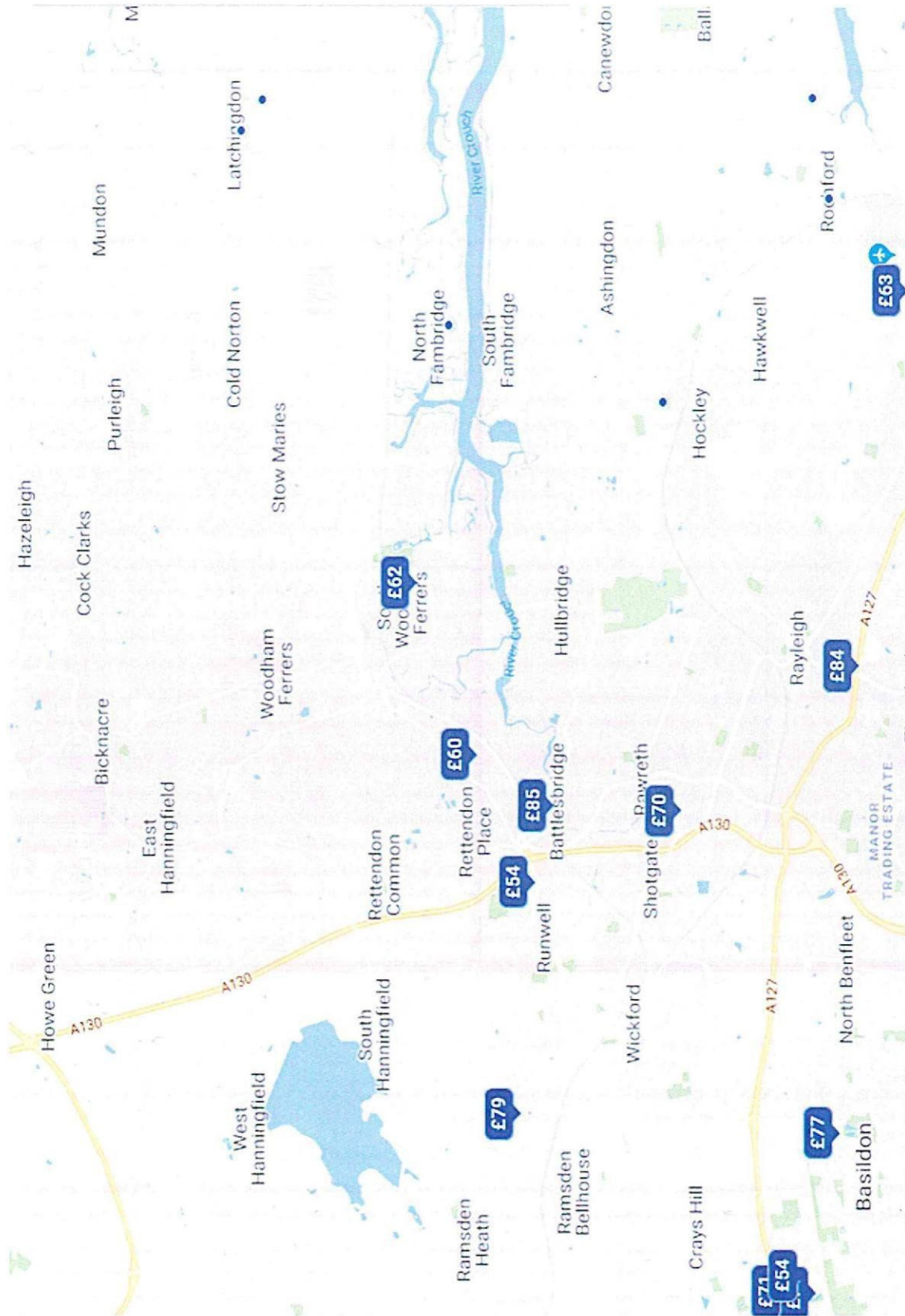
Visit Essex | telephone: 033301 30106 | email: [cheryl.owen@essex.aov.uk](mailto:cheryl.owen@essex.aov.uk)

Essex Tourism  
E3 Zone 1, County Hall,  
Market Road,  
Chelmsford  
Essex  
CM11QH  
Normal working days Mon-Thurs  
Website | Facebook | Twitter | Instagram | LinkedIn

**APPENDIX 1: LOCAL ACCOMMODATION FACILITIES**

# Appendix 1- Local Hotel Accommodation





2—View to West from proposed site

## **APPENDIX 2: PHOTOGRAPHIC SURVEY**

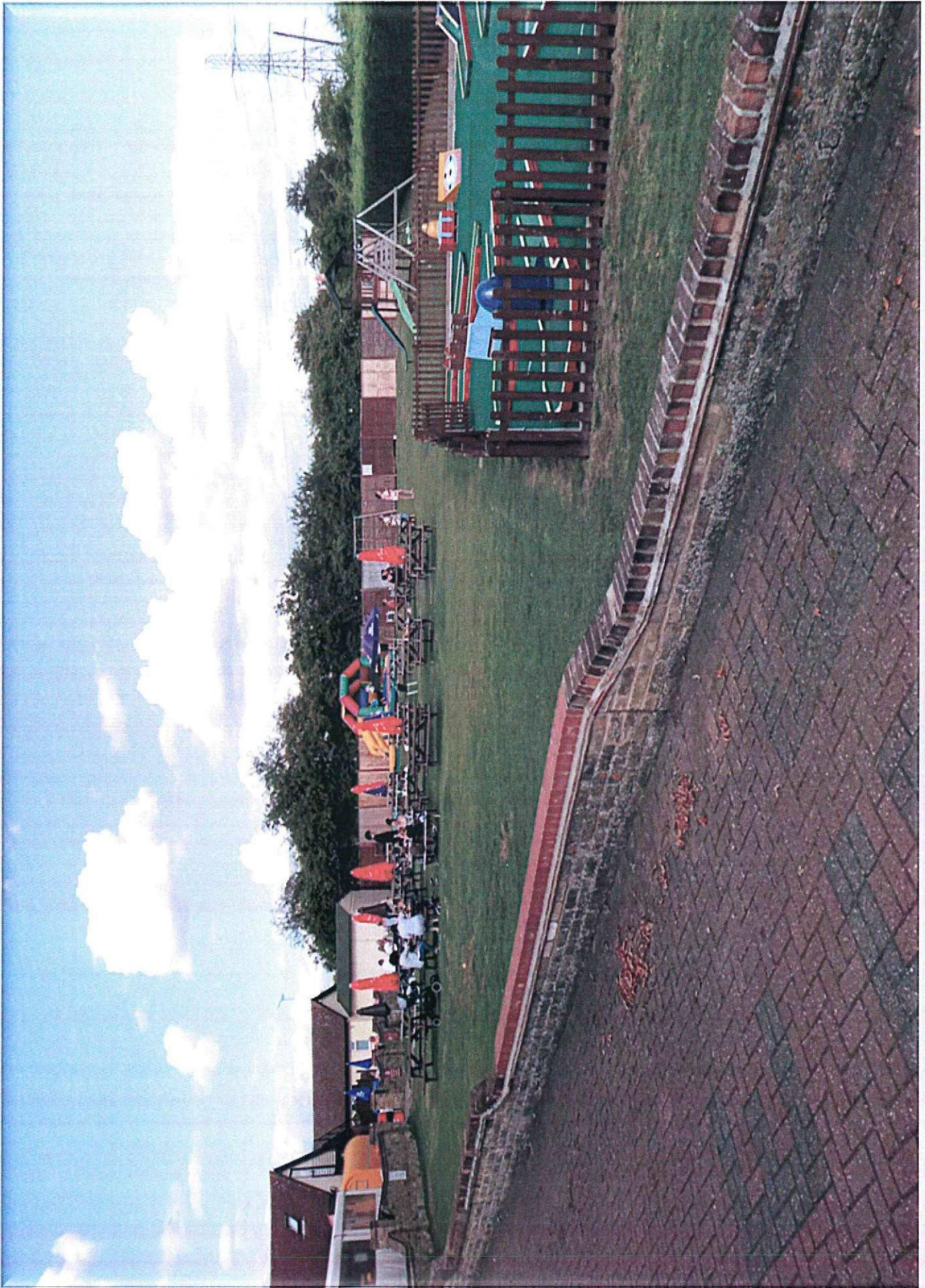


VIEWPOINT 1—View to North from proposed site



VIEWPOINT 2—View to West from proposed site

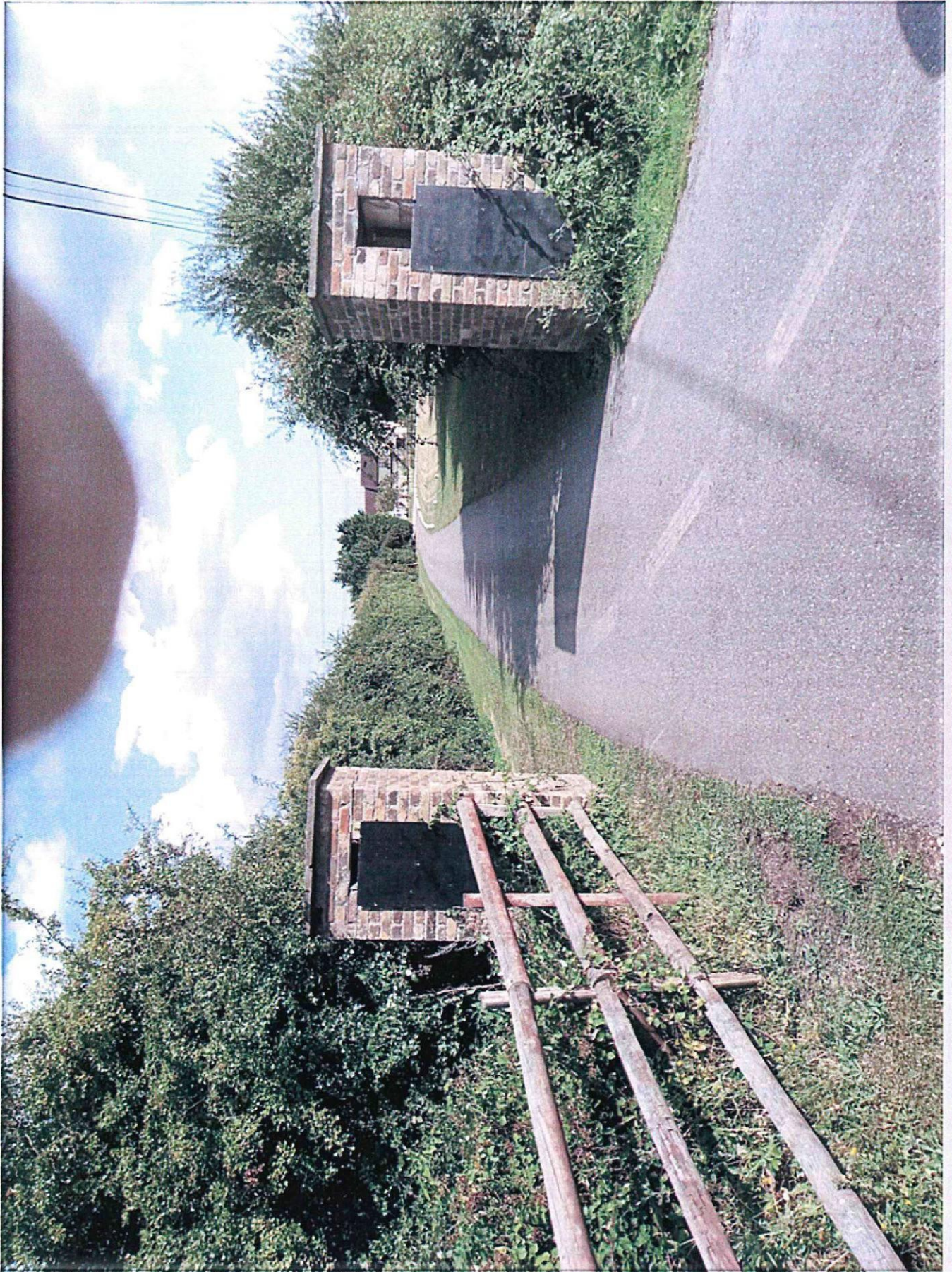




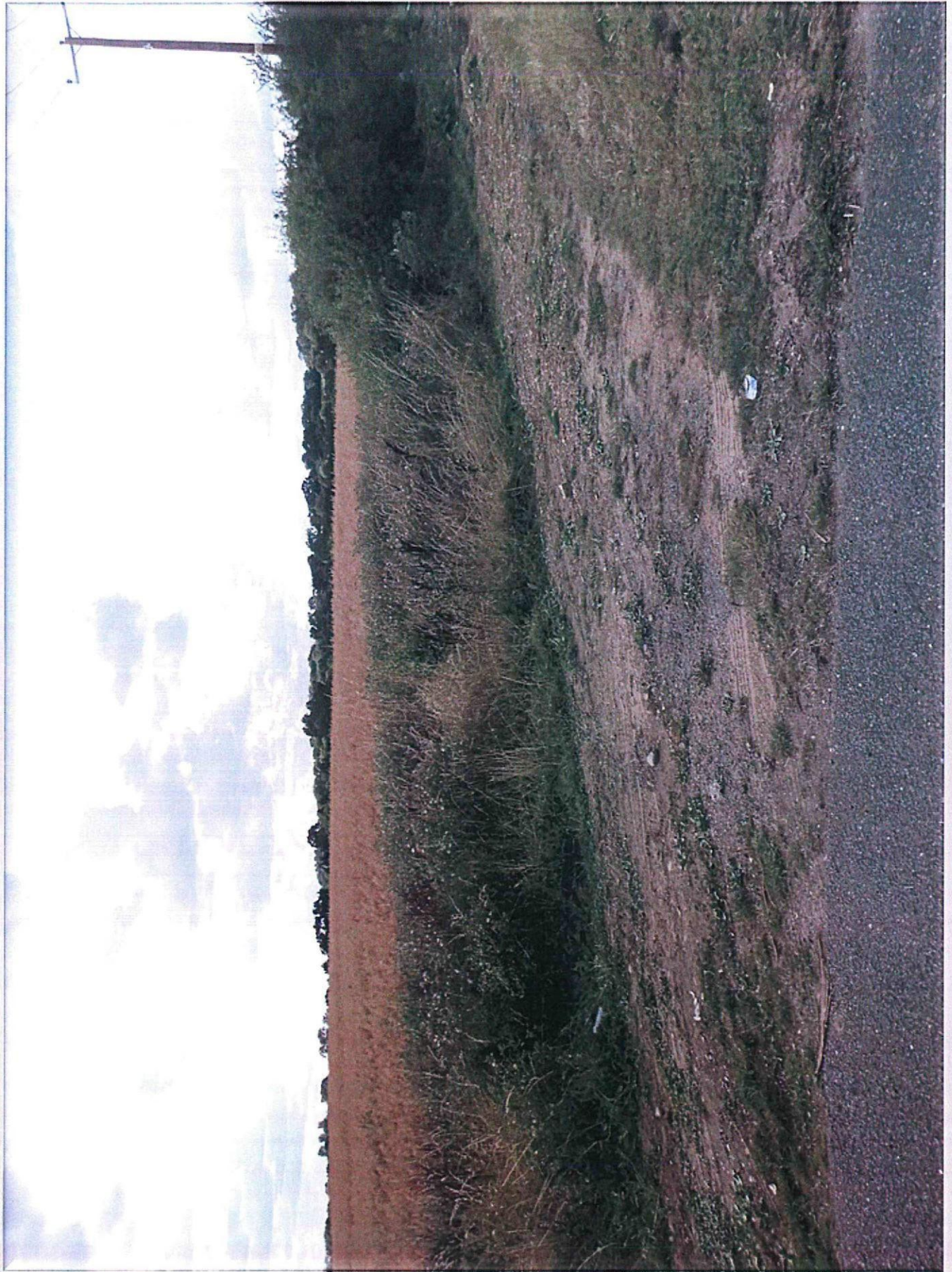
VIEWPOINT 3—View to East showing tree line screen



VIEWPOINT 4—View to South East showing tree line screen



VIEWPOINT 5—View to South from nearest public accessing from  
Old Woodham Road



VIEWPOINT 6 —View to South from Hayes Chase showing nearest property to the site

**APPENDIX 3: RECORD LOG OF ACCOMMODATION REFUSAL**

# RECORD OF REFUSED BOOKINGS FOR CUSTOMERS

Log from 1st August - 29th October

Aug 2019				
Ref	Date Arrive	Persons	Rooms	Nights
1	1st	2	1	1
2	1st	2	1	2
3	1st	2	1	3
4	1st	1	1	1
5	1st	1	1	1
6	1st	3	1	3
7	1st	1	1	1
8	1st	2	2	1
9	1st	2	1	1
10	1st	2	1	3
11	2nd	1	1	1
12	2nd	2	1	4
13	2nd	2	1	2
14	2nd	1	1	2
15	3rd	2	1	1
16	3rd	1	1	1
17	3rd	4	2	5
18	4th	2	1	2
19	4th	2	1	2
20	4th	1	1	1
21	4th	1	1	2
22	4th	1	1	2
23	4th	3	1	6
24	4th	2	1	1
25	5th	2	1	1
26	5th	2	1	1
27	5th	3	1	1

Ref	Date Arrive	Persons	Rooms	Nights
28	5th	1	1	1
29	5th	2	1	1
30	5th	1	2	1
31	6th	1	1	1
32	6th	2	1	4
33	6th	1	1	1
34	6th	4	2	2
35	6th	2	1	1
36	6th	3	1	3
37	7th	1	1	2
38	7th	1	1	1
39	7th	1	1	2
40	7th	1	1	1
41	7th	2	1	1
42	7th	2	1	2
43	8th	1	1	1
44	8th	4	2	4
45	8th	1	1	1
46	8th	2	1	2
47	9th	2	1	1
48	9th	3	1	1
49	9th	2	1	1
50	10th	1	1	1
51	10th	2	1	1
52	10th	3	1	3
53	10th	2	1	1
54	11th	2	1	2

