

# Planning Committee Agenda

**1 December 2020 at 6pm**

**Remote Meeting**

**Membership**

Councillor J A Sosin (Chair)

**and Councillors**

L Ashley, H Ayres, S Dobson, J Frasca, 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

1 December 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 3 November 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. SITE AT 98 THE STREET, LITTLE WALTHAM, CHELMSFORD – 20/00964/FUL
7. LAND ADJACENT TO 4 JAMES CROFT, GALLEYWOOD, CHELMSFORD – 20/01249/FUL
8. LAND AT THE EAGLE PUBLIC HOUSE, STOCK ROAD, GALLEYWOOD, CHELMSFORD –  
20/01100/FUL
9. PLANNING APPEALS

MINUTES  
of the  
PLANNING COMMITTEE  
held on 3 November 2020 at 6:00pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, A Davidson, S Dobson, J Frasca, P Hughes, R Hyland,  
J Lardge, R Lee, R J Poulter, T E Roper, C Shaw, R J Shepherd and I Wright

Also present: Councillor N Chambers

### 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 Councillors G H J Pooley and E Sampson, who had appointed Councillors J Lardge and A Davidson as their substitutes.

### 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. Any declarations are recorded in the relevant minute below.



## 4. Minutes

The minutes of the meeting on 6 October 2020 were confirmed as a correct record.

## 5. Public Question Time

Members of the public made statements on item 6 on the agenda. Details are recorded under minute number 6 below.

## 6. Site at Ash Tree Farm, Bishops Stortford Road, Rowell – 19/02123/OUT

The Committee considered an outline application for the demolition of all existing workshops and commercial buildings at the site of Ash Tree Farm, Roxwell and the removal of hardstanding. They would be replaced by up to 55 dwellings and there would be alterations to vehicular and pedestrian access, the formation of new estate roads, public footpaths, parking spaces, private amenity areas and public open spaces with a children's play area and drainage infrastructure. A Green Sheet of additions to the information in the report on the application was circulated.

Seven statements from members of the public and one from the local ward councillor were heard at the meeting. They argued that although the site was designated in the Local Plan as a rural employment site, and its redevelopment for housing would therefore be contrary to policy, the proposed development would be an improvement on the current use, part of which was unlawful and which caused disturbance and nuisance to local residents. Further, they were of the view that enforcement action would not resolve the problems associated with the current use, that the impact of the proposed development on the countryside would be no more harmful than that of the present use, and that the site was in a sustainable location.

The Committee's ensuing discussion centred on whether material considerations associated with the application could justify a departure from the Local Plan. Some members argued that in this case the benefits afforded by the proposed development, in terms of additional housing and improving the amenity of residents, were material considerations. Others said that whilst there were other rural employment sites not far from the application site, this site had specifically been designated as such in the recently adopted Local Plan, which as well as providing sufficient land to meet housing need during the Plan period, also sought to meet anticipated demand for land to support business and economic growth.

Members also expressed doubts about the effectiveness of the enforcement action taken or proposed against the unauthorised uses of the site. Officers said that enforcement action only concerned unauthorised use of the northern part of the site and that the use and operation of the rest of the site complied with planning and operational requirements. The effectiveness of planned action involving other authorities could not be judged at this stage.

Asked whether the footpaths between the site and Rowell village could be upgraded, officers said that they crossed privately-owned land, would need to be upgraded with hard surfaces and lighting, would be difficult to widen in places, and parts may be susceptible to flooding. It was therefore unlikely that they could be improved to the necessary standard.

Members also expressed views that the proposed development would not be as detrimental to the appearance of the countryside as the current use, that residential development would provide economic benefits to the area and that it would be more beneficial to biodiversity. There were contrary arguments that whilst the site was brownfield it did not mean that it all of it should be developed for housing, nor that the whole of the site could be regarded as detrimental to the appearance of the countryside.

After votes on motions either to refuse the application or to defer its consideration to enable conditions to be presented on any grant of planning permission, it was:

RESOLVED that the Committee, being minded to approve application 19/02123/OUT in respect of the site at Ash Tree Farm, Bishops Stortford Road, Roxwell, defer it to enable officers to report to a future meeting on conditions that could be attached to any grant of planning permission for the development.

(6.0pm to 7.46pm)

## 7. Planning Appeals

RESOLVED that the information on appeal decisions between 16 September to 15 October 2020 be noted.

The meeting closed at 7.47pm

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

The Chelmsford Local Plan 2013 – 2036 was adopted by Chelmsford City Council on 27th 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 2013-2036 carries full weight in the consideration of planning applications.

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

- DM13** Policy DM13 - Designated Heritage Assets - The impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- 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.
- DM21** Policy DM21 - Protecting Community Facilities - The change of use of premises or redevelopment of sites that provide valued community facilities will only be permitted where the site cannot be used for an alternative community facility or where there is already an adequate supply of that type of facility in the locality or settlement concerned. Existing open spaces, sports and recreational buildings and land will also be protected.
- 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.
- SPS3** Strategic Policy S3 Conserving & Enhancing the Historic Environment - The Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.

## **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**  
**1<sup>st</sup> December 2020**

<b>Application No</b>	:	20/00964/FUL Full Application
<b>Location</b>	:	Site At 98 The Street Little Waltham Chelmsford Essex
<b>Proposal</b>	:	<b>Conversion of the existing outbuilding into a two-bedroom dwelling. Associated hard-surface off-street parking (porous in nature).</b>
<b>Applicant</b>	:	Mr & Mrs Main
<b>Agent</b>	:	Mr Will Green
<b>Date Valid</b>	:	26th June 2020

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**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application is referred to the Planning Committee at the request of a local ward member so that the proposal, particularly in terms of highway safety and off-street parking provision can be considered by the Planning Committee.
- 1.2. The site is located within the Defined Settlement of Little Waltham and Little Waltham Conservation Area. The site is located on the eastern side of The Street and has an existing vehicular access and dropped kerb off the highway.
- 1.3. The proposal to convert the coach house outbuilding to a separate dwelling would respect the character of the existing building and there would be no adverse impact on the Conservation Area.
- 1.4. The proposal would have an acceptable design and would have a visually acceptable relationship with the design and character and appearance of the host building and the visual amenities of the area.
- 1.5. The proposal would by virtue of its design, position of the proposed roof lights, and given the existing use of the host building would not adversely the amenity of any nearby or neighbouring properties.
- 1.6. The proposed development would meet the development standards contained within the Chelmsford Local Plan, would have a safe vehicular access from the highway and would provide sufficient off-street parking provision in accordance with adopted policy requirements.
- 1.7. The proposed development would have an acceptable relationship with the protected tree located within the site.
- 1.8. Approval is recommended.

## **2. Description of site**

- 2.1. Number 98 is an existing detached dwelling on the eastern side of The Street. The Street is one of the main routes through the village and runs north to south from Braintree Road to Chelmsford Road.
- 2.2. Number 98 sits on a large rectangular shaped plot. The house fronts the highway and there is an existing vehicular access and dropped kerb immediately to the south of the house and to the north of the coach house outbuilding.
- 2.3. Immediately to the south of the site is No. 90 The Street and the surface car park to the United Reformed Church. There is a close boarded timber fence and low brick wall and hedge along the southern boundary of the site.
- 2.4. To the rear of the site there is an existing access and right of way onto Chapel Drive. This access does not form part of the application site.
- 2.5. There is one semi-mature Atlas Cedar tree within the rear garden to No. 98. The tree is protected by virtue of its size and that the site is located within a conservation area.

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

- 3.1. The proposal would convert the existing coach house outbuilding into a separate dwelling and would formally subdivide the existing plot.
- 3.2. Alterations to the outbuilding include insertion of a front door in the front (west) elevation and insertion of four roof lights in the roof slopes (two in each roof slope respectively).
- 3.3. The proposed dwelling would have a square shaped rear garden, enclosed by a brick wall. This would have access from both the rear of the proposed dwelling and from a separate gate adjacent to the proposed parking area. There would be a parking area for both the proposed dwelling and the existing dwelling, No. 98.
- 3.4. The proposed development would also enclose the northern part of the site to form a private rear garden to the existing dwelling, No. 98.

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

- 4.1. 03/01651/FUL – Approved 3<sup>rd</sup> October 2003  
External alterations to former Coach House and Stable building
- 4.2. 03/01652/FUL – Approved 3<sup>rd</sup> October 2003  
Erection of double garage
- 4.3. 10/00588/FUL – Approved 1<sup>st</sup> June 2010  
External alterations to outbuilding
- 4.4. 19/01345/FUL – Refused 4<sup>th</sup> October 2019  
Construction of a bungalow with all associated works, including a new access and hard-surface off-street parking
- 4.5. 19/01353/FUL – Application Withdrawn 5<sup>th</sup> November 2019  
Conversion of the existing outbuilding into a two-bedroom dwelling. Associated hard-surface off-street parking.

