

QUESTIONS AND STATEMENTS FROM THE PUBLIC

TO THE PLANNING COMMITTEE ON 7th November 2023

Item 7 - 23/01277/FUL – Essex Stays, 49 Maldon Road, Great Baddow, Chelmsford, Essex, CM2 7DN

Question from Longmead Management Group

Longmead Management Group would like to submit the following statement on behalf of our association.

Our association looks after the interests of the 7 newish properties that are situated to the North and East of Essex Stays, effectively surrounding the rear garden of the Kings Head. Following a meeting with the residents of these properties we would like to submit the following statement.

Our group supported Essex Stays original 2019 planning application for C3 use after examining the support documentation and following discussions with Essex Stays themselves. On opening, it was clear that the property was not being used in the way that was described to us. It was a party events venue. The guests are not there to explore the amenities of the area. Most are in for the duration to party from morning to night.

Our members started to complain to Essex Stays during the summer of 2022 with little effect. Indeed, several of our residents were cut off from contacting Essex Stays. By late August, complaints of loud noise and anti-social behaviour started to be reported to the Council by our residents.

The property is not licensed to sell alcohol, guests can bring in their own alcohol, but it was suspected that some guests purchased cocktail packages from Essex Stays in contravention of alcohol licensing regulations.

Additional sleeping arrangements and 'glamping experiences,' meant having numbers well in excess of those expected to stay. Insufficient car parking space became a problem. Cars double-park, encroaching on the highway.

Additionally, it was discovered that Essex Stays had broken licensing rules with the supply of alcohol. They were initially given a verbal warning and more recently, following a further indiscretion, a written warning was issued by Council's licensing department.

The original C3 planning class permits a maximum number of six guests to stay, significantly less than the numbers actually staying. Consequently, Essex Stays were issued with a contravention of planning use notice. The same original description is now being submitted again in support of Sui Generis. A dangerous situation that could see their current trading activities and possible greater future activities, endorsed. This will have an enormous impact on our residents.

To date we have:

A company that misled the residents of Great Baddow.

A company that misled the Parish Council and City Council.

A company that breaches planning permissions.

A company that breaches licensing laws.

A company that facilitates statutory noise nuisance and anti-social behaviour.

A company that breaks parking restrictions and regulations.

We consider that Essex Stays have a history of irresponsible trading activities and sincerely hope that they are not given a platform to carry on with these types of controversial, unsupervised and irresponsible partying activities in a highly residential area. They should accept their original planning permission and work within its parameters.

Question from Mrs G

Executive Summary 1.9: Planning state that residents who live in close proximity to Essex Stays, should bear in mind that the premises was once a pub and it should be envisaged that levels of noise from this holiday let should be no greater than that of a pub. Additionally, that those that live nearby would have moved into their properties knowing about the premises.

Did planning not consider that the pub ceased trading well over 5 years ago and that since then, several new residents have moved into houses that are in close proximity of the property. Since 2018 the property has either been closed or trading as a holiday let. How would new residents know what to expect, apart from Council's claim, from the 2019 application, that its operations would be in keeping with a short-term holiday let and the number of guests using the property would be relative to the type of business and size the of property?

Question from Mr G

Executive Summary point 1.5: The C3 planning class that is in place at the moment covers up to 6 guests staying over. The Sui Generis planning class provides for much larger numbers of guests, 17 or more, sleeping over according to support documentation. Notwithstanding additional day guests, these are excessive numbers. Do the council feel that this much larger number of staying guests would be a lot more than could reasonably be expected to use the facilities of a property of this size? The property has not tripled in size, neither have the car parking spaces!

Question from Mrs J

Planning Officers Report - Amenity 7.24

Supporting documentation for this application details specific house rules to mitigate possible problems arising with neighbours. Some house rules have been in place since the business opened, but on several occasions, these have failed to be followed.

I would like to know how planning can conclude that one rule, covering the clearing of the garden by 10.00pm, can be complied with when the application details states that 6 guests can enjoy "glamping" in the garden? This is not clearing the garden.

Question from Mr G

Policy DM29 states that “the development must avoid 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.”

It appears the sole method to ensure DM29 adherence are the set of house rules the owner claims are in force.

However, as many of the public objections clearly state, these rules have proven wholly ineffectual and unenforceable to date, a point that was raised by Great Baddow Parish Council in their objections.

The claims that no stag or similar party usages are allowed has been disproven by evidence provided, with the owner even congratulating several guests on their hen parties held at the venue and I know of at least one stag party booking next year the owner is already well aware of.

This condition also does nothing to prevent the excessive daytime noise from the external sound systems or limits on number of guests in any way.

Can a set of house rules that cannot be policed and enforced, mainly due to no one on site, be considered an acceptable discharge of the planning departments responsibilities regarding policy DM29?

I would also like clarification on if these house rules can even be legally implemented as a planning condition and the framework for enforcement and non compliance?

If this venue is truly a short term holiday let, instead of a party venue, would a maximum capacity suitable for a 6 bedroom holiday let and a permanent volume limit on all external fitted sound equipment, regardless of the time of day, be more suitable planning conditions?