## RECORD OF REFUSED BOOKINGS FOR CUSTOMERS

Ref	Date Arrive	Persons	Rooms	Nights
55	11th	2	1	3
56	11th	1	1	2
57	11th	3	1	2
58	12th	1	1	5
59	12th	1	1	2
60	12th	2	1	2
61	12th	1	1	1
62	12th	2	1	4
63	13th	1	3	4
64	13th	1	1	1
65	13th	2	1	1
66	14th	4	1	1
67	14th	2	1	3
68	14th	7	3	1
69	14th	7	3	1
70	15th	2	1	1
71	15th	2	1	2
72	15th	3	1	1
73	15th	2	1	1
74	15th	2	1	2
75	15th	1	1	3
76	16th	1	1	1
77	16th	2	1	1
78	16th	2	1	1
79	16th	1	1	1
80	16th	3	1	4
81	16th	3	1	4
82	16th	3	1	1
83	17th	2	1	4

Ref	Date Arrive	Persons	Rooms	Nights
84	17th	1	1	4
85	17th	1	1	1
86	17th	3	1	5
87	17th	1	1	5
88	17th	2	1	4
89	18th	3	1	5
90	18th	1	1	5
91	18th	1	1	2
92	18th	3	1	2
93	19th	1	1	3
94	19th	1	1	2
95	19th	1	1	2
96	20th	1	1	1
97	20th	1	1	1
98	20th	2	1	2
99	20th	1	1	2
100	20th	1	1	1
101	21st	3	1	1
102	21st	3	1	2
103	21st	3	1	1
104	21st	2	1	1
105	21st	2	1	3
106	21st	2	1	3
107	21st	2	1	1
108	22nd	3	1	2
109	22nd	2	1	2
110	22nd	1	1	1
111	23rd	2	1	1
112	23rd	2	1	2

## RECORD OF REFUSED BOOKINGS FOR CUSTOMERS

Ref	Date Arrive	Persons	Rooms	Nights
113	23rd	2	1	2
114	23rd	1	1	1
115	24th	3	1	1
116	24th	2	1	1
117	24th	2	1	1
118	24th	1	1	6
119	24th	1	1	1
120	24th	3	1	1
121	25th	2	1	1
122	25th	2	1	1
123	25th	2	1	1
124	25th	2	1	1
125	25th	1	1	1
126	25th	1	1	1
127	25th	1	1	1
128	26th	1	1	1
129	26th	1	1	2
130	26th	2	1	3
131	27th	3	1	1
132	27th	2	1	2
133	27th	4	2	3
134	28th	2	1	3
135	28th	3	1	1
136	28th	2	1	1
137	28th	2	1	3
138	28th	2	1	1
139	29th	3	1	2
140	29th	1	1	2
141	29th	3	1	2

Ref	Date Arrive	Persons	Rooms	Nights
142	29th	2	1	1
143	30th	3	1	2
144	30th	3	1	1
145	30th	2	1	1
<b>Totals</b>				<b>276</b>



## RECORD OF REFUSED BOOKINGS FOR CUSTOMERS

Sep-2019				
Ref	Date Arrive	Persons	Rooms	Nights
146	1st	2	1	2
147	1st	2	1	2
148	2nd	2	1	1
149	2nd	1	1	1
150	2nd	2	1	1
151	2nd	2	1	2
152	3rd	2	1	1
153	3rd	2	1	1
154	3rd	2	1	4
155	4th	3	1	4
156	4th	2	1	3
157	4th	1	1	1
158	4th	1	1	3
159	4th	2	1	2
160	5th	2	1	2
161	5th	3	1	2
162	5th	1	1	1
163	6th	2	1	3
164	6th	2	1	4
165	6th	1	1	4
166	6th	2	1	1
167	7th	2	1	3
168	7th	1	1	3
169	7th	1	3	1
170	7th	2	1	1
171	7th	2	1	2
172	8th	2	1	6
173	8th	3	1	1

Ref	Date Arrive	Persons	Rooms	Nights
174	8th	2	1	2
175	8th	1	1	2
176	8th	1	1	2
177	8th	2	1	6
178	10th	2	1	1
179	10th	2	1	1
180	10th	1	1	4
181	10th	3	1	11
182	10th	3	1	25
183	10th	3	1	7
184	11th	1	1	9
185	11th	2	1	10
186	12th	2	1	7
187	12th	3	1	7
188	12th	2	1	9
189	12th	2	1	2
189	12th	2	1	2
190	13th	1	1	1
191	13th	3	1	1
192	14th	2	1	8
193	14th	2	1	8
194	14th	1	1	1
195	14th	3	1	4
196	15th	2	1	1
197	16th	2	1	1
198	16th	1	1	1
199	16th	1	1	1

## RECORD OF REFUSED BOOKINGS FOR CUSTOMERS

Ref	Date Arrive	Persons	Rooms	Nights
200	17th	3	1	2
201	17th	2	1	4
202	17th	2	1	1
203	18th	2	1	3
204	18th	3	1	3
205	18th	2	1	3
206	18th	1	1	2
207	19th	4	2	1
208	19th	2	1	1
209	19th	2	1	1
210	20th	2	1	1
211	20th	3	1	7
212	20th	2	1	1
213	20th	2	1	8
214	21st	3	1	6
215	21st	2	1	1
216	21st	1	1	1
217	21st	4	1	6
218	22nd	4	2	6
219	22nd	2	1	5
220	22nd	2	1	5
221	22nd	1	1	5
222	23rd	2	1	1
223	23rd	1	1	1
224	23rd	1	1	1
225	23rd	1	1	1
226	24th	1	1	1
227	24th	2	1	1
228	24th	2	1	3

Ref	Date Arrive	Persons	Rooms	Nights
229	24th	1	1	1
230	24th	2	1	1
231	25th	2	1	1
232	25th	2	1	1
233	26th	1	1	7
234	26th	3	1	2
235	27th	2	1	5
236	27th	3	1	1
237	27th	2	1	1
238	28th	1	1	1
239	28th	1	1	5
240	28th	1	1	1
241	28th	2	1	4
242	28th	2	1	4
243	29th	2	1	2
244	29th	1	1	3
245	30th	1	1	1
246	30th	2	1	2
247	30th	3	1	2
248	30th	2	1	1
			<b>Totals</b>	<b>322</b>

## RECORD OF REFUSED BOOKINGS FOR CUSTOMERS

Oct-2019				
Ref	Date Arrive	Persons	Rooms	Nights
249	1st	2	1	1
250	1st	1	1	1
251	1st	1	1	1
252	1st	2	1	2
253	1st	1	1	1
254	2nd	2	1	3
255	2nd	1	1	1
256	2nd	3	1	3
257	2nd	2	1	6
258	2nd	2	1	14
259	3rd	2	1	2
260	3rd	1	1	2
261	3rd	2	1	5
262	3rd	4	1	2
263	4th	2	1	1
264	4th	2	1	1
265	4th	1	1	1
266	5th	2	1	1
267	5th	2	1	1
268	5th	1	1	1
269	6th	2	1	3
270	6th	2	1	3
271	6th	2	1	5
272	6th	2	1	5
273	6th	3	1	3
274	7th	2	1	1
275	7th	3	1	1
276	7th	2	1	2

Ref	Date Arrive	Persons	Rooms	Nights
277	8th	1	1	1
278	8th	2	1	1
279	8th	2	1	1
280	8th	3	1	1
281	9th	2	1	5
282	9th	2	1	5
283	9th	1	1	10
284	10th	2	1	4
285	10th	2	1	9
286	10th	1	1	4
287	10th	1	1	4
288	10th	3	1	9
289	11th	1	1	3
290	11th	1	1	4
291	11th	2	1	4
292	12th	2	1	1
293	12th	2	1	2
294	12th	3	1	3
295	13th	2	1	6
296	13th	1	1	6
297	13th	1	1	1
298	13th	3	1	2
299	14th	3	1	1
300	14th	2	1	3
301	14th	2	1	3
302	14th	1	1	2
303	14th	1	1	1
304	15th	1	1	1

## RECORD OF REFUSED BOOKINGS FOR CUSTOMERS

Ref	Date Arrive	Persons	Rooms	Nights
305	15th	2	1	1
306	15th	1	1	1
307	15th	3	1	1
308	16th	2	1	1
309	16th	2	1	1
310	16th	3	1	1
311	16th	2	1	2
312	16th	2	1	1
313	16th	2	1	1
314	17th	2	1	1
315	17th	2	1	2
316	17th	1	1	2
317	17th	2	1	1
318	18th	2	1	1
319	18th	2	1	1
320	18th	1	1	7
321	18th	2	1	5
322	19th	1	1	1
323	19th	3	1	1
324	19th	2	1	4
325	20th	2	1	2
326	20th	1	1	3
327	20th	2	1	2
328	21st	2	1	2
329	21st	3	1	1
330	21st	2	1	1
331	21st	1	1	1
332	22nd	2	1	1
333	22nd	4	2	1

Ref	Date Arrive	Persons	Rooms	Nights
334	22nd	2	1	1
335	22nd	2	1	1
336	23rd	2	1	3
337	23rd	2	1	2
338	23rd	1	1	3
339	23rd	3	1	1
340	23rd	2	1	1
341	24th	2	1	1
342	24th	2	1	2
343	24th	3	1	4
344	24th	2	1	2
345	28th	3	1	1
346	29th	2	1	1
			<b>Totals</b>	<b>243</b>
<b>Totals Bookings for Quarter 2019 = 841 No.</b>				

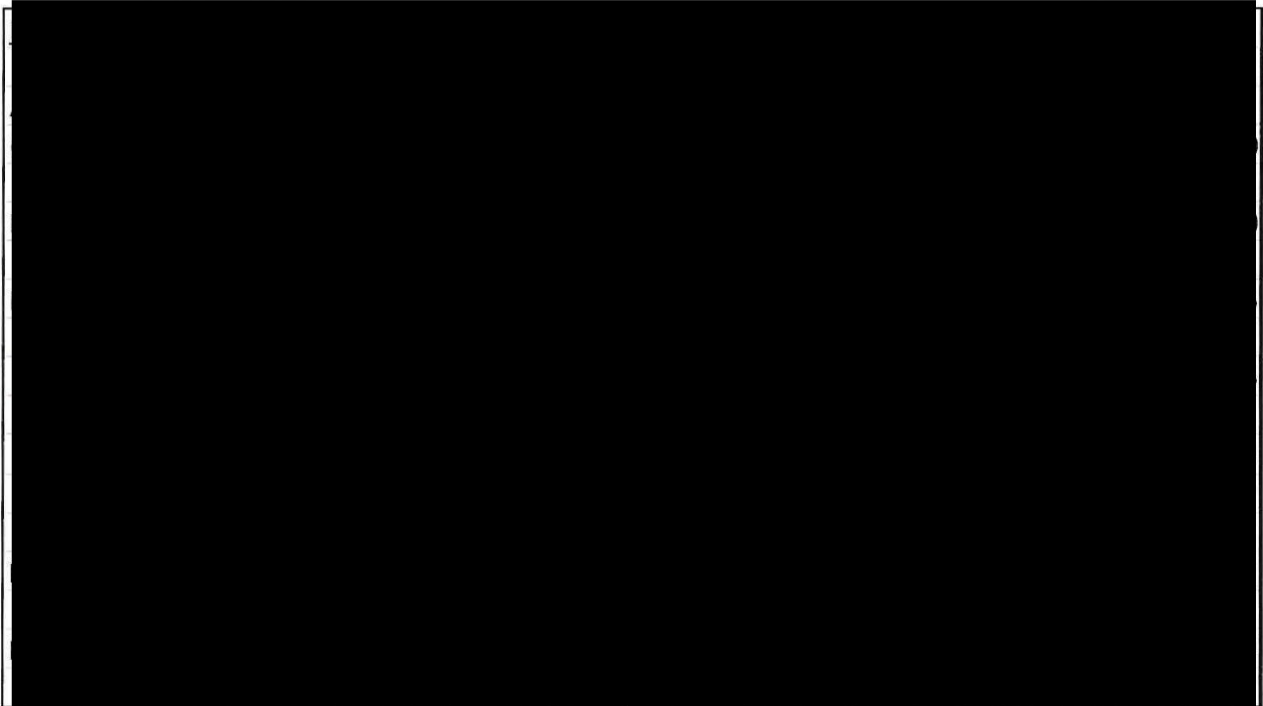
## **APPENDIX 4: CALCULATION OF ECONOMIC LOSS**

## CALCULATION OF ECONOMIC LOSS

The table below shows the loss of income to the business based on average costs and charges to customers.

It is impossible to forecast cost and expenditure accurately due to the variation in room rates at the weekends compared with mid-week rates. It is also impossible to arrive at a finite cost for food and drinks.

The figures shown below have been calculated using a sample scenario of 2 persons sharing a double room during a weeknight and partaking of a 3-course meal in the restaurant and consuming 2 soft and 2 alcoholic drinks.



## **APPENDIX 5: BREAKDOWN OF BUSINESS TURNOVER**

## FINANCIAL STATEMENT OF THE BUSINESS

The business was originally purchased by Brian Butterworth who set about rebuilding what was a run-down Public House that he saw potential in reviving.

He brought about a steady increase in revenue, added bar food and later a restaurant area before incorporating the business in 2013. Staffing from the local area has increased as the business has expanded revenue and its activities.

The business now derives income from bar sales, restaurant, room lettings and provision of facilities for function hire.

From what was originally primarily a drinking establishment the facilities have been expanded and updated with regular refurbishment and investment with a view to appealing as a family destination. There is plenty of outside space which is well presented.

Entertainments and events are marketed through print and social media.

It is an ideal location for providing functions and that area of the business has been expanded over recent years. The next phase is to increase accommodation to enable more function guests to stay at the premises as rooms/lodges are often at capacity. This would make it more attractive to guests travelling to stay on in the area helping the local economy and employment.

Turnover for the past year has been:

Period				
October (2018)				
November				
December				
January(2019)				
February				
March				
April				
May				
June				
July				
August				
September				

Prepared:

S J Cooke & Company  
Stone Farm  
Borough Lane  
Great Finborough  
Suffolk IP14 3AS

Tel: 01449 770953



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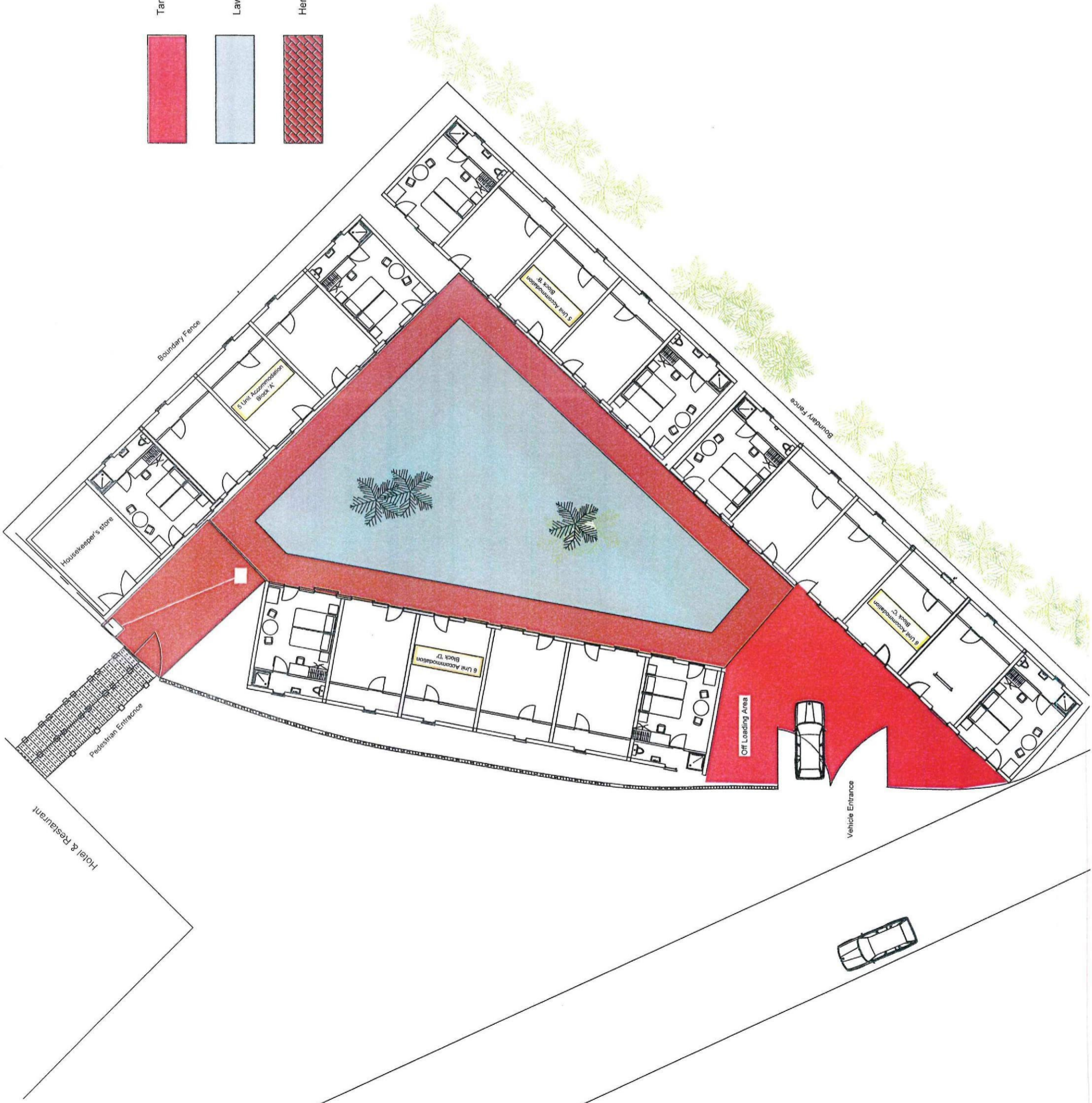
GENERAL NOTES