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

- 5.1. The following were consulted as part of the application:
  - Essex County Council Highways
  - ECC Minerals & Waste Planning
  - Public Health & Protection Services
  - Planning Listed Buildings & Conservation
  - Little Waltham Parish Council
  - Local residents
- 5.2. Full details of consultation responses are set out in appendix 1.
- 5.3. Essex County Council Highways have no objection subject to conditions relating to parking areas, turning area, bound surfacing and surface water drainage, construction method statement, cycle storage and travel information packs.
- 5.4. ECC Minerals & Waste Planning have no comments to make on the proposed development.

- 5.5. Public Health & Protection Services state that state that this residential development should provide EV charging point infrastructure .
- 5.6. The Council's heritage officer has no objection subject to conditions relating to materials and details of the construction.
- 5.7. Little Waltham Parish Council have an objection to the proposal on the grounds that the proposed development would have an unsuitable access and the proposal would impact on traffic and congestion within the village centre. Parish Councillors do not consider that there is sufficient parking provision within the curtilage of the property. In view of the position of the property close to a road junction it would not be considered acceptable for there to be parking on the road as it would increase issues with traffic and congestion in the area.
- 5.8. Eleven neighbour representations have been received objecting to the proposal. One representation has been received not objecting to the proposal on the basis that the vehicular access is from The Street and not Chapel Drive. The objections are broadly based on the following grounds:
- Use of the rear access to Chapel Drive in terms of neighbour amenity and highway safety
  - impact on the protected tree
  - Increase in noise levels with the existing gravel drive being used by two dwellings rather than one
  - Timing of the traffic survey (during lockdown)
  - Construction vehicles blocking The Street
  - Increase in traffic using The Street
  - Noise and disruption during the construction period
  - Overlooking from roof lights
  - Loss of property values
  - Detrimental effect on the original dwelling (No. 98) and its original purpose
  - Harmful to ancillary appearance of outbuilding

## **6. Planning considerations**

### ***Main Issues***

- 6.1. The main issues are whether:
- The proposal would have an acceptable design and layout in the context of the surrounding area
  - The proposal would have an acceptable relationship on the character and appearance of the Little Waltham Conservation Area
  - The proposal would have an acceptable relationship with all nearby and neighbouring residential properties
  - The proposal would result in any concerns about highway safety
  - The proposal would have an acceptable relationship with the protected Atlas cedar tree

### ***Heritage Impacts***

- 6.2. Chapter 16 of the National Planning Policy Framework (NPPF) (2019) deals with conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to



the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.3. Paragraph 194 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.4. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.5. In addition to the above Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 6.6. Chelmsford Local Plan Policy S3 states that the Council will conserve and where appropriate enhance the historic environment. When assessing applications for development, the Council will place great weight on the preservation and enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings.
- 6.7. In addition to the wider Strategic Policy for the historic environment Local Plan Policy DM13 states that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. The Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- 6.8. Number 98 The Street dates from c. 1900 and forms part of a varied group of traditional buildings along The Street. The host dwelling, coach house outbuilding and spacious rear garden collectively positively contribute to the character of the conservation area.
- 6.9. The proposal has been revised during the life of the planning application. The revised scheme has amended the proposal with to include fewer roof lights, revised fenestration and has simplified the subdivision of the rear garden. The updated heritage statement which has been submitted as part of this application has provided evidence to suggest that the outbuilding has been altered and rebuilt in parts, including an indication that there may have been an opening at the ground floor on the front (west) elevation.
- 6.10. Overall, subject to conditions, the proposed development would respect the character of the existing building and there would be no adverse impact on the Little Waltham Conservation Area.

#### *Design and Development Standards*

- 6.11. Chapter 12 of the NPPF sets out the objectives towards achieving well-designed places. Paragraph 127(a) of the NPPF states that planning decisions should ensure that developments will “function well and add to the overall quality of the area”. Paragraph 127(c) of the NPPF states that planning decisions should ensure that developments amongst other matters “are sympathetic to local character and history, including the surrounding built environment and landscape setting”. Paragraph 127(d) of the NPPF states that planning decisions should ensure that developments “establish or maintain a strong sense of place, using the arrangement of street, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.

- 6.12. Chelmsford Local Plan Policy DM23 relates to high quality and inclusive 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. 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.
- 6.13. The proposal would respect the existing openings within the outbuilding. The proposal would be acceptable in respect of design, character and appearance and would meet the policy requirements of DM23.
- 6.14. Chelmsford Local Plan Policy DM26 relates to the design specification for developments. Part A of this Policy relates to all new dwellings. This Policy states that all new dwellings shall comply with all of the following:
- Achieve suitable privacy and living environment for residential occupiers; and
  - Achieve sufficient private amenity space; and
  - Achieve appropriate internal space through adherence to the Nationally Described Space Standards; and
  - Provide appropriate and well-designed recycling and waste storage
- 6.15. The proposed two-bedroom unit would meet the National Space Standards for two-bedroom four person units. To the rear, both the proposed and existing dwellings would have private rear gardens which would measure 100 sqm and 350 sqm respectively. Both houses have sufficient outdoor space within gardens to keep refuse bins. The proposed development would comply with the development standards (Policy DM26) contained within the Chelmsford Local Plan.

#### *Neighbour amenity*

- 6.16. Chelmsford Local Plan Policy DM29 relates to protecting living and working environments (neighbour amenity). This Policy states that planning permission will be granted for development proposals provided the development amongst other matters 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 development shall also not result in excessive noise, activity or vehicle movements.
- 6.17. Amendments made during the lifetime of the application have reduced the number of proposed roof lights from six to four with two now proposed in each roof slope.
- 6.18. There is a levels difference between the application site and the immediate neighbour to the south, No. 90. The easternmost (rear most) roof light has been removed from the proposal. The two other roof lights in the southern roof slope would be high level and secondary windows. The westernmost roof light would be screened by the existing built form and the easternmost roof light is shown to serve the internal stairwell. There would be no harmful overlooking in respect of this part of the proposal. To ensure that no additional roof openings or windows can be inserted in the walls or roof slopes 'permitted development' rights have been removed by planning condition (attached to this planning permission). The use of the site to the rear of the proposed dwelling as private garden would not be materially different to the status quo in so far as this is currently part of a larger garden which serves No. 98.

- 6.19. The use of the outbuilding as a separate dwelling, rather than a domestic outbuilding, in a primarily residential area would similarly not be harmful to the amenity of the nearest neighbouring property, No. 90.
- 6.20. The proposal would not adversely affect the amenity of any neighbouring or nearby properties.

#### *Parking and Access*

- 6.21. Chelmsford Local Plan Policy DM27 (Parking Standards) requires developments of this size to provide two off-street parking spaces per unit.
- 6.22. Paragraph 108 of the NPPF states that it should be ensured that applications for development provide safe and suitable access to the site for all users. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.
- 6.23. The proposal would use the existing vehicular access from The Street to serve both the existing dwelling (No. 98) and the proposed dwelling (Coach House). The driveway would follow the line of the existing gravel driveway on the site to the new hard-surfaced parking area within the centre of the plot. The drawings show two parking spaces per unit (four in total), together with a turning area on the site.
- 6.24. A highway statement has been submitted as part of this application to satisfactorily demonstrate that the intensification (in terms of the use of this access currently one dwelling to two as proposed) would not result in any issue of highway safety or highway efficiency. The TRICS database calculates that 6 additional vehicle movements above the existing situation would likely occur between 7am and 7pm in total. The impact of the proposal on the highway would be negligible and the proposal is considered acceptable in terms of highway safety and efficiency. Given the number of likely additional movements and that this access strip is outside of the application and not the main vehicular access the proposal would not be harmful to the amenity of these neighbouring properties.
- 6.25. The submitted plans show an existing rear access from the property onto Chapel Drive. This rear vehicular access does not form part of the current planning application, (shown as blue land) . Number 98 currently has access rights over this strip of land and the occupiers can use this as a vehicular access into or out of their property at any time (the applicant has provided land registry title documents to this effect).
- 6.26. A number of representations have been made which state that there is an ongoing concern with parking in Chapel Drive, citing that often this appears to be users of the nearby Surgery. As part of the approved planning permission for the Surgery, (17/01960/FUL refers), two conditions regarding parking and highways were included. The first condition states that additional signage should be displayed to promote the availability of the Memorial Hall car park for parking for Surgery users. Additionally, the planning permission required a TRO (traffic regulation order) which was for the painting of double yellow lines to prevent kerbside on-street parking in close proximity to the Surgery. The double yellow lines are in place are at the junctions between Chapel Drive and Sorrell Close with Brock Hill respectively. Concerns about parking associated with the GP surgery have no bearing upon the planning merits of the current proposal which complies with the council's own parking standards.