Question from Mr J

Planning officers report - Executive Summary 1.9 covers noise nuisance complaints. It contests that although multiple cases of noise have been reported to PHPS none have been witnessed by officers on duty. This infers that excessive noise is not at a level or frequency to be a major factor in his/her judgement on how much statutory noise nuisance comes into consideration when approving this application. Just

We contest this. Although statutory noise has not been witnessed to date, noise nuisance is still a major factor in this matter and the following points are raised in support of this:

- a) On at least 8 occasions residents have reported noise. These have been logged by me and details were supplied to PHPS. There may have been more.
- b) To date, the vast majority of noise is restricted to the weekends, from late Friday afternoon to late Sunday afternoon, mostly from activities in the garden during the summer. We originally assumed that the out of hours noise nuisance service would cover the weekend period from 6.00pm Friday until Sunday night. All of these reported incidents occurred during this period and most between midday Saturday until early evening when loud activities were in full flow in the garden area.
- c) We were wrong in our assumptions. Out of hours duty officers are not on duty until after 6pm on Saturday so after reporting incidents arising during the afternoon, responses

were not forthcoming until after 6pm on Saturday evening. On occasions a reported incident in the early afternoon on Saturday was not followed up by the duty officer until maybe 7 or even 8pm. That's 5 or 6 hours later, by which time noise had abated when guest went inside for other indoor activities. On other occasions there was no officers available to attend. During one long period of loud noise, I could not contact PHPS and in desperation I contacted City Councillor Andrew Sosin who lives a few minutes' walk away and he came round to witness this. No answers from PHPS do happen.

- d) After several complaints to PHPS about the service, arrangements were made to cover Saturdays on 3 weekend last August. Garden noise is dependent on the weather and if guests are staying and using the garden. An incident was reported on Saturday 26th August when cover was arranged. At midday loud music and raucous behaviour started just before midday and was reported by me shortly after. Nobody responded until 7pm when I received a phone call from a duty officer asking if the noise had stopped. There apparently was a breakdown in communication at the Council and no message was passed on. I complained again and received a written apology for not responding as they said they would.

Clearly, the out of hours service is poor and noise is still a big factor in all this. There are just too many complaints been made by too many residents for this not to be a factor. If this application is improved with huge numbers of guests attending, noise nuisance will no doubt increase.

Question from Mr H

This planning application states the use as 'Exclusive Self-Catering Accommodation.' Industry best practices as laid down by both the H.H.A. (Holiday Home Lets Association) and the S.T.A.A. (UK Short Term Accommodation Association) are both now advocating that holiday lets and Air bnb's should **not** be let out for party activities. From our experience, the main selling point of Essex Stays is to promote this type of activities, such as hen and birthday parties for large numbers at this holiday let. During the summer months these activities often take place in the garden where the hot tub and karaoke booth are located, which has a greater impact on neighbouring properties.

The planning officer indicates that the property can be available to as many as 70 guests, once sui generis is approved. If this is true, how can the council reconcile having a party events venue operating, unsupervised and in contravention of industry guidelines, in such a highly residential area? Clearly, it is self-evident that having large numbers of party revellers in an open space and in a residential area must severely deprive the rights of their neighbours to the quiet enjoyment of their own property.

Question from Mr Q

I am xx of Thrings Solicitors and I make this statement on behalf of the Applicant, Essex Stays Limited.

The previous permission (ref: 19/00677/FUL) was granted in 2019 for *Change of use from A4 (drinking establishment) to C3 (self-catering holiday accommodation)*. This is a material consideration for the current application. However, the permission has lapsed and therefore, it is not a fall-back position.

The application before committee is recommended for approval. The case officer provides a well- reasoned and detailed analysis of why the application is acceptable in relation to the development plan. The main issues raised by interested parties, as statutory consultees have agreed the application is acceptable, are:

- Harm to heritage assets;
- Impact on highway safety; and
- Impacts on neighbouring amenity.

It is clear that the proposal would result in no harm to the Conservation Area, the building as a non- designated heritage asset, or the listed buildings adjacent as per the officer's analysis and the proposal conforms with the policies held within the Chelmsford Local Plan.

The officer has correctly assessed the purported impact on highway safety needs to be assessed in the context of the previous and long-standing use of the property as a public house. The parking impacts were an issue pre-existing the current use of the property and the highways authority have raised no objection to the application, therefore the impacts are acceptable.

Impacts on neighbouring amenity are considered to be acceptable in the context of the previous use of the property and the garden as a drinking establishment. Further, the Council's public health and protection services have undertaken extensive investigations into noise complaints received and no formal action has been taken as a result of complaints, due to the complaints being wholly unsubstantiated. The officer has recommended a planning condition seeking a management plan, and this would meet the six tests in the NPPF and serve to make the development acceptable in planning terms.

In conclusion, it is clear that the application is suitable in terms of the development plan and is recommended for approval. The application provides local community and economic benefits, as supported by the Economic Development and Implementation team, and supports the wider tourism and hospitality sector within Chelmsford. We therefore urge the planning committee to approve the application. Any other decision would leave the committee liable to their decision being appealed.