LEGEND

Tarmacadam

Lawn

Herringbone Block paving



By	Chkd	Date	Description	Rev

REVISIONS

Client:

**PREMIER PILING & FOUNDATIONS LTD**

◆ PILING & FOUNDATION CONTRACTORS ◆  
 Premier Piling, Lodge Farm, Walsingham Water,  
 Market Road, Walsingham, Norfolk, NG24 9PL  
 Tel: 01263 224645 Fax: 01263 224875  
 Email: sales@premierpiling.com  
 Web Site: WWW.premierpiling.com

Project:  
 Lodge Country Inn  
 Proposed Accommodation Area

Title:  
 SITE LAYOUT PLAN

Scale	1 : 100
Drawn	Date
Engineered	Checked
DRG No.	HMM/100/01
REV	A1

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GENERAL NOTES

LEGEND

By	Chkd	Date	Description	Rev

REVISIONS

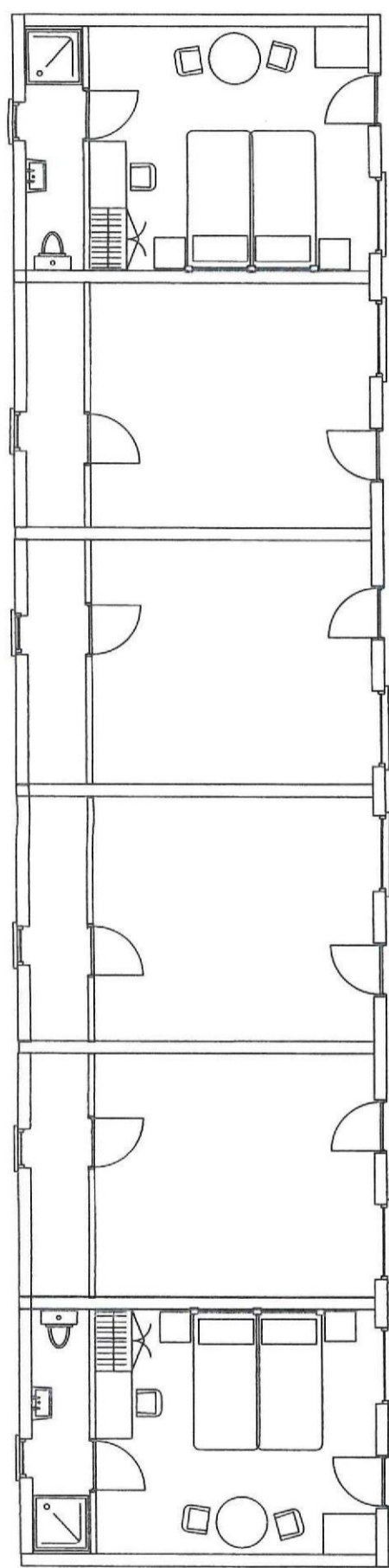
Client:

**PREMIER PILING & FOUNDATIONS LTD**  
 PILING & FOUNDATION CONTRACTORS  
 Premier House, Lodge Farm, Woodham Water,  
 Wokingham, Essex, CB8 9RL  
 Tel: 01245 224645 Fax: 01245 224675  
 Email: sales@premierpiling.com  
 Web Site: WWW.premierpiling.com

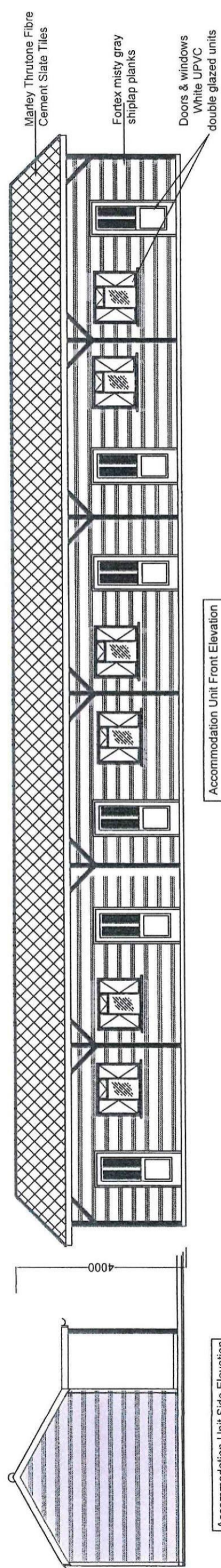
Project:  
 Lodge Country Inn  
 Proposed Accommodation Area

Title:  
 Elevations & Details

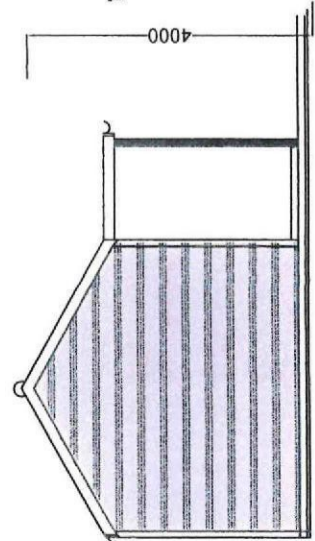
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Drawn	Date
Engineered	Checked
DRG. No.	HMM/100/02
REV	A1



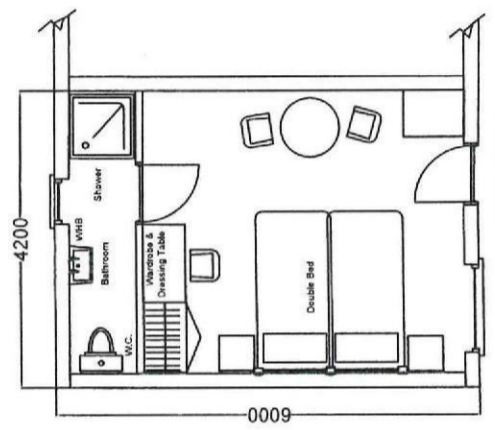
Typical 6 Unit Accommodation Block  
 Designed and constructed by Kingspan Timber Ltd



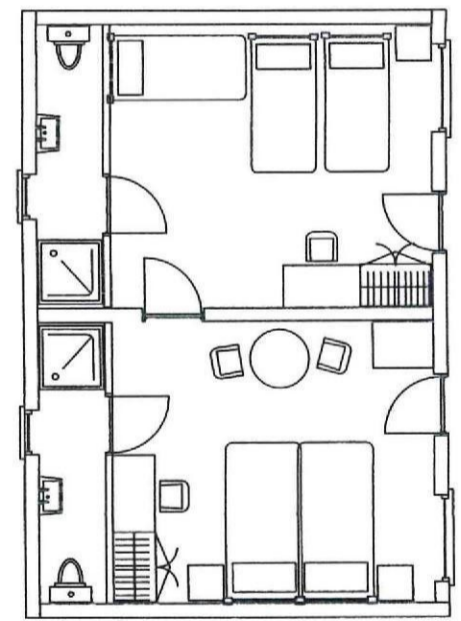
Accommodation Unit Front Elevation



Accommodation Unit Side Elevation



Typical Double Bed Unit



Typical Family Unit



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

<b>Application No</b>	:	20/00425/FUL Full Application
<b>Location</b>	:	Site At The Mount Meadow Lane Runwell Wickford Essex
<b>Proposal</b>	:	<b>Demolish existing outbuildings. Construction of new dwelling and detached cart lodge.</b>
<b>Applicant</b>	:	Mr & Mrs Braham
<b>Agent</b>	:	Mr David Blacker
<b>Date Valid</b>	:	13th March 2020

**Contents**

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<a href="#">2. Description of site</a> .....	2
<a href="#">3. Details of the proposal</a> .....	3
<a href="#">4. Other relevant applications</a> .....	3
<a href="#">5. Summary of consultations</a> .....	3
<a href="#">6. Planning considerations</a> .....	4
<a href="#">7. Community Infrastructure Levy (CIL)</a> .....	8

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 concerns that the development would have an acceptable impact on the Green Belt and that the proposed development would not be more harmful to the Green Belt than the surrounding development and the Council's intention to refuse planning permission is therefore misdirected.
- 1.2. The site lies within the Metropolitan Green Belt, where there is a presumption against inappropriate development and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 1.3. The proposal is recommended for refusal as it is contrary to the National Planning Policy Framework (NPPF) and Chelmsford Local Plan policies which seek to safeguard the Green Belt.

## 2. Description of site

- 2.1. The site is located within the Metropolitan Green Belt, where there is a presumption against inappropriate development.
- 2.2. The Mount is a one and half storey dwelling set within a generous rectangular plot that extends a considerable distance back from Meadow Lane itself. The land attached to The Mount is open and spacious around the dwellinghouse, extending backwards to coalesce with the fields beyond. There are several low-level outbuildings type structures to the side and rear of the house. These buildings are known to be used for storage and are haphazard and lightweight in composition.
- 2.3. The plot stands to the east and midway along Meadow Lane where development found within this part of the lane is loose and spread out in its pattern. To the south and west the lane is largely dominated by traveller and gypsy pitches and open yards. Further north along the lane the development become more sporadic. More recently parcels to the north of the site and plots along the southern half of the lane have become more built-up in part as a result of unauthorised development.
- 2.4. The site is served by a narrow and unmade road whilst public transport options are found nearby in Church End Lane.
- 2.5. Beyond, the land surrounding the site is largely undeveloped vacant grass and farmland, bounded by mature and well-established hedgerows. The site is found in a wider countryside location where an open character prevails. Looking eastward, pastoral meadows and tree-line field margins are present with a distinct absence of development in short- and long-term vistas.
- 2.6. St Edmunds, The Mount and Beaumont have historically formed a sparse cluster of residential dwellings set out by and defined by their spatial plots and rural setting. Whilst each dwelling is close to the road, this siting does not form an overly urban built edge with the spacious nature of The Mount retained.
- 2.7. The land on which the dwelling is proposed by this application, represents open and undeveloped residual garden land to the host dwelling.

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

- 3.1. The application seeks permission for the construction of a two-storey detached house and cart lodge. This is to be sited between The Mount and Beaumont to the north, with the proposed cart lodge close to the road. The proposed dwelling would be served by a new access leading from Meadow Lane whilst the existing would be retained to serve the host.
- 3.2. The proposed dwelling seeks to replace the outbuildings located within the rear and side of the garden to The Mount. Considering only those buildings to fall within the definition of Previously Developed Land (PDL) as set out in the Framework, the existing outbuildings measure as 272 sqm in floorspace and retain a maximum height of 3.76 metres from ground level. In mass, scale and statue these buildings are low level and genuinely single storey buildings that retain an ancillary function to the host dwelling.
- 3.3. The proposed dwelling and cart lodge would measure a cumulative 301 sqm in footprint and the dwelling itself would be considerably taller than the existing outbuildings standing at a height of about 7.3 metres
- 3.4. Of the buildings shown to be replaced, there is a small square shaped building to the north-east of the main dwelling and appears to be constructed from a variety of materials and has an open front. The building is used for the purposes of accommodating sheep and storing hay, this represents an agricultural use and as such the building does not fall within the definition of PDL for the purposes of the National Planning Policy Framework. The building is therefore discounted from any assessment.
- 3.5. The large structure found to the south-east of the main dwelling is a wooden structure comprising combined structures linked to one another. The building is used for the purposes of a workshop and storage. From inspection, the structures appear to contain a large variety of items consisting of; hand tools, machinery, paint, scaffolding boards and poles, garden equipment, ladders, boxes, vehicles and residential items. This structure appears to have been present within the land for a considerable period.

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

- 4.1. 18/01842/CLEUD – Refused- 13th December 2019  
Barns for storage of items in relation to land use as a Small Holding

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

- 5.1 Runwell Parish Council –  
6 members in support of the application  
4 members objected to the application  
Inappropriate development in the Metropolitan Green Belt  
Noted refusal of 18/01842/CLEUD Barns for storage of items in relation to land use as a Small Holding  
Proposed new dwelling in different position to the existing outbuildings  
Modest dwelling or extension to existing property more acceptable.

- 5.2 Public Health & Protection Services –  
Prior to the demolition of the outbuildings, the developer should commission an asbestos survey by a suitably qualified and experienced consultant. Any asbestos found on site should be removed by a licensed contractor and disposed of at an approved facility.  
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).
- 5.3 Essex County Council Highways –  
The site is accessed from a private track; therefore, the Highway Authority has no objections to the proposal.
- 5.4 Recycling & Waste Collection Services –  
No comments
- 5.5 Local residents  
No comments

## 6. Planning considerations

### *Main Issues*

- 6.1. The following issues will be considered as part of this report:
- a) Controlling development in the Green Belt
  - b) Impact of the development on the Green Belt
  - c) Whether the development is appropriate in the Green Belt
  - d) Impact on neighbouring properties
  - e) Other Matters

### *Controlling Development in the Green Belt*

- 6.2. The site lies within the Metropolitan Green Belt and the wider countryside. Chapter 13 of the National Planning Policy Framework (the Framework) seeks to protect Green Belt land. At paragraph 133 the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It goes on to state that the essential characteristic of Green Belts are their openness and permanence.
- 6.3. Whilst there is no definition of “openness”, it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects. Openness is taken to be 'open textured' and can include both spatial and visual considerations.
- 6.4. Paragraph 134 of the Framework sets out the five purposes of the Green Belt. These include 'to assist in safeguarding the countryside from encroachment'.
- 6.5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.6. At paragraph 144 of the Framework states that when considering Planning Applications Local Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.7. Paragraph 145 states that the construction of new buildings should be considered inappropriate unless they fall within a specific list of exceptions. One such exception is set out at bullet point (g) to the paragraph as limited infilling or the partial and complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
- 6.8. At a local level, Adopted Planning Policy DM6 sets out that where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances. Section (B) to this Policy concerns the redevelopment of previously developed land and sets out that planning permission will be granted where the proposed development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing use and/or development. The Council will assess the development based on the following:
- i. The size, scale, massing and spread of the new development compared to the existing; and
  - ii. The visual impact of the development compared to the existing; and
  - iii. The activities/use of the new development compared to the existing; and
  - iv. The location of the site is sustainable and appropriate to the type of development proposed
- 6.9. The National Planning Policy Framework provides the definition of PDL which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

### ***Impact of the Development on the Green Belt***

- 6.10. The proposed dwelling and cart lodge would be located to the north of the existing dwelling and would seek to replace the outbuildings found to the side and rear of the site. It has previously been set out that those buildings to be considered to fall into the definition of PDL is limited to the south-eastern buildings.
- 6.11. The Council is satisfied that this latter building constitutes PDL and therefore the development can be tested against the direction of bullet point (g) of the Framework and section (B) of Adopted Planning Policy DM6. An assessment is required as to whether the proposed development has a greater impact on the openness of the Green Belt than the existing.
- 6.12. From the outset, openness is commonly taken to mean the absence of built or otherwise urbanising development and can be 'open textured' including both spatial and visual considerations. In considering whether a proposed development holds a greater impact than the existing, an objective test by reference to size is undoubtedly the primary test and the incumbent development should not increase the size or spread of development on site. The physical dimension most relevant for the purpose of assessing the relative size of the existing

and proposed development depends on the circumstances of the particular case. It can be a matter of floor space, footprint, built volume, height and width. Qualitative matters such as massing, visual impact and disposition on site can be considered.

- 6.13. Considering first the spatial impact of the proposal, the proposed dwelling is shown to have a footprint of 142.5 sqm whilst the existing buildings on site are shown in plan form to have a footprint of 272 sqm. Whilst this is a reduction on face value, the proposed development would represent an increase in built form when considering the cumulative and proposed floor space. Taking into account the two-storey nature of the proposed dwelling and the cart lodge, the proposed floor space brought forward would be 301 sqm, this represents a 10% increase on the existing.
- 6.14. The proposed dwelling would also be sited between two existing one and a half storey dwellings and infill the intervening space, the result of this would be a row of three dwellings where there is currently a spacious and infrequent development pattern. In this regard to proposal would render this stretch of Meadow Lane as a more urbanised and formal row of dwellings, spatially removing the natural spacing between each existing building and producing a built edge to the road. This represent spatial harm to the openness of the land therein.
- 6.15. Further and more prevalently, in order not to have a greater impact on the openness of the Green Belt than the existing, development should avoid being at an increased height. The proposal considerably fails to do this; the existing buildings on site are genuinely single storey at a maximum height of 3.76 metres and having flat roofs. In contrast, that proposed is a full two storey dwelling at a considerably increased mass, scale and height.
- 6.16. The dwelling proposed would be noticeably taller than the existing buildings being 7.2 metres to ridge height whilst the massing of the dwelling at a two storey level would be significant including a substantial roof form, large projecting gable elements and dormer sections. The elevations fronting Meadow Lane would be highly prominent as well as in views to the rear from the countryside beyond. This impact would be added to the spatial harm identified above in the formation of a row of dwellings.
- 6.17. The proposed building would be considerably more conspicuous and visually more intrusive than the existing buildings, the removal of low level ancillary buildings in place of a large two storey and formal urban dwelling would hold a higher visual impact especially framed against the rural setting beyond The Mount.

***Whether the development is appropriate in the Green Belt***

- 6.18. The proposal harms both spatial and visual openness of the Green Belt and has a greater impact than the existing development. The proposal is therefore in conflict with Adopted Planning Policy DM6 and the direction of bullet point (g) of para. 145 of the Framework. In having a greater impact on the openness of the Green Belt, the proposal is inappropriate development in the Green Belt and is harmful by definition.
- 6.19. The Framework directs that Local Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.



- 6.20. There are no very special circumstances or other considerations that would outweigh the harm described above to the Green Belt. The development is therefore contrary to National and Local Planning Policies that seek to preserve the openness of the Green Belt.