- 6.27. Subject to conditions the local highway authority has raised no objection to the proposed parking or access arrangement and layout.

*Tree*

- 6.28. Chelmsford Local Plan Policy DM17 relates to trees, woodland and landscape features. Planning permission will 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. Consideration will also be given to the impact of a development on aged or veteran trees outside ancient woodlands.
- 6.29. Development proposals that have the potential to affect preserved trees, trees in a Conservation Area or registered Park and Garden, preserved woodlands or ancient woodlands must set out measures to secure their protection.
- 6.30. There is one semi-mature Atlas Cedar tree within the rear garden. Trees on the application site are protected by virtue of the Conservation Area designation. Permission has recently been granted for some tree removal on the property, 20/05511/CAT refers. This particular tree is the most noteworthy of the trees on the site and is visible from the surrounding streets. This protected tree would be retained as part of the proposal.
- 6.31. Drawing A2135/201 C shows where the proposed parking would be laid out within the site. The parking area for the new dwelling would be located on the southern boundary of the site, on part of the site which is currently used as a gravel parking area for No. 98.
- 6.32. The additional parking area (shown to serve the existing dwelling, No. 98) would be sited on the outer edge of the tree's root area and it is unlikely that the proposal would be harmful to the specimen's long-term health. The use of gravel would allow for continued water percolation and gas exchange through the soil.
- 6.33. Details have been submitted showing the use of protective barriers during the construction period. This detail and approach would be considered acceptable, these details would be required to be implemented on site by planning condition. Additional arboricultural details would be required in relation to the construction of the proposed parking area for No.98, which would be controlled by planning condition. On this basis the proposed development would have an acceptable relationship with the protected tree.

*Other matters*

- 6.34. 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 completed a unilateral undertaking securing a financial contribution towards mitigation at a local wildlife site.
- 6.35. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable in accordance with the adopted Local Plan Policies.

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

7.1. The application may be CIL liable and there may be a CIL charge payable.

### **RECOMMENDATION**

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

#### **Condition 1**

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

Reason:

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

#### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

#### **Condition 3**

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

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in accordance with Policy DM13 of the Chelmsford Local Plan.

#### **Condition 4**

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

- (a) Fenestration, including elevations, the setback from face brickwork, sections through the head, jamb and cill, and details of stiles, mullions, meeting rails and glazing bars;
- (b) Doors, door casings and surrounds;
- (c) Screens;
- (d) Roof lights;
- (e) Vents;
- (f) Flues;
- (g) Meter boxes;
- (h) External lighting;
- (i) Bin stores

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

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 5**

A schedule of repairs and a sample panel of brickwork repairs (indicating replacement bricks, pointing and finished joint) shall be submitted to and approved in writing by the local planning authority, no associated work shall proceed until the panel has been agreed in writing by the planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 6**

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- e) Management details and a five year maintenance plan

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan.

**Condition 7**

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

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

Reason:

In the interests of the visual amenities of the area and to safeguard the residential living environment of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policy DM29 and Policy DM23 of the Chelmsford Local Plan.

**Condition 8**

All rainwater goods shall be of cast iron or cast aluminium and painted black.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 9**

Prior to the construction of the parking area for No. 98 as shown on approved drawing no. A2135/201 C an arboricultural method statement detailing the construction methods of this parking area shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

To safeguard the existing protected trees in accordance with Policy DM17 of the Chelmsford Local Plan.

**Condition 10**

The Atlas Cedar tree as shown on the approved drawing A2135/201 C 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 protected trees in accordance with Policy DM17 of the Chelmsford Local Plan.

**Condition 11**

Prior to first occupation of the development hereby approved the vehicular turning facility shown on approved drawing no. A2135/201 C shall be constructed, surfaced and maintained free from obstruction within the site at all times. That space shall thereafter be kept available at all times for that purpose.

Reason:

In the interests of highway safety

**Condition 12**

Prior to first occupation of the development hereby approved the four parking spaces as shown on approved drawing no. A2135/201 C shall be constructed, ready and available for use. The four spaces shall thereafter be kept available at all times for the parking of vehicles in association with No. 98 The Street and the proposed dwelling.

Reason:

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

**Condition 13**

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 14**

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 15**

Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging points shall be installed in accordance with details that that shall have been previously submitted to and agreed in writing by the local planning authority.

**Reason:**

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 16**

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

**Reason:**

To ensure the development reduces water dependency in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 17**

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

**Reason:**

The erection of additional extensions which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) would mean that the development would detract from the historical value or character and appearance of the conservation area contrary to Policy DM13 of the Chelmsford Local Plan.

**Condition 18**

Notwithstanding the provisions of Class E Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or as may be subsequently amended, no outbuildings shall be constructed without the specific grant of planning permission.

**Reason:**

The construction of the development hereby permitted in addition to any outbuildings which could be constructed under the provisions of Town and Country Planning (General Permitted Development) Order 2015 would mean that the development would detract from the historical value or character and appearance of the conservation area contrary to Policy DM13 of the Chelmsford Local Plan.

**Condition 19**

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 walls or roof of the development hereby permitted.

**Reason:**

The insertion of additional openings within the building would mean that the development would detract from the historical value or character and appearance of the conservation area contrary to Policy DM13 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>

- 3 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).

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

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

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## Essex County Council Highways

Comments
<p>31.07.2020 -</p> <p>The applicant has demonstrated that the vehicular access to 'The Street' is provided with existing and appropriate visibility splays and is therefore suitable to serve the additional dwelling.</p> <p>The host dwelling no. 98 and the proposed dwelling (outbuilding conversion) would each be provided with off-street parking in accordance with the Parking Standards and a space for the turning of vehicles provided to allow vehicles entering from 'The Street', to turn and enter 'The Street' in forward gear.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.</li> </ol> <p>Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.</p> <ol style="list-style-type: none"> <li>2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.</li> </ol> <p>Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.</p> <ol style="list-style-type: none"> <li>3. Prior to first occupation of the development the vehicular turning facility shown in the Proposed Plans and Elevations, drawing no. A2135/201 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.</li> </ol> <p>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.</p> <ol style="list-style-type: none"> <li>4. Prior to first occupation the host dwelling and the proposed outbuilding conversion shall each be provided with two off-street parking spaces as shown in the Proposed Plans and Elevations, drawing no. A2135/201 constructed ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.</li> </ol> <p>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.</p> <ol style="list-style-type: none"> <li>5. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.</li> </ol>

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

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

**Note**

The vehicular access arrangement to Chapel Drive, shown in the Proposed Plans and Elevations, drawing no. A2135/201 would be a private matter. Rights for vehicular access from Chapel Drive would be shown in the applicant's deeds.

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.

## **ECC Minerals & Waste Planning**

Comments
13.07.2020  The Mineral Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

## **Public Health & Protection Services**

Comments
06.07.2020 - 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).

## **Little Waltham Parish Council**

Comments
29.07.2020 - Little Waltham Parish Council wishes to OBJECT to this application on the following grounds -

98 The Street is an iconic property and the proposed development including a vehicular front access will have a detrimental impact upon the street scene appearance within the Conservation area.

The application is not entirely clear as to how access will be gained to the property but it appears that access will be from The Street. The applicant has submitted a traffic report which concludes that The Street is a quiet road and contends that there will therefore be no detrimental impact. It is not clear when the survey was carried out but the Parish Council contends that the results and the conclusion in fact provides an inaccurate reflection of traffic volume and flow along The Street.

The Street is increasingly being used as a 'rat run' from the B1008 to Essex Regiment Way and the Parish Council receives regular complaints from residents in this regard. In addition, several regular bus routes and also the Park and Ride Hospital Shuttle bus travel along The Street during the day. There is a busy GP surgery at Brook Hill and the Little Waltham Primary School at the far end of The Street all of which increase the volume of traffic within the village centre. Due to the fact that there are many heritage properties along The Street there is a high degree of on-street parking which impedes traffic flow and on occasion makes accessing properties an issue. The Parish Council therefore contends that access from the proposed property to The Street which is in fact a busy narrow road would be highly detrimental.

The application also refers to an access to the property from Chapel Drive. Although a right of way has been shown on the plans there does not appear to be any evidence to support the contention that there is any vehicular right of way to the property. In addition the area is very narrow and if it were to be used as an access to the property would have an disruptive impact upon residents of Chapel Drive.