#### ***Impact on Neighbouring Properties***

- 6.21. Planning Policy DM29 states that planning permission will be granted for development proposals provided the development safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing.
- 6.22. The proposal would see the introduction of a two-storey dwelling house close to the shared side boundary with Beaumont, the immediate dwelling to the north. The projecting gable element located close to this side boundary would include a first-floor rear window and large projecting balcony which would allow occupants to walk out on to and upon. The balcony and rear projecting element would extend beyond the rear elevation of Beaumont such that the rear facing balcony would allow views into and across the rear neighbouring garden. Whilst the boundary is subject to mature and dense trees, these are not protected by any Tree Protection Order and will offer limited protection through the winter months.
- 6.23. Under the above circumstances, the application is not considered to adequately safeguard the living environments of the neighbouring occupiers and the proposed development will result in harm by overlooking. The development is therefore contrary to Local Planning Policies that seek to preserve living environments of neighbouring occupiers.

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

- 6.24. The applicant has suggested that there is an inconsistency of approach on the behalf of the Council insomuch that the Council are resisting development within the application site but not in plots and sites further along Meadow Lane. In response, it should be noted that a number of sites close by to the application site have been subject to unauthorised development in breach of planning control. It should be noted that these sites are under active Planning Enforcement Investigation whilst the Council continue to defend planning appeals on nearby plots of land. Notwithstanding this, the presence of unauthorised development surrounding the site does not represent very special circumstances in the context of the Green Belt nor render the context of the site so urban that the proposed development would be acceptable,
- 6.25. Essex Highway Authority have been consulted during the life of the application and raise no objection to the proposal from a highway standpoint, if the application were to be approved conditions would be included to govern the access and parking arrangements.
- 6.26. The proposal site falls within a 'zone of influence' identified by Natural England. Within this zone, significant impacts to a European designated site are considered likely to occur through increased recreational pressure either alone or in combination with new residential development.
- 6.27. Prior to the determination of the application, a unilateral undertaking has been agreed between the landowner and the council. This secures financial contribution to comply with the requirements of section 15 of the Framework and policy DM16 of the Chelmsford Local Plan.

## 7. Community Infrastructure Levy (CIL)

7.1. This application is CIL Liable and if approved a CIL charge would be payable.

### **RECOMMENDATION**

**The Application be REFUSED for the following reasons:-**

#### **Refusal 1**

The application site is located within the Metropolitan Green Belt where paragraph 145 of the National Planning Policy Framework states the construction of new buildings should be considered inappropriate unless they fall within a specific list of exceptions. One such exception is set out at bullet point (g) to the paragraph as limited infilling or the partial and complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.

Adopted Planning Policy DM6 sets out that where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances. Section (B) to this Policy concerns the redevelopment of previously developed land and sets out that planning permission will be granted where the proposed development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing use and/or development. The Council will assess the development based on the following; the size, scale, massing and spread of the new development compared to the existing; and the visual impact of the development compared to the existing; and the activities/use of the new development compared to the existing; and the location of the site is sustainable and appropriate to the type of development proposed.

The dwelling proposed would replace single storey low level outbuildings with a two storey dwellinghouse. The dwelling proposed would be greater in size than the buildings it seeks to replace by virtue of height, floor space, mass and scale. The elevations of the dwelling would be highly prominent along Meadow Lane and erode the spacious and infrequent established development pattern surrounding the site. The development would therefore have a greater impact on the openness of the Green Belt by a degree of spatial and visual harm.

The proposal is therefore in conflict with Adopted Planning Policy DM6 and the direction of bullet point (g) of para. 145 of the Framework. In having a greater impact on the openness of the Green Belt, the proposal is inappropriate development in the Green Belt and is harmful by definition. There are no very special circumstances or other considerations that would justify this harm.

#### **Refusal 2**

Planning Policy DM29 states that planning permission will be granted for development proposals provided the development safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing.

The proposed dwelling would introduce a high projecting gable element close to the rear side boundary of the neighbouring property to the north. A rear window and balcony within the envelope of the dwelling would be close to this boundary and allow views into and across the neighbouring garden, this is harmful by overlooking.

The application is not considered to adequately safeguard the living environments of the neighbouring occupiers and the proposed development will result in harm by overlooking. The development is therefore contrary to Local Planning Policies that seek to preserve living environments of neighbouring occupiers.

### **Positive and Proactive Statement**

The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this . The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

### **Background Papers**

Case File

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**Runwell Parish Council**

Comments
<p>14.04.2020 - Summary of emailed responses from Runwell Parish Council members. 6 members were in support of the application, 4 members objected to the application. Summary of comments/ objections: inappropriate development in the Metropolitan Green Belt; noted refusal of 18/01842/CLEUD Barns for storage of items in relation to land use as a Small Holding; proposed new dwelling in different position to the existing outbuildings, modest dwelling or extension to existing property more acceptable.</p>

**Public Health & Protection Services**

Comments
<p>20.03.2020 - Prior to the demolition of the outbuildings, the developer should commission an asbestos survey by a suitably qualified and experienced consultant. Any asbestos found on site should be removed by a licensed contractor and disposed of at an approved facility.</p> <p>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).</p>

**Essex County Council Highways**

Comments
<p>16.04.2020 - Your Ref: 20/00425/FUL</p> <p>Our Ref: HT/TPD/SD/CT/CHL/00425/20</p> <p>Date: - 16th April 2020</p> <p>Site file: 46664</p> <p>Recommendation</p>

The information that was submitted in association with the application has been fully considered by the Highway Authority. The site is accessed from a private track; therefore, the Highway Authority has no objections to the proposal.

Please use the informative below to protect the adjacent PROW.

' The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over footpath 7 (Runwell) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The information that was submitted in association with the application has been fully considered by the Highway Authority.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies:

- A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February 2011

pp Director for Highways and Transportation

Enquiries to Caroline Tracey

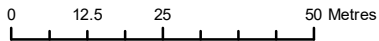
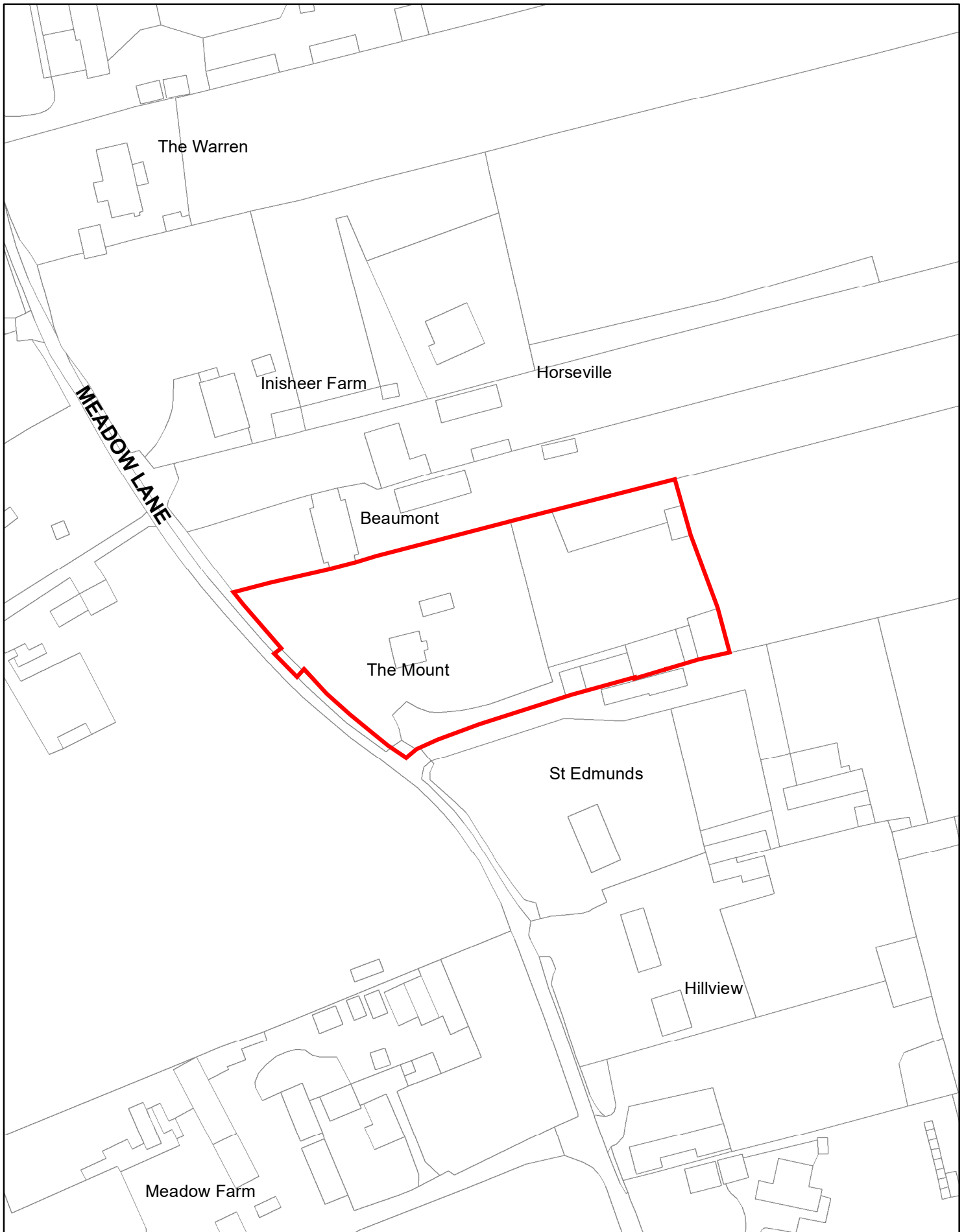
Telephone: 03330 130119

Email: [caroline.tracey@essex.gov.uk](mailto:caroline.tracey@essex.gov.uk)

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**Recycling & Waste Collection Services**

Comments
No response received



1:1,250

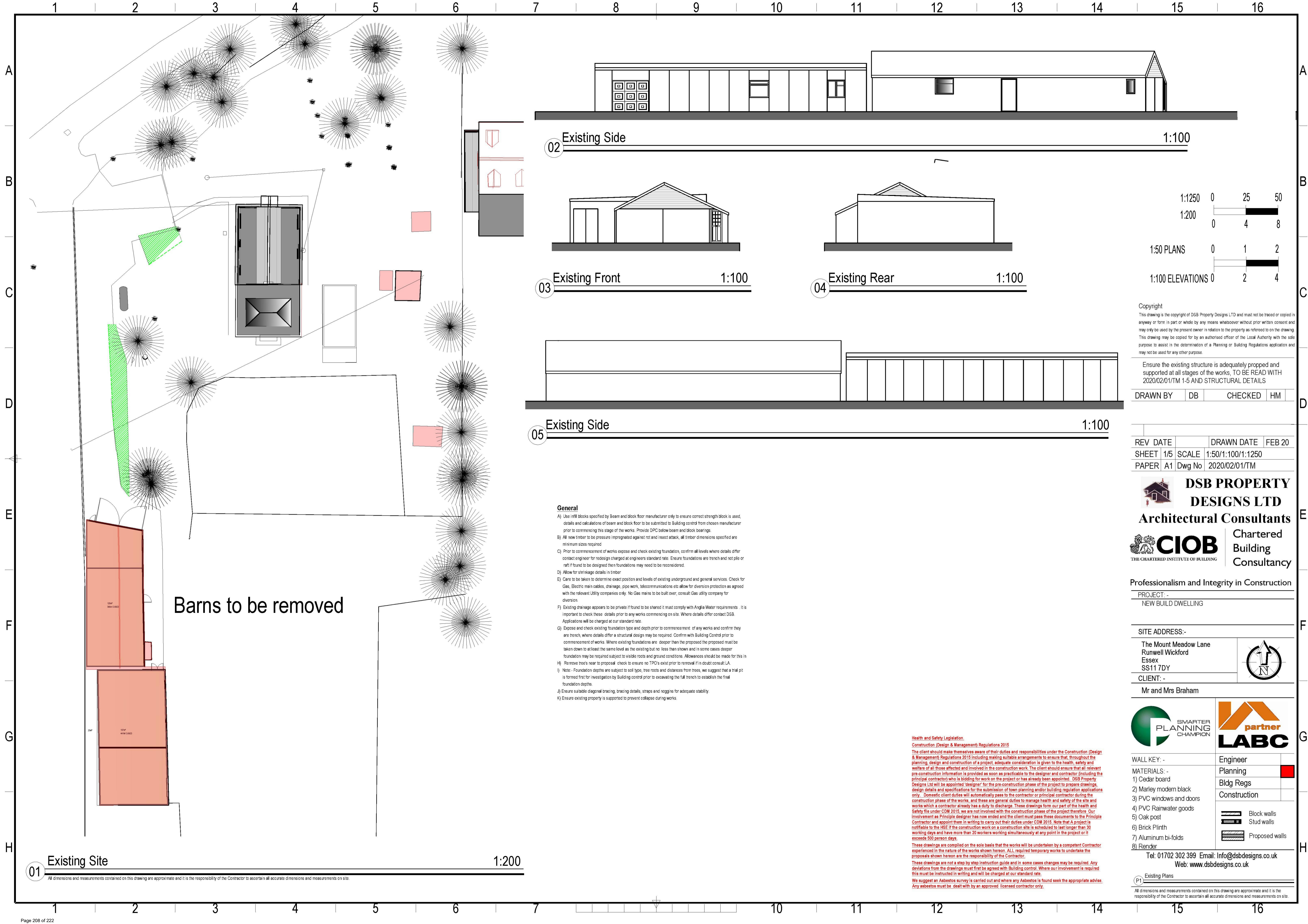


**Planning Committee**  
**20/00425/FUL**

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

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

Telephone: 01245 606826



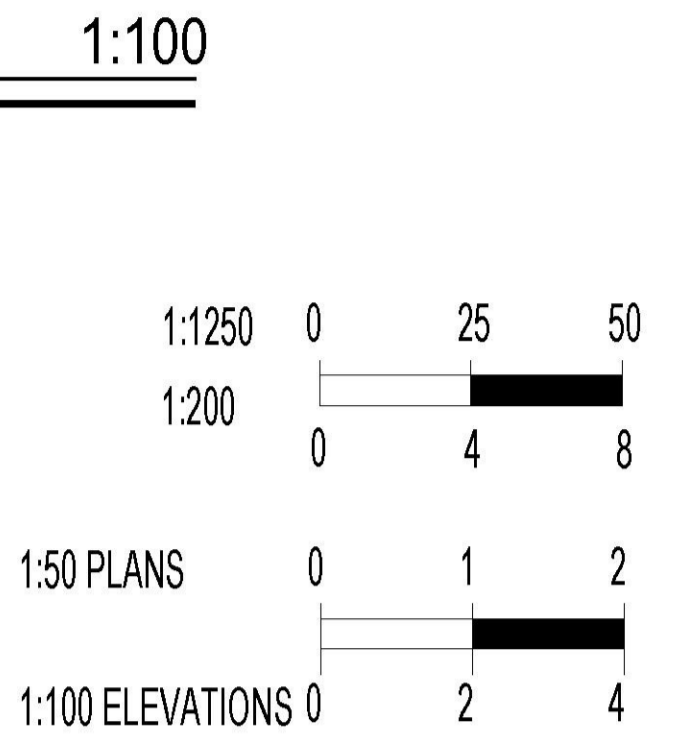
02 Existing Side 1:100

03 Existing Front 1:100

04 Existing Rear 1:100

05 Existing Side 1:100

01 Existing Site 1:200



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Ensure the existing structure is adequately propped and supported at all stages of the works, TO BE READ WITH 2020/02/01/TM 1-5 AND STRUCTURAL DETAILS

DRAWN BY DB CHECKED HM

REV DATE	DRAWN DATE	FEB 20
SHEET 1/5	SCALE	1:50/1:100/1:1250
PAPER A1	Dwg No	2020/02/01/TM

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 Architectural Consultants  
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PROJECT: -  
 NEW BUILD DWELLING

SITE ADDRESS:-  
 The Mount Meadow Lane  
 Runwell Wickford  
 Essex  
 SS11 7DY  
 CLIENT: -  
 Mr and Mrs Braham

SMARTER PLANNING CHAMPION  
**LABC**  
 partner

WALL KEY: -	Engineer	
MATERIALS: -	Planning	
1) Cedar board	Bldg Regs	
2) Marley modern black	Construction	
3) PVC windows and doors		
4) PVC Rainwater goods	Block walls	
5) Oak post	Stud walls	
6) Brick Plinth	Proposed walls	
7) Aluminum bi-folds		
8) Render		

Tel: 01702 302 399 Email: info@dsbdesigns.co.uk  
 Web: www.dsbdesigns.co.uk

(P) Existing Plans  
 All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

- General**
- A) Use Infill blocks specified by Beam and block floor manufacturer only to ensure correct strength block is used, details and calculations of beam and block floor to be submitted to Building Control from chosen manufacturer prior to commencing this stage of the works. Provide DPC below beam and block bearings.
  - B) All new timber to be pressure impregnated against rot and insect attack, all timber dimensions specified are minimum sizes required.
  - C) Prior to commencement of works expose and check existing foundation, confirm all levels where details differ contact engineer for redesign charged at engineers standard rate. Ensure foundations are trench and not pile or raft. If found to be designed then foundations may need to be reconsidered.
  - D) Allow for shrinkage details in timber.
  - E) Care to be taken to determine exact position and levels of existing underground and general services. Check for Gas, Electric main cables, drainage, pipe work, telecommunications etc allow for diversion protection as agreed with the relevant Utility companies only. No Gas mains to be built over, consult Gas utility company for diversion.
  - F) Existing drainage appears to be private. If found to be shared it must comply with Anglia Water requirements. It is important to check these details prior to any works commencing on site. Where details differ contact DSB. Applications will be charged at our standard rate.
  - G) Expose and check existing foundation type and depth prior to commencement of any works and confirm they are trench, where details differ a structural design may be required. Confirm with Building Control prior to commencement of works. Where existing foundations are deeper than the proposed the proposed must be taken down to at least the same level as the existing but no less than shown and in some cases deeper foundation may be required subject to visible roots and ground conditions. Allowances should be made for this in.
  - H) Remove trees near to proposal check to ensure no TPO's exist prior to removal if in doubt consult LA.
  - I) Note: Foundation depths are subject to soil type, tree roots and distances from trees, we suggest that a trial pit is formed first for investigation by Building control prior to excavating the full trench to establish the final foundation depths.
  - J) Ensure suitable diagonal bracing, bracing details, straps and noggins for adequate stability.
  - K) Ensure existing property is supported to prevent collapse during works.

**Health and Safety Legislation:**  
 Construction (Design & Management) Regulations 2015  
 The client should make themselves aware of their duties and responsibilities under the Construction (Design & Management) Regulations 2015 including making suitable arrangements to ensure that throughout the planning, design and construction of a project, adequate consideration is given to the health, safety and welfare of all those affected and involved in the construction work. The client should ensure that all relevant pre-construction information is provided as soon as practicable to the designer and contractor (including the principal contractor) who is bidding for work on the project or has already been appointed. DSB Property Designs Ltd will be appointed 'designer' for the pre-construction phase of the project to prepare drawings, design details and specifications for the submission of town planning and/or building regulation applications only. Domestic client duties will automatically pass to the contractor or principal contractor during the construction phase of the works, and these are general duties to manage health and safety of the site and works which a contractor already has a duty to discharge. These drawings form our part of the health and safety file under CDM 2015, we are not involved with the construction phase of the project therefore our involvement as Principle designer has now ended and the client must pass these documents to the Principle Contractor and appoint them in writing to carry out their duties under CDM 2015. Note that a project is notifiable to the HSE if the construction work on a construction site is scheduled to last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project or it exceeds 500 person days.  
 These drawings are compiled on the sole basis that the works will be undertaken by a competent Contractor experienced in the nature of the works shown hereon. ALL required temporary works to undertake the proposals shown hereon are the responsibility of the Contractor.  
 These drawings are not a step by step instruction guide and in some cases changes may be required. Any deviations from the drawings must first be agreed with Building Control. Where our involvement is required this must be instructed in writing and will be charged at our standard rate.  
 We suggest an Asbestos survey is carried out and where any Asbestos is found seek the appropriate advice. Any asbestos must be dealt with by an approved, licensed contractor only.



**General**

A) Use Itrill blocks specified by Beam and block floor manufacturer only to ensure correct strength block is used, details and calculations of beam and block floor to be submitted to Building control from chosen manufacturer prior to commencing this stage of the works. Provide DPC below beam and block bearings.

B) All new timber to be pressure impregnated against rot and insect attack, all timber dimensions specified are minimum sizes required.

C) Prior to commencement of works expose and check existing foundation, confirm all levels where details differ contact engineer for redesign charged at engineers standard rate. Ensure foundations are trench and not pile or raft if found to be designed then foundations may need to be reconsidered.

D) Allow for shrinkage details in timber.

E) Care to be taken to determine exact position and levels of existing underground and general services. Check for Gas, Electric main cables, drainage, pipe work, telecommunications etc allow for diversion protection as agreed with the relevant Utility companies only. No Gas mains to be built over, consult Gas utility company for diversion.

F) Existing drainage appears to be private if found to be shared it must comply with Anglia Water requirements. It is important to check these details prior to any works commencing on site. Where details differ contact DSB. Applications will be charged at our standard rate.

G) Expose and check existing foundation type and depth prior to commencement of any works and confirm they are trench, where details differ a structural design may be required. Confirm with Building Control prior to commencement of works. Where existing foundations are deeper than the proposed the proposed must be taken down to at least the same level as the existing but no less than shown and in some cases deeper foundation may be required subject to visible roots and ground conditions. Allowances should be made for this in the design.

H) Remove trees near to proposed check to ensure no TPOs exist prior to removal if in doubt consult LA.

I) Note: Foundation depths are subject to soil type, tree roots and distances from trees, we suggest that a trial pit is formed first for investigation by Building control prior to excavating the full trench to establish the final foundation depths.

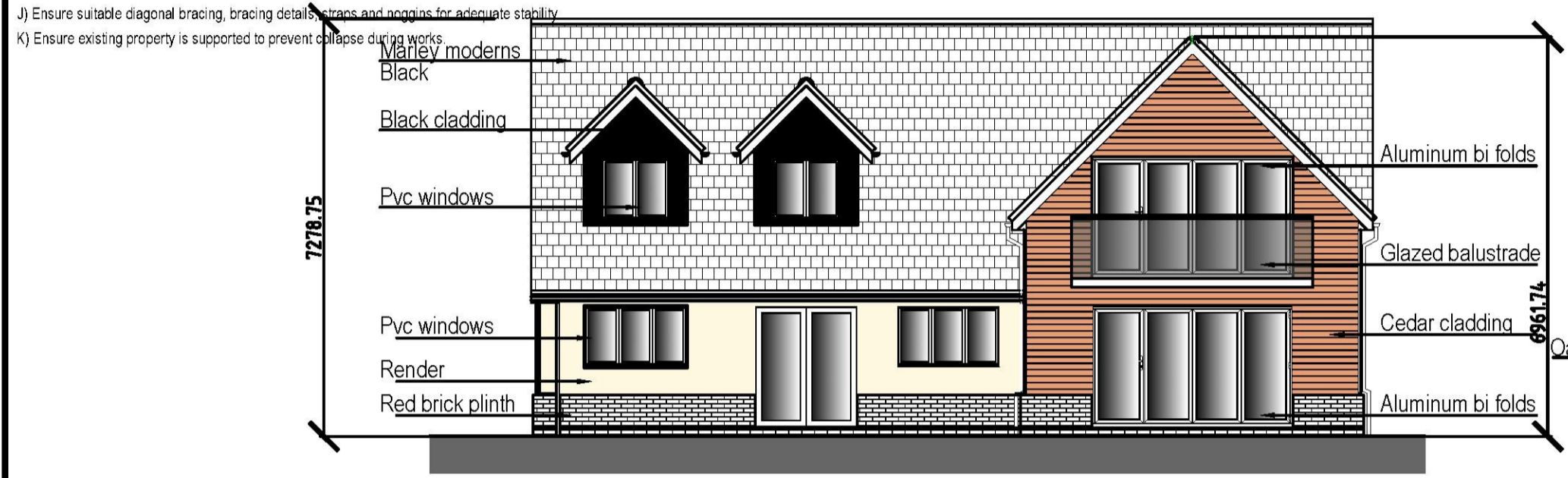
J) Ensure suitable diagonal bracing, bracing details, bracing and props for adequate stability.

K) Ensure existing property is supported to prevent collapse of any walls.

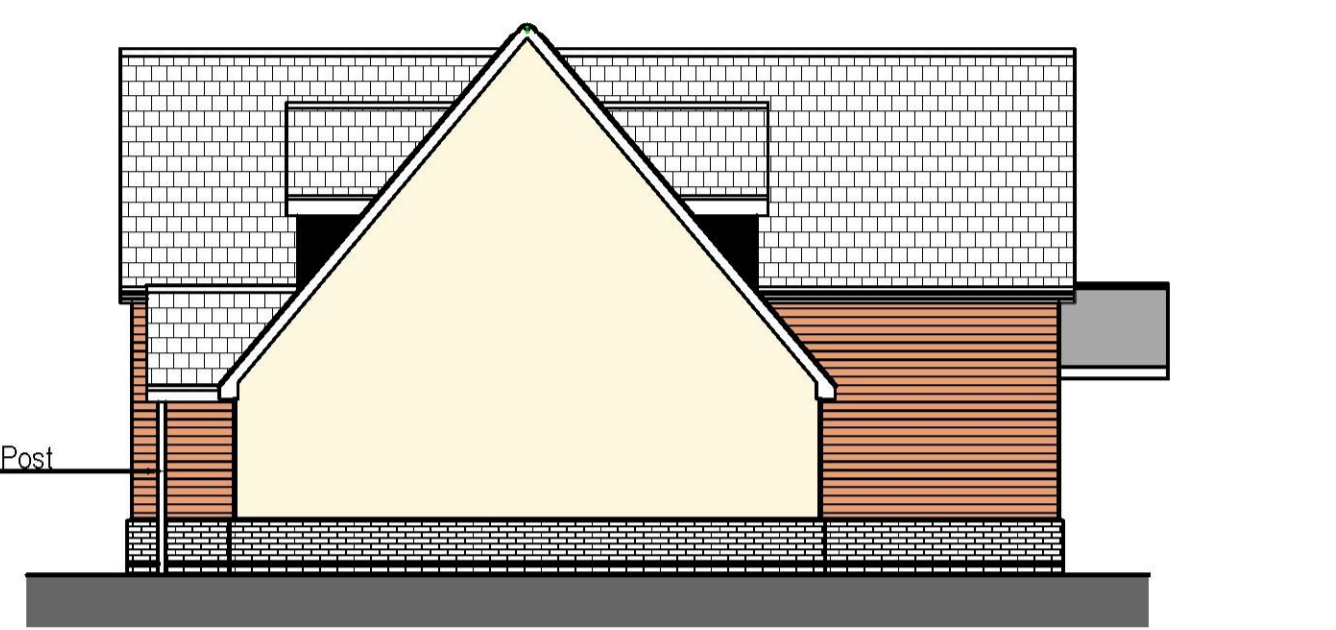


**06 Proposed Front Elevation** 1:100  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

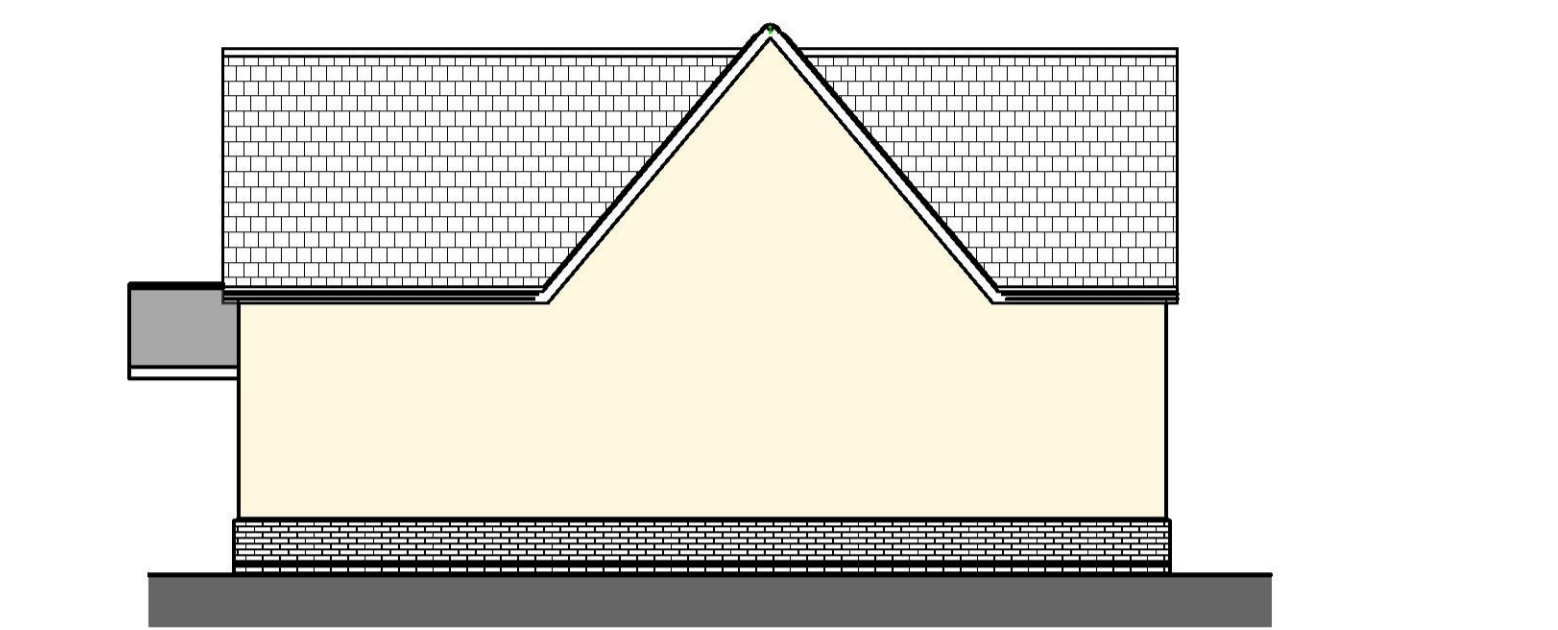
**Health and Safety Legislation**  
Construction (Design & Management) Regulations 2015  
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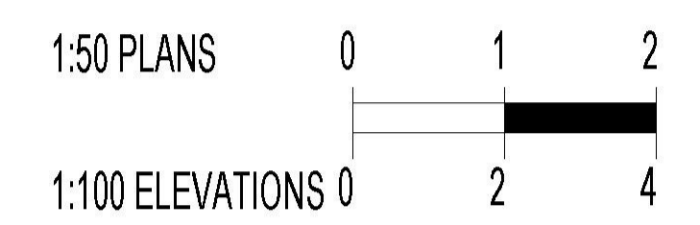
**07 Proposed Rear Elevation** 1:100  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**08 Proposed Side Elevation** 1:100  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**09 Proposed Side Elevation** 1:100  
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Ensure the existing structure is adequately propped and supported at all stages of the works, TO BE READ WITH 2020/02/01/TM 1-5 AND STRUCTURAL DETAILS

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REV DATE	DRAWN DATE	FEB 20
SHEET 2/5	SCALE	1:50/1:100/1:1250
PAPER A1	Dwg No	2020/02/02/TM

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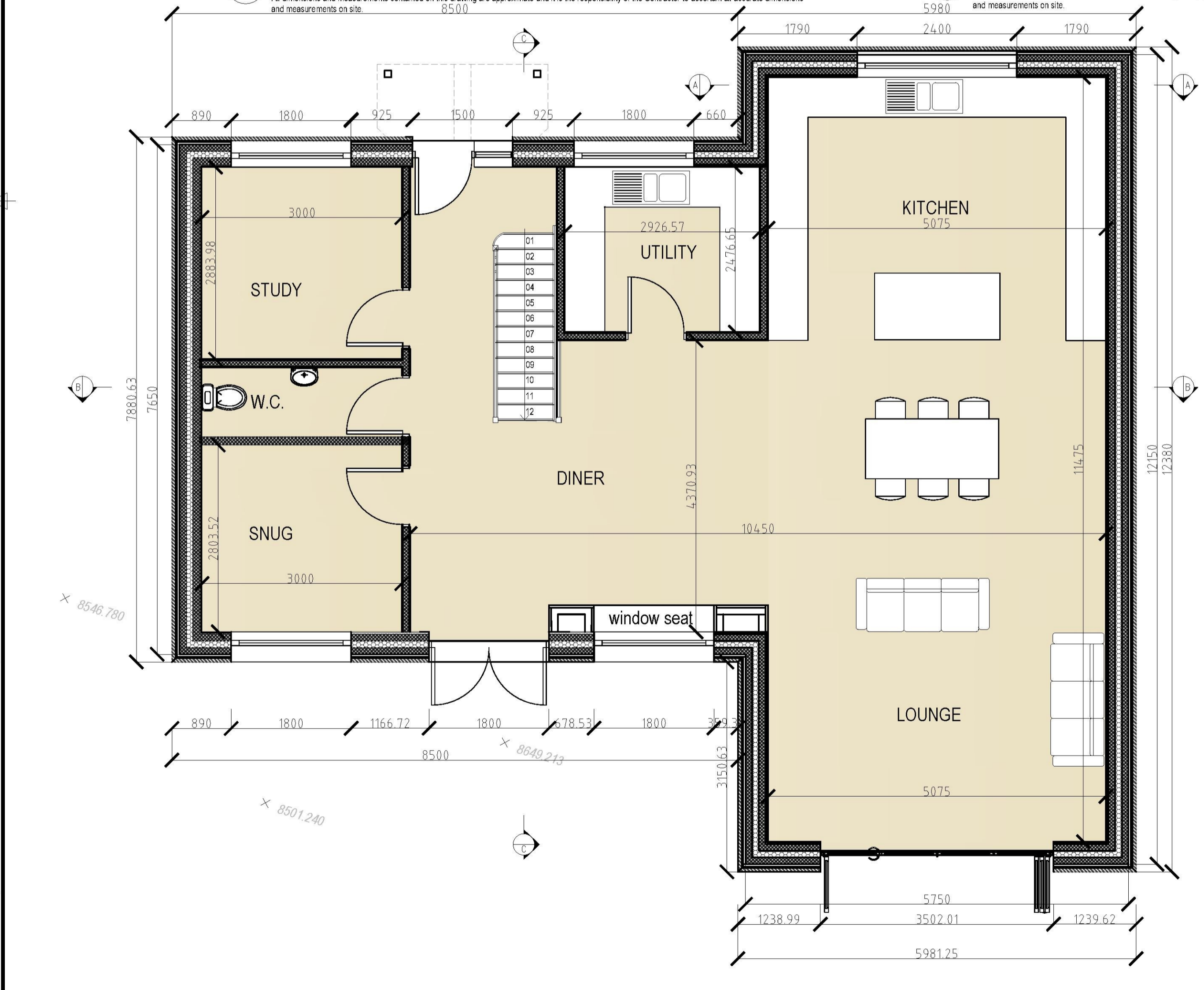
PROJECT: -  
NEW BUILD DWELLING

SITE ADDRESS: -  
The Mount Meadow Lane  
Runwell Wickford  
Essex  
SS11 7DY  
CLIENT: -  
Mr and Mrs Braham