07.10.2020

It was noted that further amendments have been lodged in relation to the above application so it was again discussed by Councillors at the Parish Council meeting on Zoom last night.

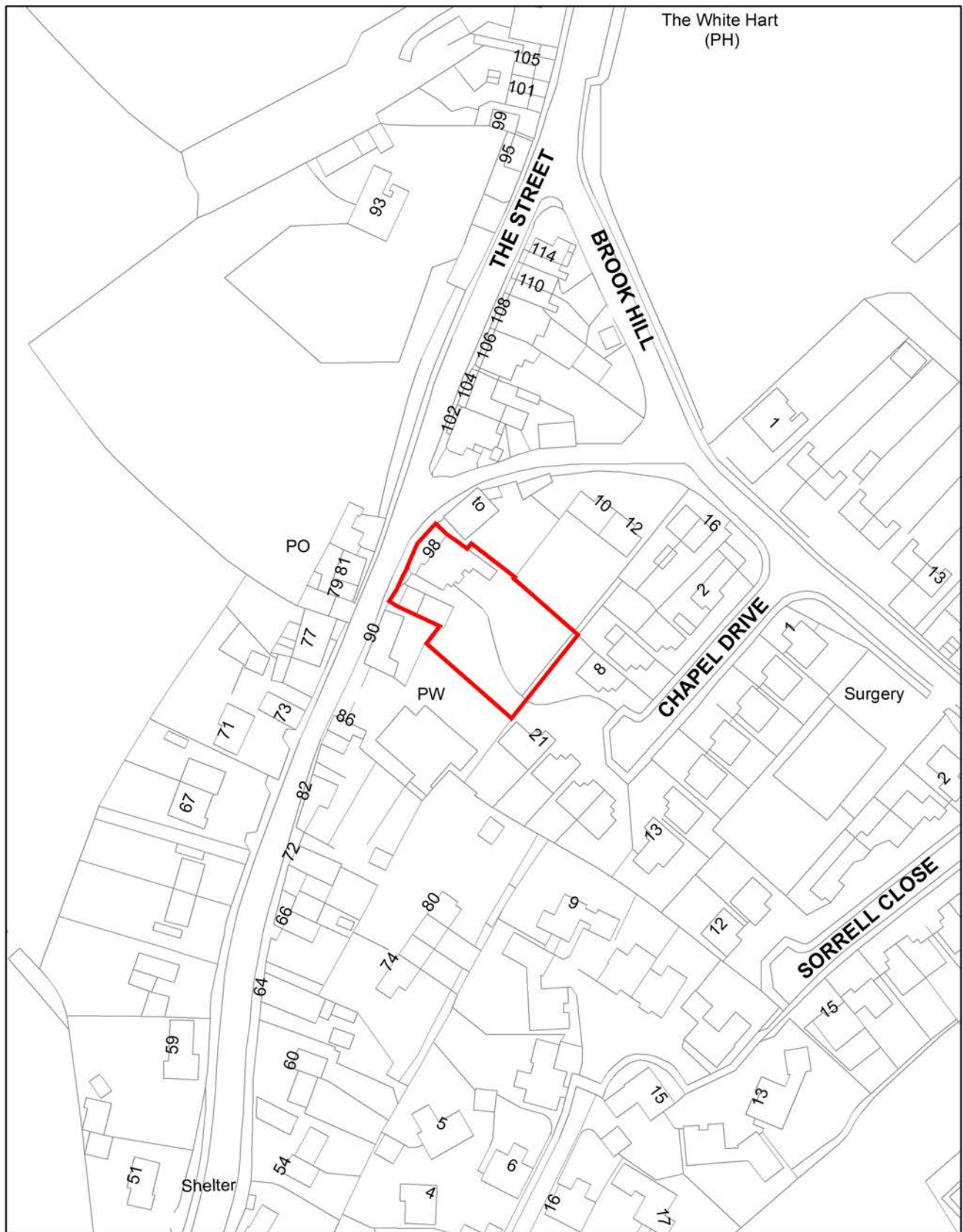
Councillors have noted the comments from Essex Highways however wish to make it clear that they maintain the objections previously lodged in relation to access and the impact upon traffic and congestion within the village centre. Comments within the application were noted in relation to parking provision and Councillors do not consider that there is sufficient parking provision within the curtilage of the property. In view of the position of the property close to a road junction it would not be considered acceptable for there to be parking on the road as it would increase issues with traffic and congestion in the area.

## Local Residents

### Comments

Twelve representations received. Eleven objecting to the proposed development and one raising no objection to the proposal subject to the proposed vehicular access being taken from The Street and not Chapel Drive. The eleven objections are based on the following grounds:

- Concerns over potential increased use of the rear access and right of way onto Chapel Drive
- Safety concerns over the use of the rear access particularly in relation to Nos. 21, 19 and 8 Chapel Drive
- Increased pollution from use of the rear access onto Chapel Drive
- Existing rear access and right of way is narrow and has a sharp bend in it, and when cars are parked on No. 21s driveway and doors are opened, they overhang the access
- Existing problem of on-street parking in Chapel Drive (particularly in relation to the Surgery)
- Concerns over the proposed parking arrangement on the application site and the impact on the protected tree
- Increase in noise levels with the existing gravel drive being used by two dwellings rather than one
- Questions over the timing of the traffic survey (during lockdown)
- During construction vehicles would potentially block The Street
- Increase in traffic using The Street
- Noise and disruption during the construction period
- Concerns about overlooking from the proposed roof lights
- Loss of property values
- Detrimental effect on the original dwelling (No. 98) and its original purpose
- A front door on the coach house (proposal) would create a residential appearance
- Detract from the original ancillary appearance and would be a loss to the overall street scene



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**20/00964/FUL**

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

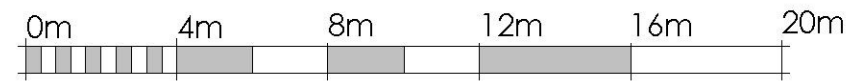
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826

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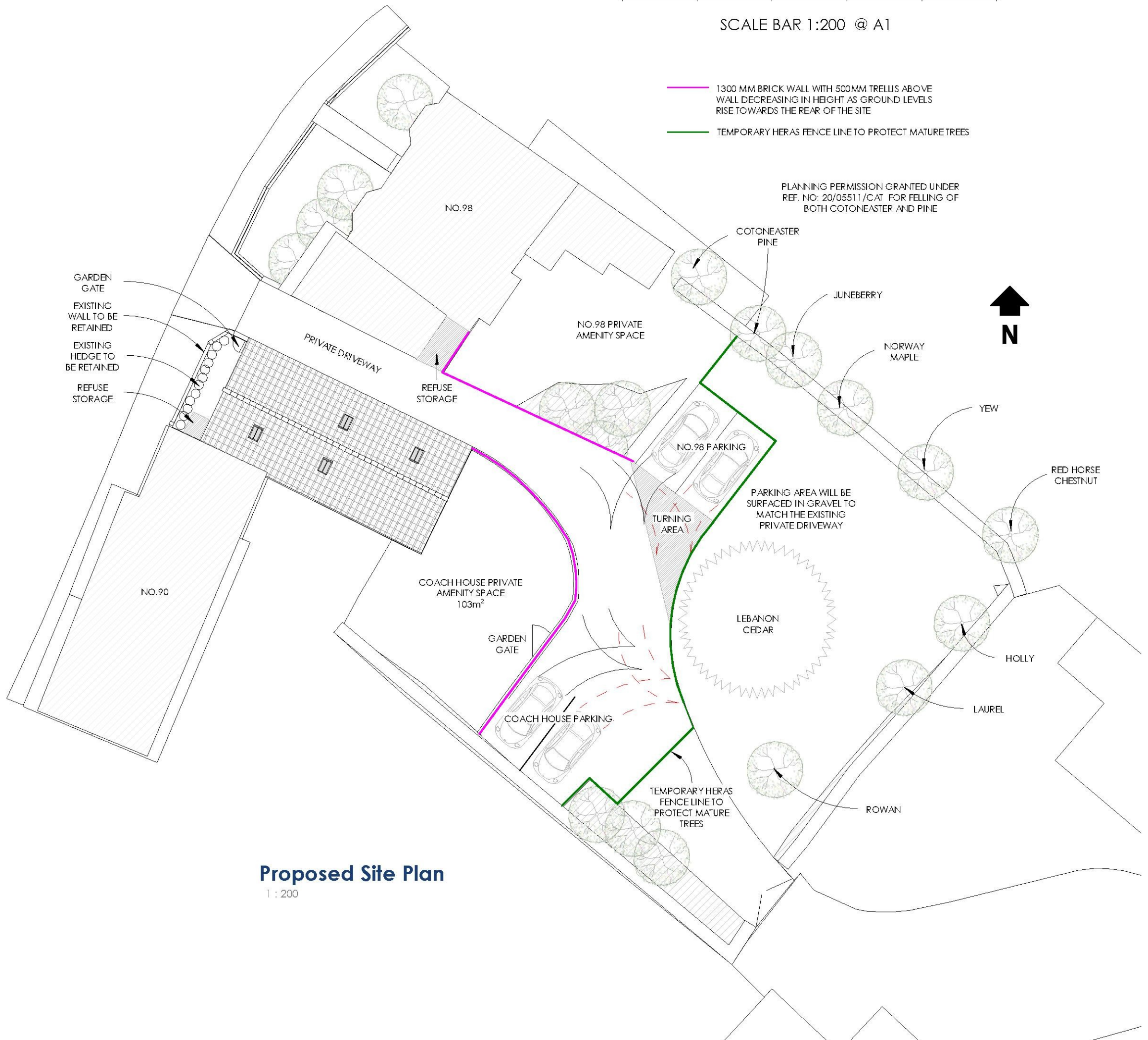




SCALE BAR 1:200 @ A1

- 1300 MM BRICK WALL WITH 500MM TRELLIS ABOVE  
WALL DECREASING IN HEIGHT AS GROUND LEVELS  
RISE TOWARDS THE REAR OF THE SITE
- TEMPORARY HERAS FENCE LINE TO PROTECT MATURE TREES

PLANNING PERMISSION GRANTED UNDER  
REF. NO: 20/05511/CAT FOR FELLING OF  
BOTH COTONEASTER AND PINE



## Proposed Site Plan

1 : 200





## Front Elevation (Street)

1:100



**Planning Committee**  
**1<sup>ST</sup> December 2020**

<b>Application No</b>	:	20/01249/FUL Full Application
<b>Location</b>	:	Land Adjacent 4 James Croft Galleywood Chelmsford Essex
<b>Proposal</b>	:	<b>Construction of a single detached dwelling</b>
<b>Applicant</b>	:	Mr & Mrs B & J Jarvis Jarvis Developments
<b>Agent</b>	:	Mr Keith Reynolds
<b>Date Valid</b>	:	6th August 2020

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**Appendices:**

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application is referred to the Planning Committee at the request of a local ward member so that the impacts of the proposal with regards to the street scene, highways and overdevelopment can be considered by the Planning Committee.
- 1.2. The site is located within the Defined Settlement of Galleywood and is a parcel of land that originally formed part of the rear garden of No. 84 Well Lane, which is immediately to the south. The land lies immediately to the side (east) of No. 4 James Croft. The long rear garden of No. 82 Well Lane lies immediately to the east of the site.
- 1.3. The proposed development would have an acceptable design and would have a visually acceptable relationship with the design and character and appearance of the local area.
- 1.4. The proposal by virtue of its design, siting, size, scale and form, in combination with the side windows to No. 4 serving non-habitable rooms, together with the proposal having an acceptable back to back distance relationship; means that the proposed development would not adversely affect the amenity of any nearby or neighbouring residential properties.
- 1.5. The proposed development would meet the development standards contained within the Chelmsford Local Plan, would have a safe vehicular access from the highway and would provide sufficient off-street parking provision in accordance with adopted policy requirements.
- 1.6. Approval is recommended.

## **2. Description of site**

- 2.1. James Croft is a cul-de-sac of seven detached properties which is accessed from Well Lane. The dwellings along James Croft are all detached with each having either a single or double garage. The houses are purposefully sited and arranged with shallow back gardens, with spaces in between.
- 2.2. The houses were all constructed at the same time and have a mock Georgian design and form. The houses are wide and are either constructed from red or yellow brick.
- 2.3. The site is immediately to the east of No. 4 James Croft. Immediately to the north of the application site is the private access drive to No. 8 James Croft which is to the north east.
- 2.4. To the south is No. 84 Well Lane. The site was formerly part of the rear garden to No. 84. The houses along Well Lane front the highway and have long, rectangular shaped back gardens.
- 2.5. There are four side windows in the eastern (side) elevation of No. 4 James Croft. At ground floor there are three windows which serve the downstairs cloakroom, kitchen and conservatory and at first floor the window serves the bathroom.

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

- 3.1. The proposed development would construct one detached dwelling with two off-street parking spaces to the front (north) with a rectangular shaped garden to the rear (south).

- 3.2. The proposed dwelling would have a rectangular shaped footprint with a small front central gable feature. The dwelling would have a depth of 9.2m and width of 6.5m. It would have a gable-ended roof design with a ridge parallel to the highway. It would have a ridge height of 8.3m.
- 3.3. To the rear the house would have a rectangular shaped garden, this would have access from the front by a path on the site which runs along the western side of the dwelling (between the proposed dwelling and No. 4 James Croft).
- 3.4. Two side windows are proposed i, one on each elevation. These serve the first-floor bathroom and intermediate landing respectively.

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

- 4.1. 05/01930/FUL – Refused 25<sup>th</sup> November 2005  
Erection of a detached house with integral garage
- 4.2. 20/00606/FUL – Application Withdrawn 18<sup>th</sup> June 2020  
Proposed new dwelling with integral garage

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

- 5.1. The following were consulted as part of the application:
  - Public Health & Protection Services
  - Essex County Council Highways
  - Galleywood Parish Council
  - Local residents
- 5.2. Full details of consultation responses are set out in appendix 1.
- 5.3. Public health and Protection Services state that 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).
- 5.4. Essex County Council Highways have no objection subject to conditions relating to a construction method statement, use of unbound material, no discharge of surface water into the highway, provision of parking spaces, provision of cycle parking, provision of Travel Information Packs.
- 5.5. Galleywood Parish Council object to the application on the following grounds:
  - Overbearing to the proportions of the site
  - Potential overlooking to the neighbouring properties
  - Potential overshadowing of No. 4 James Croft to the rear as it would cut across the 45-degree line of available light
  - Not in-keeping with the street scene. The design does not appear to meet with the original development brochure stating that the area to be a development of 4/5 bedroom houses of Queen Anne and Georgian design
  - The proposal does not appear to provide adequate parking space to the front of the property to allow for utility bin storage nor cycle parking

- The proposal does not appear to provide adequate vehicular turning space for entry and exit (less than the 6m regulation)
- No installation of a vehicle charging point has been included
- The Parish Council Committee are aware of an easement which covers the entry and exit point of the application site which does not appear to have been addressed
- The access to the development and existing neighbouring houses is off a private access authority would be required
- Concerns over materials being brought to the site
- Concerns over impaired emergency vehicle access

5.6. Fifteen representations have been received objecting to the proposal. The objections are broadly based on the following grounds:

- Not in-keeping with the design of other properties within James Croft
- The size is not the same as other properties within James Croft
- Uncharacteristically close to No. 4 James Croft
- The plot is half the width of the other plots
- Inadequate off-street parking with limited availability of on-street parking in the cul-de-sac and difficult access via the shared private drive
- No garage proposed
- Overbearing to the occupiers of No. 4 James Croft and No. 84 Well Lane
- Juvenile slow worms seen on the street
- Potential damage to the private drive to No. 8 James Croft during construction
- Previous planning permission was refused on the site for a detached dwelling, no changes between the proposal under consideration and previous refusal
- Overbearing and potential overlooking of the rear garden of No. 4
- No details provided about the trees on the site boundary with No. 4
- Loss of sunlight for No 10 (to the north)
- No site notice posted

## 6. Planning considerations

### *Main Issues*

6.1. The main issues are whether:

- The proposal would have an acceptable design, character, appearance, siting and form in the context of the surrounding area
- The proposal would have an acceptable relationship with all nearby and neighbouring residential properties
- The proposal would provide safe and sufficient vehicular access and off-street parking provision

### *Design, Character, Appearance and Layout*

6.2. Chapter 12 of the National Planning Policy Framework (NPPF) (2019) sets out the objectives towards achieving well-designed places. Paragraph 127(a) of the NPPF states that planning decisions should ensure that developments will “function well and add to the overall quality of the area”. Paragraph 127(c) of the NPPF states that planning decisions should ensure that developments amongst other matters “are sympathetic to local character and history, including the surrounding built environment and landscape setting”. Paragraph 127(d) of the NPPF states that planning decisions should ensure that developments “establish or maintain a strong sense of place, using the arrangement of street, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.