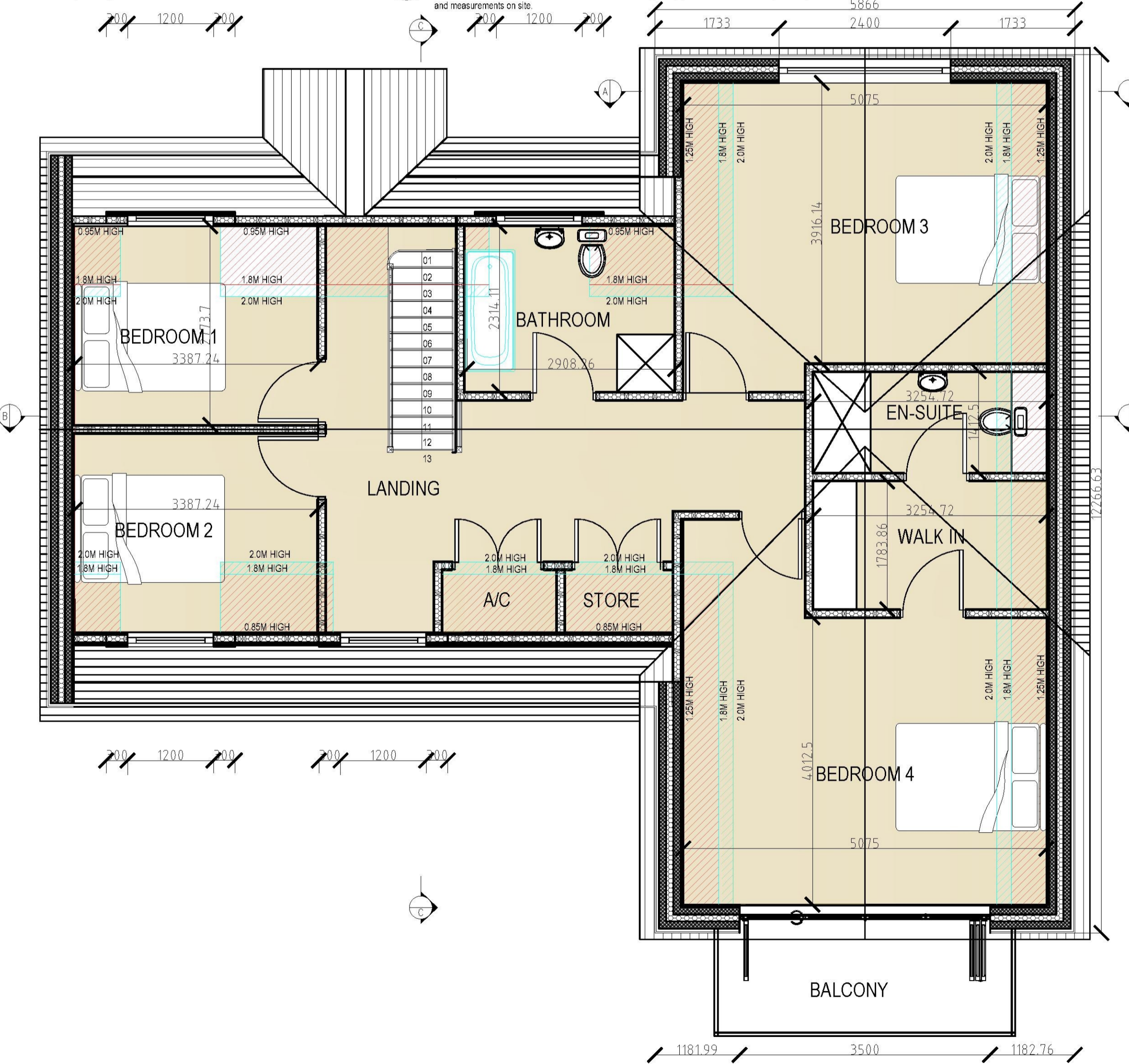
SMARTER PLANNING CHAMPION  
**partner LABC**

WALL KEY: -	Engineer	
MATERIALS: -	Planning	
1) Cedar board	Bldg Regs	
2) Marley modern black	Construction	
3) PVC windows and doors		
4) PVC Rainwater goods		
5) Oak post		
6) Brick Plinth		
7) Aluminum bi-folds		
8) Render		

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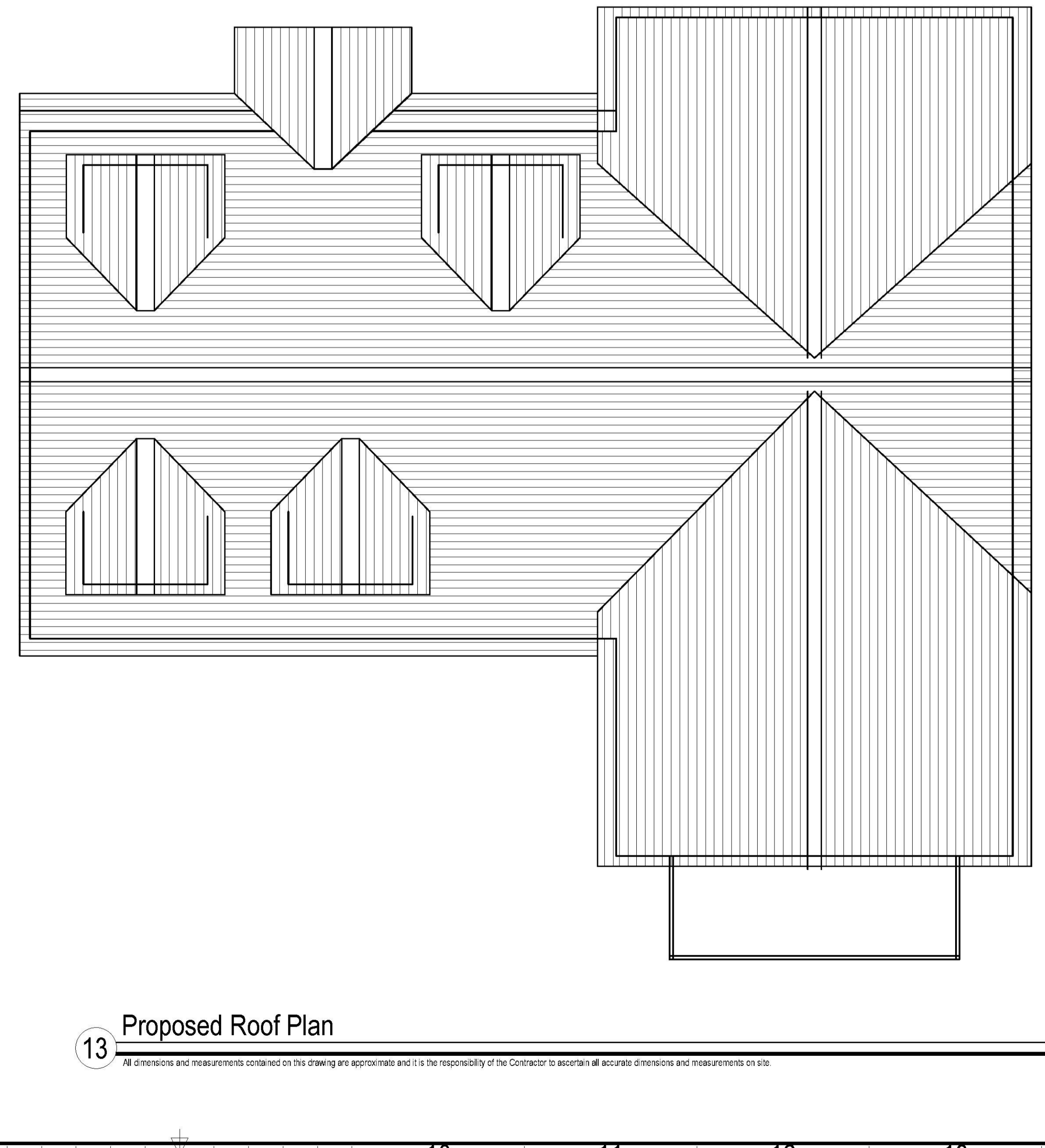


**10 Proposed Ground Floor Plan** 1:50  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**11 Proposed First Floor Plan** 1:50  
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(P2) Proposed Plans  
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**General**

A) Use infill blocks specified by beam and block floor manufacturer only to ensure correct strength block is used, details and calculations of beam and block floor to be submitted to Building control from chosen manufacturer prior to commencing this stage of the works. Provide DPC below beam and block bearings.

B) All new timber to be pressure impregnated against rot and insect attack, all timber dimensions specified are minimum sizes required.

C) Prior to commencement of works expose and check existing foundation, confirm all levels where details differ contact engineer for redesign charged at engineers standard rate. Ensure foundations are trench and not pile or raft if found to be designed then foundations may need to be reconsidered.

D) Allow for shrinkage details in timber.

E) Care to be taken to determine exact position and levels of existing underground and general services. Check for Gas, Electric main cables, drainage, pipe work, telecommunications etc allow for diversion protection as agreed with the relevant Utility companies only. No Gas mains to be built over, consult Gas utility company for diversion.

F) Existing drainage appears to be private if found to be shared it must comply with Anglia Water requirements. It is important to check these details prior to any works commencing on site. Where details differ contact DSB. Applications will be charged at our standard rate.

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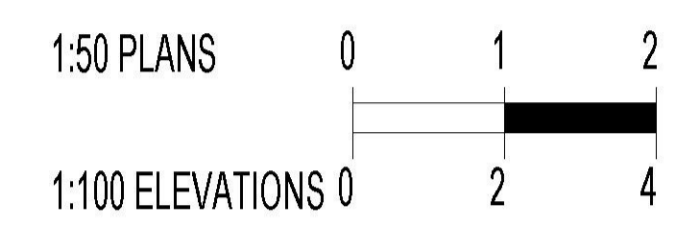
H) Remove trees near to proposal check to ensure no TPO's exist prior to removal if in doubt consult LA.

I) Note - Foundation depths are subject to soil type, tree roots and distances from trees, we suggest that a trial pit is formed first for investigation by Building control prior to excavating the full trench to establish the final foundation depths.

J) Ensure suitable diagonal bracing, bracing details, straps and noggins for adequate stability.

K) Ensure existing property is supported to prevent collapse during works.

**Health and Safety Legislation**  
**Construction (Design & Management) Regulations 2015**  
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REV DATE	DRAWN DATE	FEB 20
SHEET 3/5	SCALE	1:50/1:100/1:1250
PAPER A1	Dwg No	2020/02/03/TM

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PROJECT: -  
 NEW BUILD DWELLING

SITE ADDRESS:-  
 The Mount Meadow Lane  
 Runwell Wickford  
 Essex  
 SS11 7DY  
 CLIENT: -  
 Mr and Mrs Braham

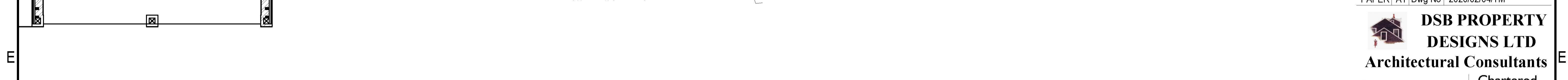
**SMARTER PLANNING CHAMPION**  
**partner LABC**

WALL KEY: -	Engineer	
MATERIALS: -	Planning	
1) Cedar board	Bldg Regs	
2) Marley modern black	Construction	
3) PVC windows and doors		
4) PVC Rainwater goods		
5) Oak post		
6) Brick Plinth		
7) Aluminum bi-folds		
8) Render		
	Block walls	
	Stud walls	
	Proposed walls	

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 Web: www.dsbdesigns.co.uk

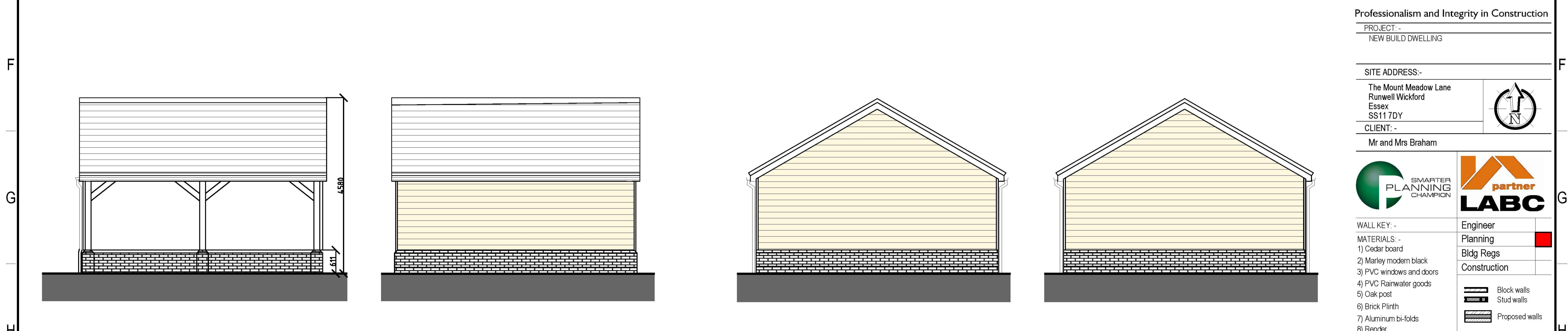
12 Proposed Site Plan 1:200  
 All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

13 Proposed Roof Plan 1:50  
 All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**14** Proposed Cart Lodge 1:50  
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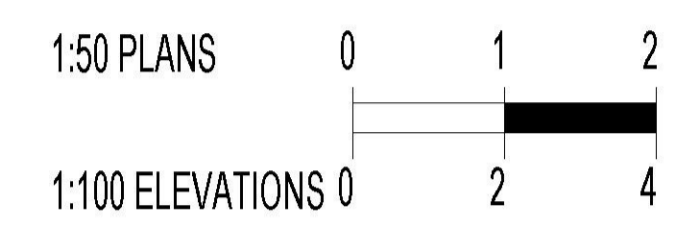
**15** Location Plan 1:1250  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**16** Proposed Cart Lodge Elevations 1:50  
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- General**
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  - B) All new timber to be pressure impregnated against rot and insect attack, all timber dimensions specified are minimum sizes required.
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  - D) Allow for shrinkage details in timber.
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  - H) Remove trees near to proposal check to ensure no TPO's exist prior to removal if in doubt consult LA.
  - I) Note - Foundation depths are subject to soil type, tree roots and distances from trees, we suggest that a trial pit is formed first for investigation by Building control prior to excavating the full trench to establish the final foundation depths.
  - J) Ensure suitable diagonal bracing, bracing details, straps and noggins for adequate stability.
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PAPER	A1	Dwg No	2020/02/04/TM

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**CIOB**  
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PROJECT: -  
NEW BUILD DWELLING

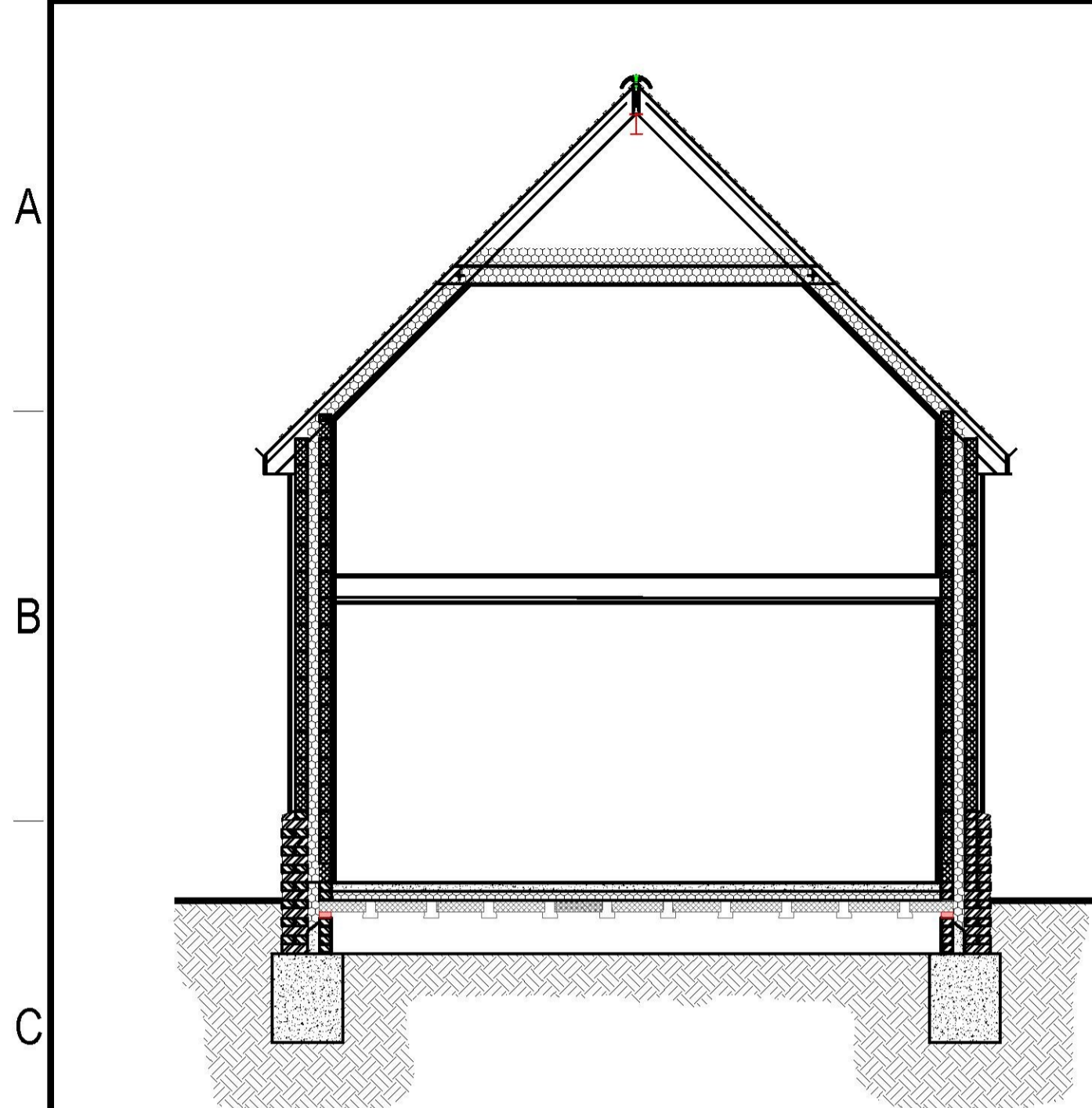
SITE ADDRESS: -  
The Mount Meadow Lane  
Runwell Wickford  
Essex  
SS11 7DY  
CLIENT: -  
Mr and Mrs Braham