- 6.3. Chelmsford Local Plan Policy DM23 relates to high quality and inclusive 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. 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.
- 6.4. The proposed detached dwelling would have a gabled roof form with a two-storey centralised front gable feature. Amendments have been made during the lifetime of the application to the design of the front elevation of the proposal.
- 6.5. The proposal would be constructed from similar materials to those within the street and has been designed to take architectural cues and references from the design of other houses within James Croft such as the two-storey front gable. The design, though narrower than the other houses within the cul-de-sac, would respect and be compatible with the character and appearance of the area in which it is located.
- 6.6. The design of the house is acceptable and the building would fit comfortably within the existing street scene and complies with policy DM23.

#### *Neighbour Amenity and Development Standards*

- 6.7. Chelmsford Local Plan Policy DM29 relates to protecting living and working environments (neighbour amenity). This Policy states that planning permission will be granted for development proposals provided the development amongst other matters 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 development shall also not result in excessive noise, activity or vehicle movements.
- 6.8. The proposed dwelling would be located to the east of No. 4 James Croft. One first floor side bathroom window is proposed in the western (side) elevation of the proposal. One ground floor side window is proposed in the eastern (side) elevation of the proposed dwelling, this is shown to serve the intermediate landing and internal stairwell.
- 6.9. Within the existing neighbouring property, No. 4, there are side windows in the eastern (side) elevation. These windows at ground floor serve the cloakroom, kitchen and conservatory and at first floor the window serves a bathroom. The kitchen window in the side elevation is a secondary window as it is also served by the conservatory to the rear. As none of these rooms provide primary living accommodation the amount of weight given to them in terms of amenity is reduced.
- 6.10. To ensure that there is no adverse impact from the proposal in terms of amenity in respect of either of the side neighbours a condition would be attached to this planning permission requiring these proposed side windows to be obscure glazed and fixed shut 1.7m above the internal floor level. On the basis of this planning condition being attached to this planning permission the proposed windows would have an acceptable relationship with the neighbouring properties to the west and east, Nos. 4 James Croft and 82 Well Lane.

- 6.11. The proposed dwelling would be constructed 0.6m from the common boundary with No. 4, the proposed dwelling would only extend 1m deeper than the existing rear conservatory to No. 4. This in combination with the eastern orientation of the proposal to this neighbour means that in terms of any overshadowing impacts these would only be apparent in the early morning, as the sun path would not be obstructed by the proposed development for the latter parts of the day. This close relationship with no 4 was considered in 2005 when assessing a proposal for a single house on the site. It was felt at that time that the proposed house, due to a combination of poor design and neighbour relationship was unacceptable. The proposed house has an acceptable design. The proposed house doesn't breach a combined 45 degree angle measured from both the neighbours rear conservatory and also closest first floor window. On balance, the scheme would be acceptable in terms of its impact upon no 4.
- 6.12. The proposed dwelling would have a back to boundary distance of 11m, there would be a two-storey back-to-back distance of approximately 35m between the proposed dwelling and the existing house to the south, No. 84. It is acknowledged that the back to boundary distance falls short of the 15m distance set out in Table 9 of Appendix B of the adopted Local Plan which relates to privacy standards. The back to back distance of approximately 35m between properties would ensure that the privacy of the occupiers of No 84 Well Lane were not adversely prejudiced.
- 6.13. To ensure and maintain this acceptable relationship 'permitted development' rights for rear extensions and additional openings would be removed by planning conditions attached to this planning permission.
- 6.14. Subject to the conditions referenced above, whilst the proposal would have an impact on the amenity of No. 4, and No. 84, the proposal would not have a harmful impact on the amenity of any neighbouring or nearby residential property in respect of overlooking, overbearing or overshadowing.
- 6.15. The proposed three-bedroom unit would meet the National Space Standards for three-bedroom six person units. To the rear of the proposed dwelling a private rear garden and amenity space would be provided (approximately 80 sqm). The proposed development would comply with Chelmsford Local Plan Policy DM26 (Design Specification).

#### *Parking and Access*

- 6.16. Chelmsford Local Plan Policy DM27 (Parking Standards) requires developments of this size to provide two off-street parking spaces per unit. The access to these spaces and the site would be via the existing single width driveway which serves No. 8 James Croft to the north east of the application site, which runs eastwards from the highway which runs up to Nos. 4 and 10 James Croft.
- 6.17. The proposal would provide a hard-surfaced area to the front (north) of the proposed dwelling. This space would provide sufficient off-street parking provision for two vehicles. This space and provision would meet the Policy requirements for parking standards for a house of this size in this location.
- 6.18. The proposed dwelling would use the existing access drive for No. 8 James Croft. Whilst the parcel of land immediately north of the application site is not in the ownership of the applicant, they have access rights over this parcel of land.



- 6.19. The local highway authority has raised no objection to the proposed parking or access arrangement.

*Other matters*

- 6.20. The planning history of the site is a material planning consideration. The 2005 planning application (05/01930/FUL refers) was refused and it was assessed against different national and local planning policies. The design of the current proposal differs from the 2005 scheme in that it has a gabled roof form (rather than a narrow span hip) with a centralised gable feature. The 2005 scheme had the appearance of a traditional Victorian detached house which bore little design reference to the street scene of James Croft unlike the current proposal which has acceptable design references to the other close by houses. The 2005 scheme was considered to have an unacceptable relationship with No.4 as it projected beyond the rear of this house close to the common boundary. The current scheme would have a similar relationship but would not be at odds with the Development Standards guidance in the 2020 adopted plan.
- 6.21. The application site is located within the Defined Settlement and within a sustainable location with good access to services, schools, shops and public transport. National planning policy seeks to encourage development in sustainable locations.
- 6.22. Comments from the local highway authority and Parish Council state that no garage or bicycle storage has been provided or shown. There is no requirement that new houses must include a garage. Given the nature of the proposed development bikes could be stored within either the house or the back garden. It would not be reasonable to require this information by planning condition in this instance. Similarly, comments have been submitted objecting on the grounds that there is insufficient space for bins and other waste and recycling receptacles. Given the scope of the proposed development it is anticipated that any bins would either be stored in the house or back garden and would be brought to the front for collection/emptying on the relevant day. Details of a vehicle charging point would be submitted, as the details are required by planning condition.
- 6.23. It is likely that there may be some noise and disruption during the construction period, however, this would be temporary in nature. In respect of the parking of vehicles and storage of materials a construction method statement is required to be submitted by way of a planning condition attached to this planning permission; which requires details of the parking of vehicles for site operatives and visitors and areas to be shown for storage and reception of plant and materials.
- 6.24. The trees in the rear garden of No. 4 are not protected by a tree preservation order and have little public amenity value as they are small garden trees. It would not be reasonable to require these trees to be protected during the construction period by planning condition.
- 6.25. Given the scale of the proposal (one net dwelling) it is not considered necessary to require travel information packs by planning condition.
- 6.26. Easements are a private legal matter and not a material planning consideration.
- 6.27. 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 completed a unilateral undertaking securing a financial contribution towards mitigation at a local wildlife site.



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

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

- 7.1. The application may be CIL liable and there may be a CIL charge payable.

### **RECOMMENDATION**

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

#### **Condition 1**

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

Reason:

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

#### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

#### **Condition 3**

Prior to 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**

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

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DM23 of the Chelmsford Local Plan.

#### **Condition 5**

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

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

Reason:

In the interests of the visual amenities of the area and to safeguard the residential living environment of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policy DM29 and Policy DM23 of the Chelmsford Local Plan.

**Condition 6**

The two parking spaces hereby permitted shall be provided and available for use prior to first occupation of the development hereby approved. The parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Reason:

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

**Condition 7**

Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging points shall be installed in accordance with details that that shall have been previously submitted to and agreed in writing by the local planning authority.

Reason:

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 8**

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan.

**Condition 9**

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

Reason:

To ensure the development reduces water dependency in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 10**

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 11**

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 12**

The first-floor windows in the north east and south west (side) elevations and shown on approved Drawing Nos P100 D & P110 D 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 13**

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

Reason:

In the interests of protecting the living environment of occupiers of neighbouring dwellings and to ensure that adequate private amenity space is retained for the dwelling in accordance with Policy DM29 and DM26 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 south east (rear) wall or roof of the development 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

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:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) 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.

### Notes to Applicant

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

Noisy work

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

Light work

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

In some circumstance further restrictions may be necessary.

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

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

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

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

- 3 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).

- 4 You are reminded that this application is subject to a Unilateral Undertaking, which requires that a payment should be made to the local authority upon commencement of the development (or at any other time as varied by the Undertaking).
- 5 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.
- 6 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.
- 7 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.
- 8 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 [Address.Management@chelmsford.gov.uk](mailto:Address.Management@chelmsford.gov.uk)

### **Positive and Proactive Statement**

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

### **Background Papers**

Case File

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**Public Health & Protection Services**

Comments
18.08.2020 - 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
<p>29.09.2020 -</p> <p>This Recommendation supersedes any previous recommendations for this application number 20/01249/FUL</p> <p>A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The access will be taken from a private part of the cul-de-sac, the revised proposal now includes two off-street parking spaces within the curtilage, therefore:</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>1. No development shall take place, including any ground works or demolition, until a Construction 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:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. wheel and underbody washing facilities</li> </ul> <p>Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.</p> <p>Note - MUD / DEBRIS ON HIGHWAY</p> <p>Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no</p>

mud or detritus is taken onto the highway.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the carriageway.

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

3. There shall be no discharge of surface water from the development onto the carriageway.

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.

4. Prior to first occupation, two vehicle parking spaces shall be provided as shown in principle on plan 11033/S03 Rev C. Each parking space shall have minimum dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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.

Informative:

' 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.

#### 07.09.2020 - Recommendation of Refusal

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal does not meet Chelmsford City Council's parking standards as explained in the notes below, therefore:

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

The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.

1. The overall parking provision is considered to be inadequate for the proposal and does not meet the required parking standard. Consequently, the proposal would likely lead to a problem of on street parking on the adjacent highway
2. The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking on the highway which is detrimental to the safety of all highway users.

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

#### Notes:

The proposal is currently an unoccupied piece of land which would be accessed from the cul-de-sac, James Croft. The dwelling is proposed with a substandard parking provision.

- i. The Chelmsford City Council new Local Plan includes the adoption of the Essex Planning Officer Association (EPOA) Parking Standards. The EPOA Parking Standards recommend that dwellings with 2no. bedrooms or more are provided with 2no. off-street parking spaces. Therefore, the proposal must include off-street parking provision in accordance with the current Parking Standards.
- ii. As proposed the parking spaces would have substandard dimensions of less than 2.5 metres wide. The parking standards require that new parking spaces have minimum dimensions of 5.5 x 2.9 metres.
- iii. Neither of the proposed parking spaces meet the minimum sizes recommended in the EPOA Parking Standards and therefore cannot be counted toward off-street parking provision.
- iv. The Highway Authority may consider a revised proposal, that includes off-street parking provision with minimum dimensions in accordance with the EPOA Parking Standards.

The proposal if permitted would set a precedent for future similar developments which would lead to inappropriate parking detrimental to general safety for all highway users.



Comments
<p>28.10.2020 -</p> <p>Objection raised - The following concerns were raised</p> <p>The proposal appears overbearing to the proportion of the site</p> <p>Potential overlooking to neighbouring properties</p> <p>The proposal would potentially overshadow the neighbouring property of no 4 as to the rear it would cut across the 45 degree angle of available light.</p> <p>The proposal is deemed as 'not in keeping' within the Street Scene. The design does not appear to meet with the original development brochure stating the area to be a fine development of 4-5 bedroom homes of Queen Anne and Georgian design</p> <p>The proposal does not appear to provide adequate parking space to the front of the property to allow for utility bin storage nor cycle parking</p> <p>The proposal does not appear to provide adequate vehicular turning space for entry and exit (less than the 6m regulation).</p> <p>No installation of a vehicle charging point has been included within the application.</p> <p>The Committee have been made aware of the presence of an easement which covers the entry and exit point of the proposed building site which does not appear to have been addressed</p> <p>It is noted that the access to the development and existing residencies lies as a private road and access authority would be required</p> <p>Concerns raised in relation to the materials being brought to site</p> <p>Concerns raised in relation to emergency vehicle impaired access</p> <p>08.09.2020 -</p> <p>History</p> <p>05/01930/FUL - Refused - proximity impact on No 4 James Croft, bulk, proposed build forward of the street scene and parking issues - 6 Letters of objection.</p> <p>20/00606/FUL - Application Withdrawn</p> <p>20/01249/FUL - revised application with Officer pre-application advice reported.</p> <p>The previous reason for refusal in 2005 appears to have been partially addressed by the proposed dwelling being set back from the main street scene and provision made for 2 off-street parking bays.</p>

The central atrium frontage accommodating the ground floor wc and store and first floor large en-suite bathroom appears incongruous and overbearing to the frontal design.

Fenestration has been limited on the flank elevation facing Property No 4. The one proposed window being to a bathroom with frosted glass and therefore no overlooking would occur to this elevation. Bedroom windows to the rear would be set past those of Property No 4 and therefore limited overlooking to the garden may occur but not to the main Property of No 4.

It is noted that the previous proposal 20/00606/FUL provided for an integral garage which on the new application has been absorbed into living space with no provision of a garage facility made.

#### Site Location

The proximity of the build has been moved slightly away from the neighbouring property No 4 than the previously withdrawn application 20/00606/FUL. However, it is felt that this proposal does not remove the major objection to the original proposal being refused, namely that the development appears cramped within the plot and out of keeping with the existing properties within the road

#### Summary

Given the diversity of Councillors views and conflicting opinion. The application is given over to the Planning Office for due determination with the above points as raised.

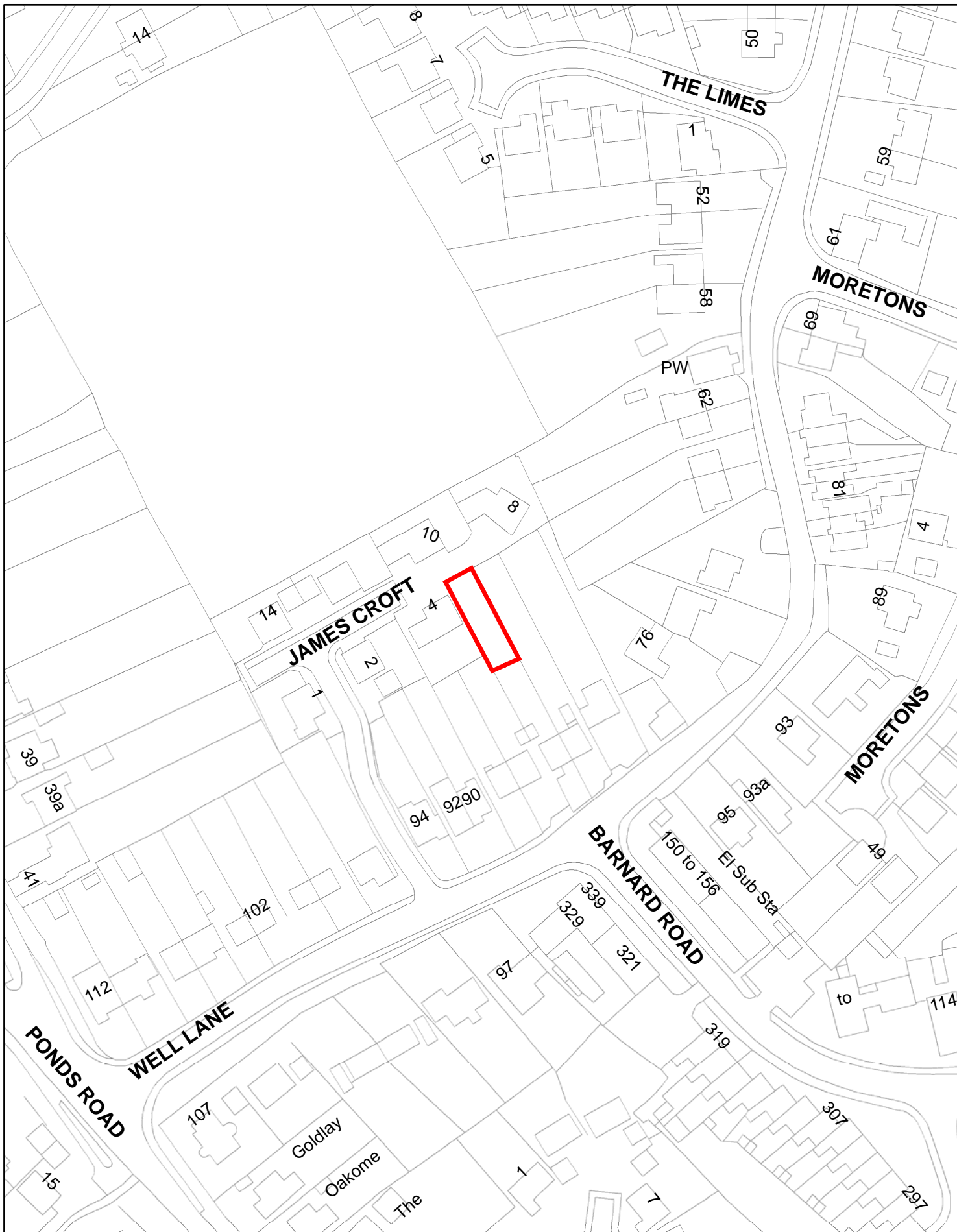
Should the application be approved, CIL monies are welcomed for local community use.