SMARTER PLANNING CHAMPION  
**LABC**  
partner

WALL KEY: -	Engineer	
MATERIALS: -	Planning	
1) Cedar board	Bldg Regs	
2) Marley modern black	Construction	
3) PVC windows and doors		
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5) Oak post		
6) Brick Plinth		
7) Aluminum bi-folds		
8) Render		

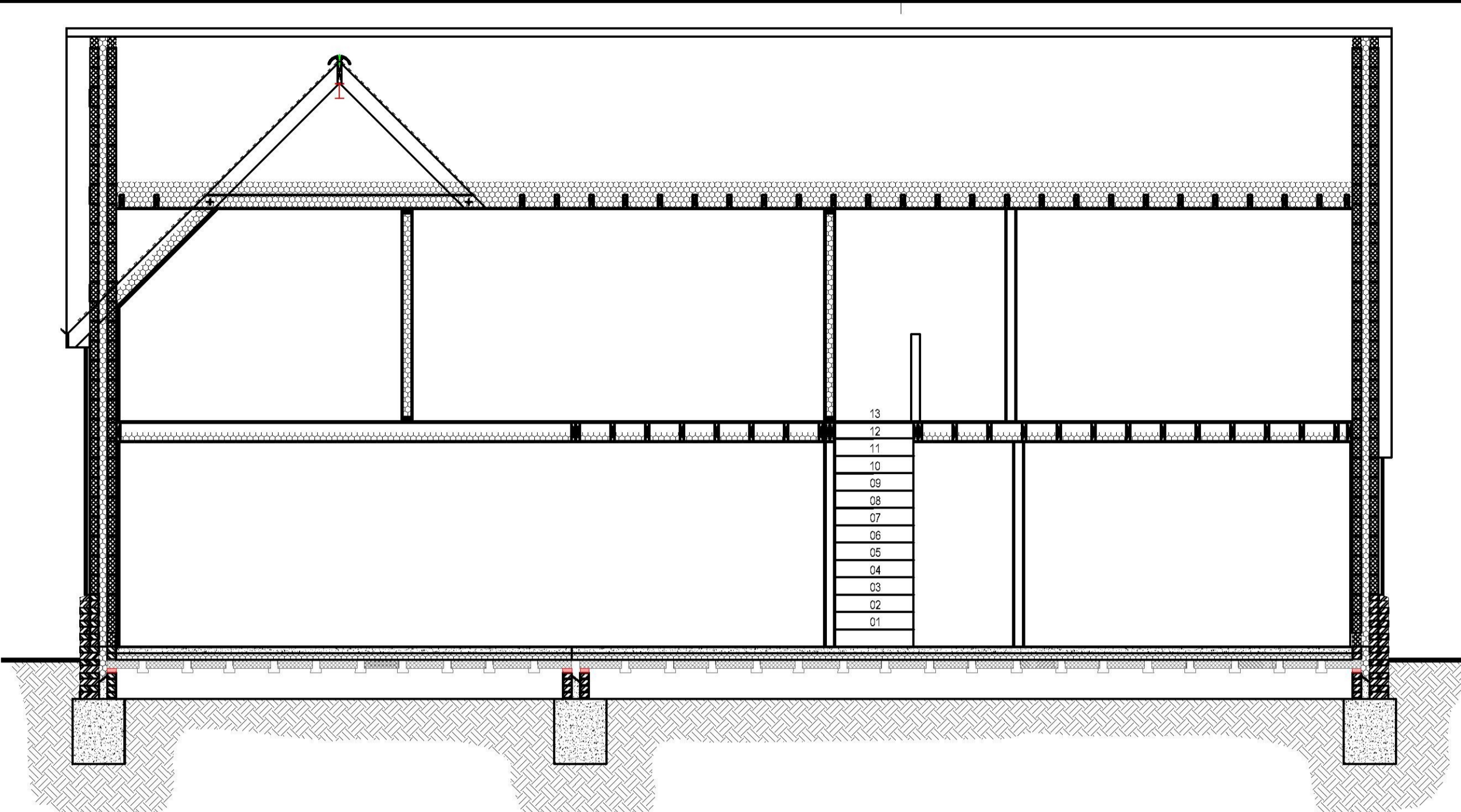
Tel: 01702 302 399 Email: Info@dsbdesigns.co.uk  
Web: www.dsbdesigns.co.uk

**P4** Proposed Plans  
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17 Section A-A 1:50

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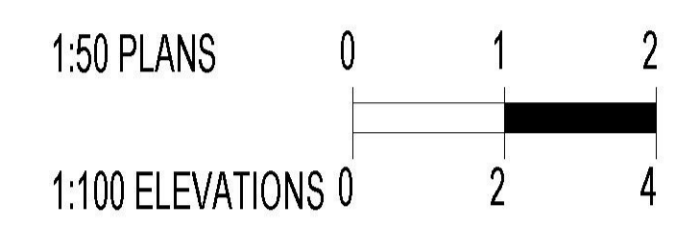


18 Section B-B 1:50

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REV DATE	DRAWN DATE	FEB 20
SHEET 5/5	SCALE	1:50/1:100/1:1250
PAPER A1	Dwg No	2020/02/05/TM

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 7) Aluminum bi-folds  
 8) Render

Engineer	
Planning	■
Bldg Regs	
Construction	

Block walls	■
Stud walls	■
Proposed walls	■

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 Web: www.dsbdesigns.co.uk

Proposed Sections  
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20 Proposed Site 1:200

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19 Section C-C 1:50

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**General**

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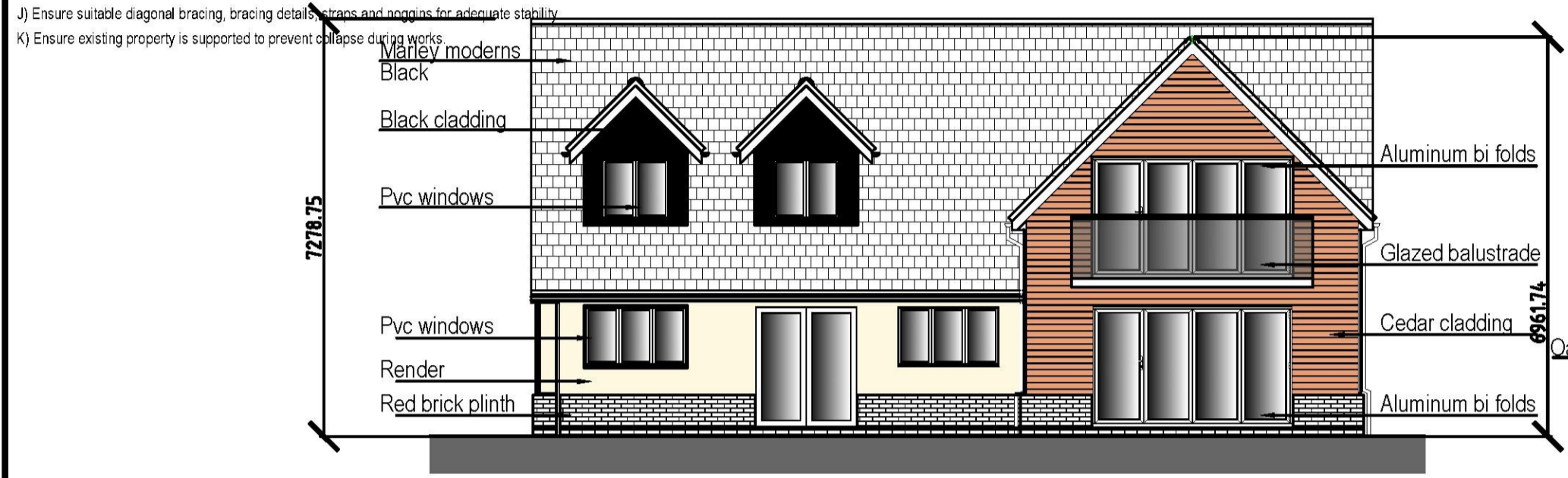
J) Ensure suitable diagonal bracing, bracing details, bases and supports for adequate stability.

K) Ensure existing property is supported to prevent collapse of any walls.

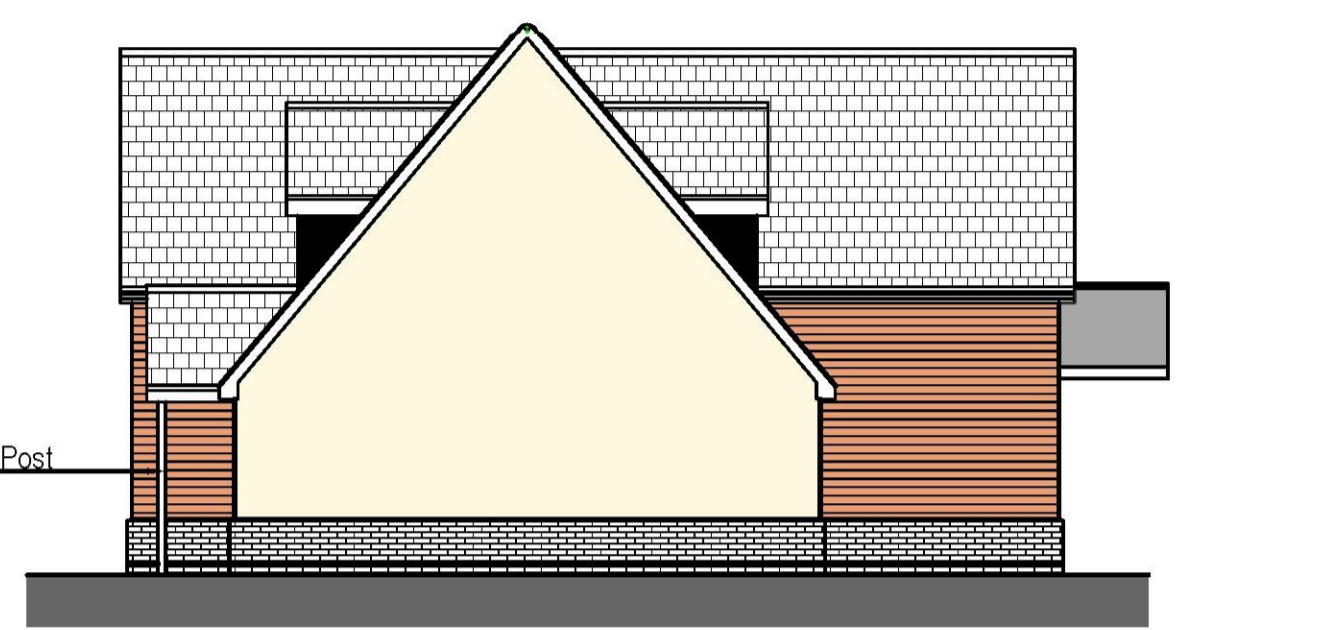


**06 Proposed Front Elevation** 1:100  
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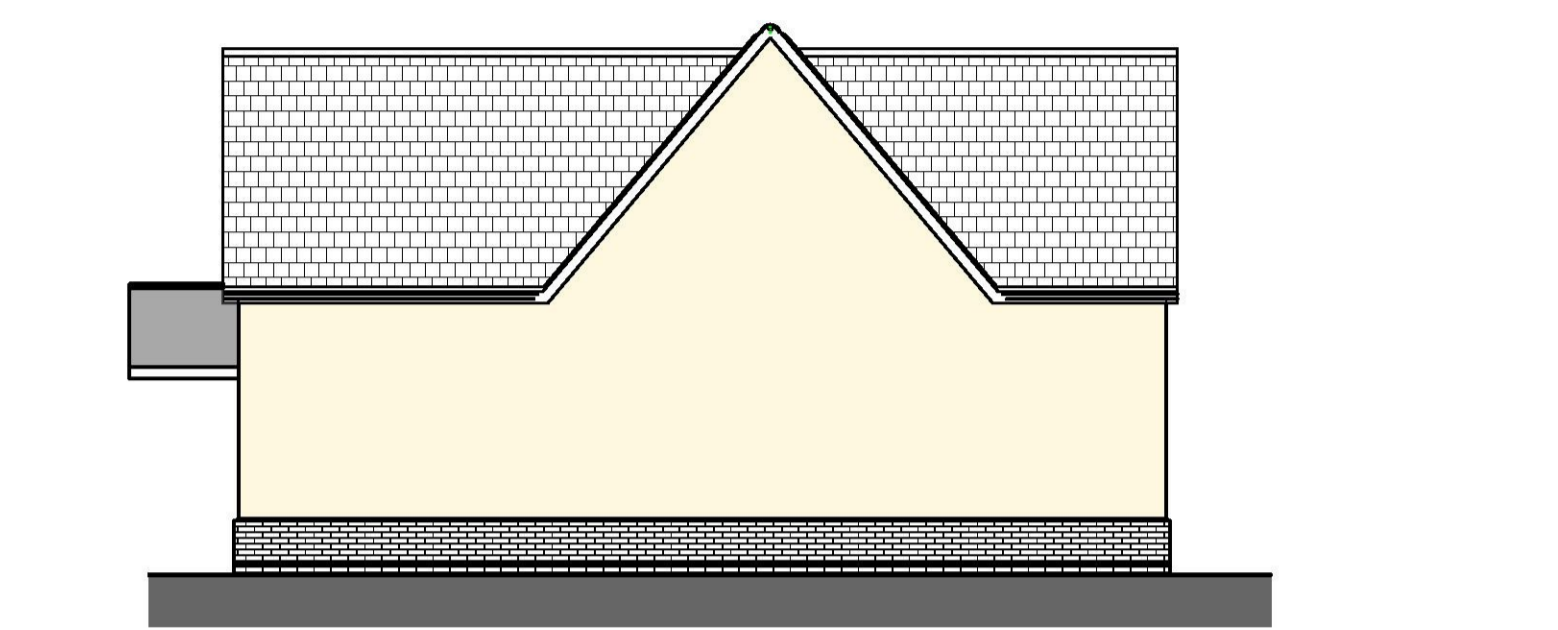
**Health and Safety Legislation**  
Construction (Design & Management) Regulations 2015  
The client should make themselves aware of their duties and responsibilities under the Construction (Design & Management) Regulations 2015 including making suitable arrangements to ensure that, throughout the planning, design and construction of a project, adequate consideration is given to the health, safety and welfare of all those affected and involved in the construction work. The client should ensure that all relevant pre-construction information is provided as soon as practicable to the designer and contractor (including the principal contractor) who is bidding for work on the project or has already been appointed. DSB Property Designs Ltd will be appointed 'designer' for the pre-construction phase of the project to prepare drawings, design details and specifications for the submission of town planning and/or building regulation applications only. Domestic client duties will automatically pass to the contractor or principal contractor during the construction phase of the works, and these are general duties to manage health and safety of the site and works which a contractor already has a duty to discharge. These drawings form our part of the health and safety file under CDM 2015, we are not involved with the construction phase of the project therefore. Our involvement as Principal designer has now ended and the client must pass these documents to the Principal Contractor and appoint them in writing to carry out their duties under CDM 2015. Note that a project is notifiable to the HSE if the construction work on a construction site is scheduled to last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project or it exceeds 500 person days.  
These drawings are compiled on the sole basis that the works will be undertaken by a competent Contractor experienced in the nature of the works shown hereon. ALL required temporary works to undertake the proposals shown hereon are the responsibility of the Contractor.  
These drawings are not a step by step instruction guide and in some cases changes may be required. Any deviations from the drawings must first be agreed with Building control. Where our involvement is required this must be instructed in writing and will be charged at our standard rate.  
We suggest an Asbestos survey is carried out and where any Asbestos is found seek the appropriate advice. Any asbestos must be dealt with by an approved, licensed contractor only.



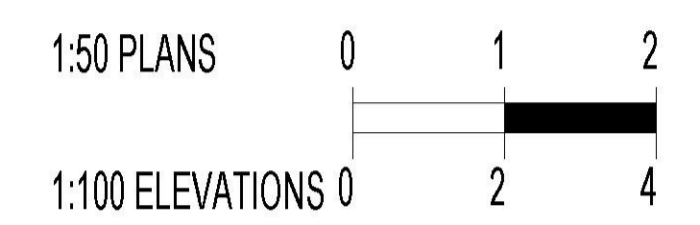
**07 Proposed Rear Elevation** 1:100  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**08 Proposed Side Elevation** 1:100  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**09 Proposed Side Elevation** 1:100  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



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Ensure the existing structure is adequately propped and supported at all stages of the works, TO BE READ WITH 2020/02/01/TM 1-5 AND STRUCTURAL DETAILS

DRAWN BY	DB	CHECKED	HM
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REV DATE	DRAWN DATE	FEB 20
SHEET 2/5	SCALE	1:50/1:100/1:1250
PAPER A1	Dwg No	2020/02/02/TM

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Architectural Consultants  
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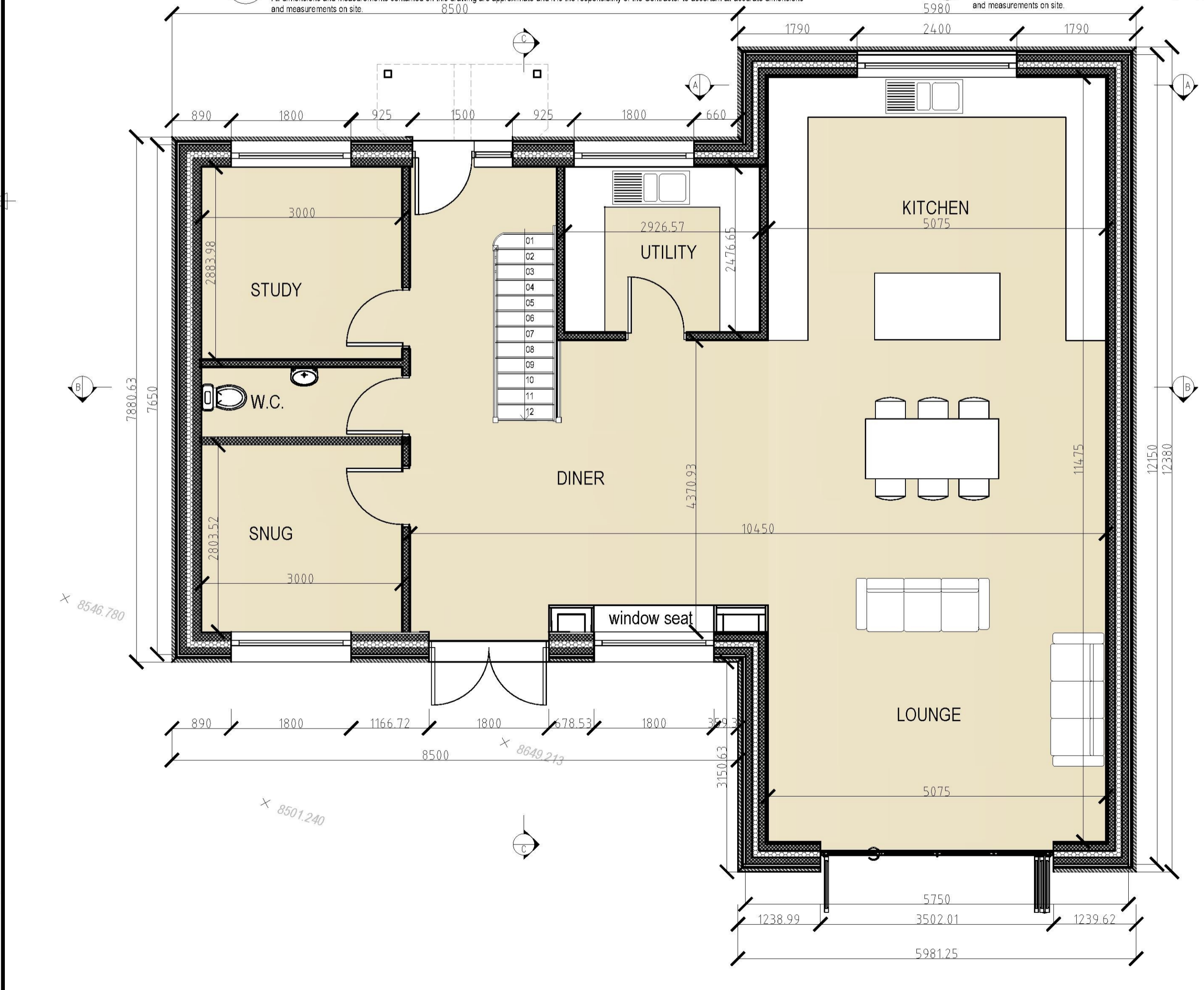
PROJECT: -  
NEW BUILD DWELLING

SITE ADDRESS: -  
The Mount Meadow Lane  
Runwell Wickford  
Essex  
SS11 7DY  
CLIENT: -  
Mr and Mrs Braham

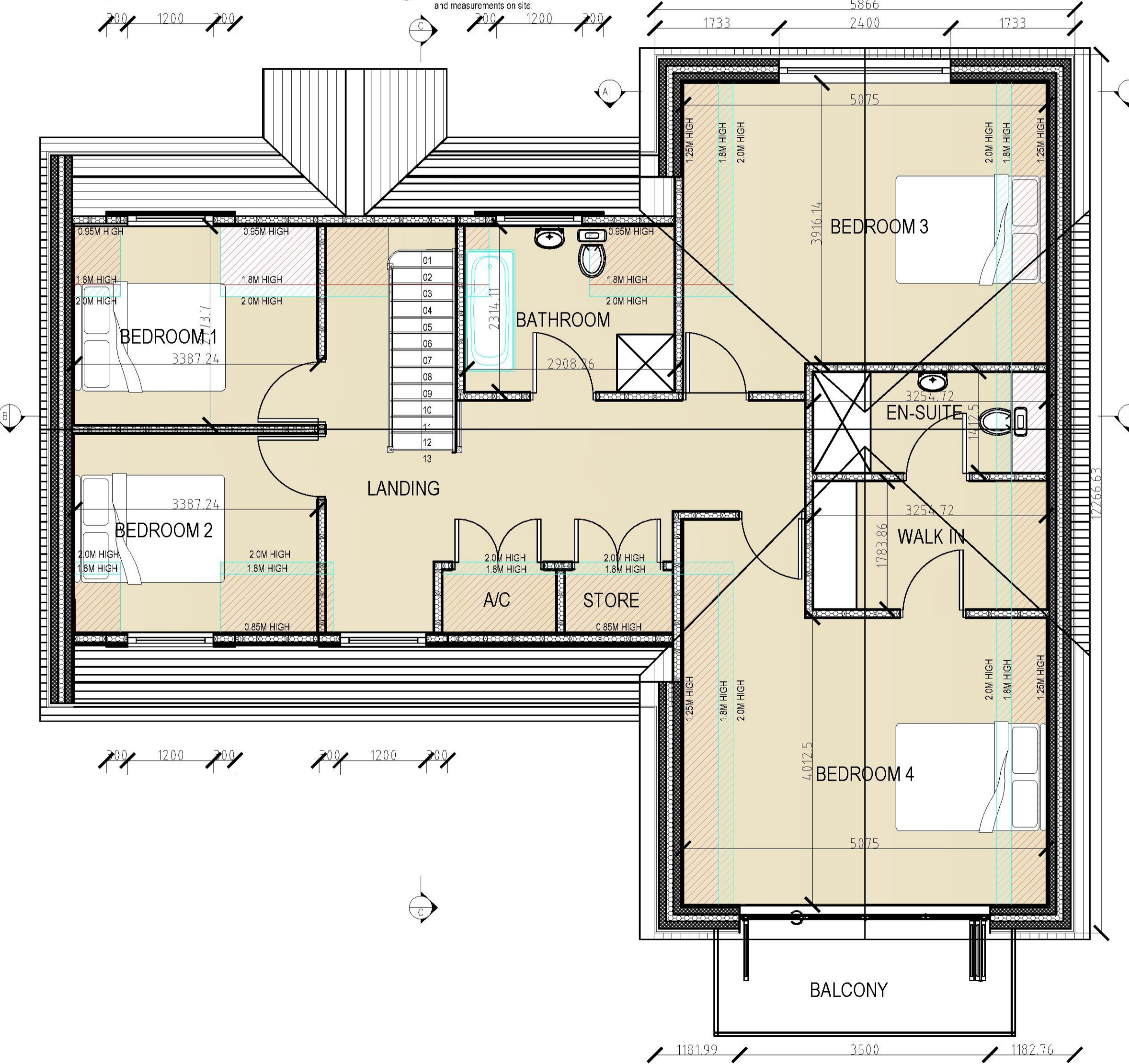
SMARTER PLANNING CHAMPION  
**partner LABC**

WALL KEY: -	Engineer	
MATERIALS: -	Planning	
1) Cedar board	Bldg Regs	
2) Marley modern black	Construction	
3) PVC windows and doors		
4) PVC Rainwater goods		
5) Oak post		
6) Brick Plinth		
7) Aluminum bi-folds		
8) Render		

Tel: 01702 302 399 Email: info@dsbdesigns.co.uk  
Web: www.dsbdesigns.co.uk



**10 Proposed Ground Floor Plan** 1:50  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



**11 Proposed First Floor Plan** 1:50  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

(P2) Proposed Plans  
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.

## **Design and Access Statement**

### **Proposal for Residential Development in Lieu of Existing Outbuildings at ‘The Mount’, Meadow Lane, Runwell, Essex, SS11 7DY**

#### **1.0 The Site and Local Context**

**1.1** The site is residential and is occupied by a house and various non-agricultural outbuildings (established under application reference 18/01842/CLEUD). In planning terms it qualifies as ‘Previously Developed Land’ (PDL) which is defined as follows at page 70 of the National Planning Policy Framework 2018:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*

*This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

**1.2** The site lies outside of any settlement boundary as designated in the adopted Core Strategy and in the emerging Local Plan. It is within the Metropolitan Green Belt. However, there are numerous other dwellings and associated buildings along Meadow Lane.

#### **2.0 The Proposal**

**2.1** Clearance of existing structures as identified on plan and their replacement with a four-bedroom chalet style house, detached cart-lodge outbuilding and associated hard-surface vehicular entrance and parking. The proposed

development would be no higher than the highest of the existing buildings that would be replaced. The 'Foot-print' and three-dimensional size/form of the proposed house and outbuilding would be less than the existing buildings.

**2.2** The proposed development would be sited between 'The Mount' house itself and neighbouring dwelling 'Beaumont'. This choice of siting reflects the general rule in Development Management that when looking to site new buildings in the Green-Belt and countryside generally, they should group together as far as practicably possible in order to avoid a sense of 'spreading' built-form into more open areas.

### **3.0 Relevant Planning Policy**

#### **National Level: The National Planning Policy Framework (NPPF) 2019**

**3.1** At paragraph 7 of the NPPF it states that: ***"The purpose of the planning system is to contribute to the achievement of sustainable development."*** It goes on at paragraph 10 to state that there should be a ***"...presumption in favour of sustainable development."*** It then states at paragraph 38 that: ***"Decision-makers at every level should seek to approve applications for sustainable development where possible."***

**3.2** With specific regard to the Green Belt, the new NPPF maintains the same protection objectives as were set out in the 2012 version that it has replaced. The openness of the Green Belt must still be permanently protected by avoiding conflict with the five purposes for including land within the Green Belt, which are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

**3.3** The NPPF advises at paragraph 145 part (g) that the following development can be appropriate within the Green Belt:

***“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:***

***– not have a greater impact on the openness of the Green Belt than the existing development.”***

**3.4** In terms of general countryside protection, the starting point in considering the acceptability of development proposals is indicated at paragraph 170 as ***“Recognising the intrinsic character and beauty of the countryside...”*** In practice this means judging the quality of the countryside in any given place and using this to inform whether allowing development would be acceptable in that particular place, rather than using the word ‘countryside’ as catch-all description by which to justify a blanket anti-development approach.

**3.5** The NPPF does not address matters of design in any detailed way but at section 12 it does set out some general, common-sense principles providing direction to achieving good design outcomes.

**3.6** With regard to parking, the NPPF does not dictate minimum or maximum parking standards. It takes a more flexible and responsive approach in effectively directing at paragraph 105 that if provision be required at all, it be determined on a site-by-site basis taking into account a range of factors that will vary according to any given situation.

**Local Level: Core Strategy and Development Control Policies (CSDCPD)**

**3.7** The following policies of the Core Strategy are those with relevance or possible relevance to consideration of the planning merits of the proposed development. They have been acknowledged in its conception, with the objective being an acceptable degree of compliance as appropriate, in light of all other



specific material considerations and circumstances pertaining:

**CP13: 'Minimising Environmental Impact'**

**CP14: 'Environmental Quality and Landscape Character'**

**CP21: 'Ensuring Buildings Are Well Designed'**

**DC1: 'Controlling Development in the Metropolitan Green Belt'**

**DC4: 'Protecting Existing Amenity'**

**DC7: 'Vehicle Parking Standards at Developments'**

**DC44: 'Private Amenity Space'**

**DC45: 'Achieving High Quality Development'**

**3.8** The Council is currently in the process of producing a new local plan (at present it is known as the Chelmsford Draft Local Plan Pre-Submission Document) that will guide development for the period up to 2036. In this plan the policies which apply to the application site are, in essence, the latest versions of the existing policies listed above. They cover the same/similar themes and have the same/similar objectives.

#### **4.0 Design and Impacts**

**4.1** The proposed dwelling would display an emphasis on traditional architectural features such steep pitches; fairly narrow span gables; cottage-style dormers; casement windows in an ordered pattern of fenestration; open porch; brick plinth and a mix of external construction materials drawn from the rural building tradition of Essex. The resulting building would be strongly suggestive of a modern vernacular cottage. It would be an aesthetically pleasing design form displaying inherent architectural harmony. These aspects would all contribute to the creation of visual familiarity and harmonious addition to the local scene. The proposed outbuilding would adopt the same familiar themes in its design and detail.

**4.2** Assessing the actual effect of the proposed development on the intrinsic character, appearance and openness of the Green-Belt countryside requires

taking into account the reality of the combined visual impact of the existing buildings and the full combination of design, size and setting of the proposed buildings; all permanent and at least semi-permanent features/factors of the locality such as other surrounding buildings, distance and orientation to the nearest Public Highway (s), trees and 'layers' of shrubs and hedges which create a complex pattern of screening from different positions and distances surrounding the application site. Taking all these factors into account, it is reasonable to conclude that the proposed development would fit into the setting without changing public perception of the rural quality of the wider locality and without tangibly reducing the openness of the Green Belt or causing actual harm to the intrinsic character and beauty of the countryside.

**4.3** No part of the proposed development would be close enough to any other residential properties in the vicinity to have an impact on the amenities of their occupiers by over-bearing physical presence, material reduction in ambient daylight or over-looking and loss of privacy. The proposed dwelling would be similarly immune from adverse effects by existing properties.

**4.4** The proposed dwelling would be served by a new access as per the submitted layout plan. All new hard-surfacing would be permeable in nature and suitably aesthetic in appearance for the rural locality. Additional complementary landscaping could take place on the site frontage generally. Enhancement to public visual amenity could be achieved. For all these matters, planning conditions can secure details and compliance to the Council's specific requirements.

**4.5** Private amenity space, off-street parking for all domestic transport types and storage of wheelie bins and recycling receptacles are matters which could all be provided for to serve the proposed and existing dwellings in a manner compliant with relevant policies. There is nothing relating to any of these matters which would prevent planning permission being granted. Details can be secured by the Council as necessary through the imposition of reasonable conditions.

**4.6** Taking account of the particular physical context of the locality, the proposed development has been positively conceived to accord with the strategic, protectionist, aesthetic, character, functionality, and sustainability expectations of national guidance and adopted policies listed at paragraphs 3.7 and 3.8. It is considered that no conflict with the spirit and purpose of these local policies and guidance or national policy guidance would result.

## **5.0 Access**

**5.1** The site is within reasonably comfortable and safe walking and cycling distance of Runwell and Wickford where amenities are available to serve a wide range of day-to-day needs. There is a bus service running on Church End Lane (less than 1 kilometre from the application site) into Wickford where there is a main-line railway station giving onward access to London and other commutable towns. Occupants of the proposed dwelling would therefore have the ability to access a full range of facilities and services, including educational, cultural, community, shopping, and employment opportunities, without total reliance on the private motor-car. This would adequately accord with the sustainable development objectives of local area policy and national policy in the NPPF.

**5.2** The site would provide ample parking opportunities for all domestic vehicle types (cars, powered two wheelers and bicycles). Precise details for secure storage or locking points can be determined under the terms of a planning condition. Off-street parking provision at the existing dwelling would not be adversely affected.

**5.3** The proposed development would be constructed in compliance with the requirements of Part M of the Building Regulations to allow reasonable access and use to all persons.

## **6.0 Trees**

**6.1** No trees or other landscape features of high public visual amenity value would be affected or lost as a consequence of the proposed development. The Council can impose conditions to achieve additional planting as deemed appropriate and necessary.

## **7.0 Biodiversity**

**7.1** The site has limited wildlife habitat value. The proposed development would not materially diminish the quality of such wildlife habitat as is available elsewhere on the greater site. There are no species of protected flora and fauna known or suspected to exist on the site.

## **8.0 Flood Risk**

**8.1** The application site lies within Environment Agency designated Flood Risk Zone 1 where little, if any, risk of flooding has been identified. No special protection or amelioration measures are necessary.

## **9.0 Conclusion**

**9.1** The proposed development would be appropriate development in the Green-Belt and would comply with the spirit and purpose of national guidance related to preserving the openness of the Green-Belt and protecting the intrinsic character and beauty of the countryside. No other planning interests of acknowledged importance would be harmed by it. The indicators are that a grant of planning permission, subject to relevant conditions as reasonable and necessary, is appropriate.

# Appeals Report

Appeal Decisions received between 01/06/2020 and 01/07/2020

## PLANNING APPEALS

Total Appeal Decisions Received	4	
Dismissed	4	100%
Allowed	0	0%
Split	0	0%

### Written Reps

#### 49 Ratcliffe Gate Springfield Chelmsford Essex CM1 6AL

<b>Reference</b>	19/01912/CLOPUD
<b>Proposal</b>	Conversion of garage to habitable room. Rear garage door to be replaced with window.
<b>Appeal Decision</b>	Appeal Dismissed - 29/06/2020
<b>Key Themes</b>	Lawful development certificate appeal
<b>Agreed with CCC on</b>	Condition prevents garage conversion from being permitted development
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

### Householder

#### Land South West Of 13 Moulsham Street Chelmsford

<b>Reference</b>	19/01424/ADV
<b>Proposal</b>	Restrospective application for a digital advertisements on the real-time passenger information screen located in the City centre showing latest departures for nearby bus stops. Adverts could be from a broad range of suppliers - both public and private.
<b>Appeal Decision</b>	Appeal Dismissed - 23/06/2020
<b>Key Themes</b>	Visual Amenity.
<b>Agreed with CCC on</b>	Intrusive addition, cluttered appearance, harmful to Conservation Area setting of Listed Building.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### 3 Essex Avenue Chelmsford Essex CM1 4AQ

<b>Reference</b>	19/01533/FUL
<b>Proposal</b>	Proposed formation of access.
<b>Appeal Decision</b>	Appeal Dismissed - 23/06/2020
<b>Key Themes</b>	Highways safety, Parking Standards.
<b>Agreed with CCC on</b>	Overhanging of the pedestrian footpath, insufficient parking space, pedestrian safety
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

## 1 Middle Mead Close West Hanningfield Chelmsford Essex CM2 8UR

<b>Reference</b>	19/01933/FUL
<b>Proposal</b>	Retrospective application for the construction of a side dormer.
<b>Appeal Decision</b>	Appeal Dismissed - 24/06/2020
<b>Key Themes</b>	Design, character and appearance of the host dwelling and wider area
<b>Agreed with CCC on</b>	Design - dormer has an awkward design in stark contrast to the design and form of the host dwelling and wider area. Neighbour amenity - considered dormer does not have a harmful impact on neighbour amenity
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None