## Local Residents

#### Comments

Fifteen representations received – all objecting to the proposed development – on the following grounds:

- Not in-keeping with the design of other properties within James Croft
- The size is not the same as other properties within James Croft
- Uncharacteristically close to No. 4 James Croft
- The plot is half the width of the other plots
- Inadequate off-street parking with limited availability of on-street parking in the cul-de-sac and difficult access via the shared private drive
- No garage proposed
- Overbearing to the occupiers of No. 4 James Croft and No. 84 Well Lane
- Juvenile slow worms seen on the street
- Potential damage to the private drive to No. 8 James Croft during construction
- Previous planning permission was refused on the site for a detached dwelling, no changes between the proposal under consideration and previous refusal
- Overbearing and potential overlooking of the rear garden of No. 4
- No details provided about the trees on the site boundary with No. 4
- Loss of sunlight for No 10 (to the north)
- No site notice posted



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**20/01249/FUL**

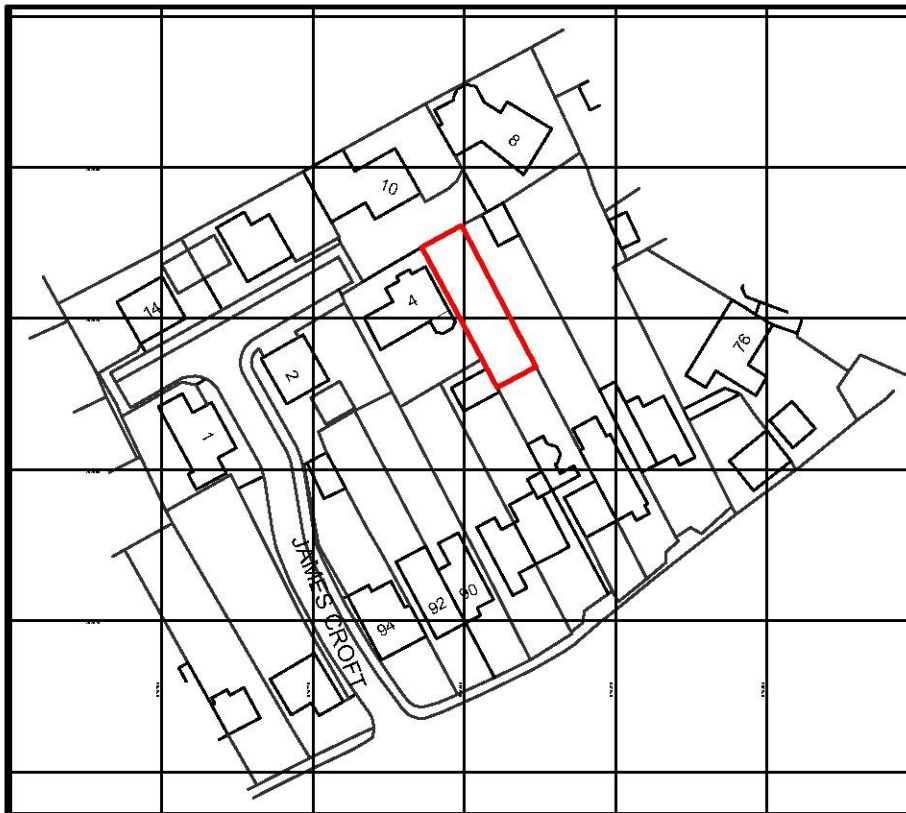
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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

Telephone: 01245 606826

# General Notes

1. THIS IS AN A4 DRAWING, IF REPRODUCED IN ANY OTHER FORMAT THE SCALE SHOWN WILL BE INCORRECT
2. Do not scale off this drawing for construction
3. Any ambiguities, omissions and errors on this drawing should be notified immediately to the Architect before the commencement of works on site
4. All dimensions are in millimetres unless otherwise stated
5. All dimensions, unless otherwise indicated, are to the face of unfinished black walls or to the stud face of stud partitions
6. All dimensions are to be checked on site. Any discrepancies are to be notified immediately to the Architect before the commencement of works on site
7. All levels are in meters unless otherwise stated
8. This drawing is to be read in conjunction with all other relevant drawings and specifications for this project



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## SITE LOCATION

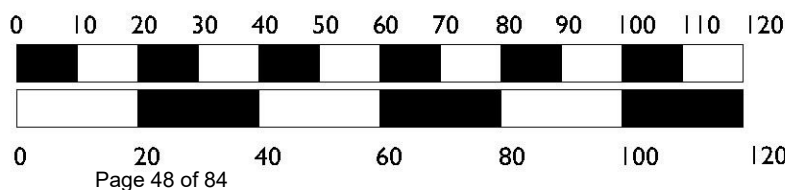
(1:1250)

Rev	Description	SO	07/04/20
A	Amended site boundary		
Main Office: PO BOX 7988, ARNOLD, NOTTINGHAM, NG5 2ZU, T: 0844 2480545, F: 0800 730 1948, enquiries@reynoldsassociates.co.uk			
Canva Office: PO BOX 306, PAR, CORNWALL, PL28 9PE, T: 01726 813797, F: 0800 730 1948			
REYNOLDS ASSOCIATES			

Job title  
Proposed House  
Land Adjacent No. 4  
James Croft  
Galleywood

Drawing title  
Site Plans  
Site Location Plan

Scale at A4	1:1250	
Date	April 2020	
Drawn by	SO	
Checked by	KFR	
Status	Planning	
Job No.	Drg. No.	Rev. No.
11033/S01	A	








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  7. All levels are in meters unless otherwise stated
  8. This drawing is to be read in conjunction with all other relevant drawings and specifications for this project

C	Amended to planning comments	SO	15.09.20
B	Revised Scheme	SO	17.07.20
A	Amended site boundary & layout	SO	07.04.20
Rev	Description	Initial Date	
<div><div>Midland Office PO BOX 7988 BARNOLD NOTTINGHAM NG5 5UJ T: 0844 2480045 F: 0871 750 1968</div><div>Corwall Office PO BOX 306 PAR CORNWALL PL25 9FW T: 01726 813797 F: 0871 750 1968</div><div>reynolds associates.co.uk enquiries@reynoldsassociates.co.uk</div></div>			
 <b>REYNOLDS ASSOCIATES</b>			

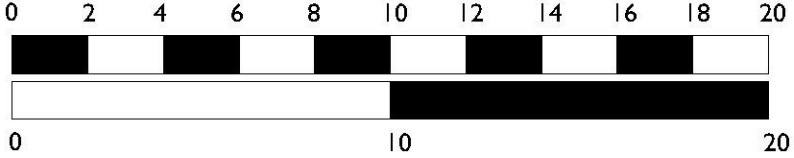
Job title  
**Proposed House  
Land Adjacent No. 4  
James Croft  
Galleywood**

Drawing title  
**Proposed Plans  
Site Plan**

Scale at A3	1:200	
Date	April 2020	
Drawn by	SO	
Checked by	KFR	
Status	Planning	
Job No.	Drg. No.	Rev. No.
1033	S03	C



Chartered Institute of  
Architectural Technologists





**PROPOSED FRONT ELEVATION**  
(1:50)



**Planning Committee**  
**1<sup>st</sup> December 2020**

<b>Application No</b>	:	20/01100/FUL Full Application
<b>Location</b>	:	Land At The Eagle Public House Stock Road Galleywood Chelmsford Essex
<b>Proposal</b>	:	<b>Erection of two detached dwellings, with associated vehicular parking, on the land to the rear of the existing public house with the creation of two new accesses (off Stock Road and The Street), reconfiguration of public house car park and beer garden, and associated hard- and soft-landscaping. Installation of bin and bike stores.</b>
<b>Applicant</b>	:	Cordage 18 Limited
<b>Agent</b>	:	CPC Ltd
<b>Date Valid</b>	:	3rd August 2020

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## **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 unacceptable impact on the street scene, makes limited reference to the heritage asset and would be contrived within the site. The local ward member is supportive of the objections made by the Parish Council and neighbours.
- 1.2. The site lies within the defined settlement of Galleywood and is adjacent to The Eagle Public House a Grade II Listed Building. It forms the pub car park and the beer garden.
- 1.3. The development is recommended for approval as it complies with the National Planning Policy Framework (the Framework) and Chelmsford Local Plan (the local Plan) Policies which seek to support sustainable housing development, protect heritage assets, protect community facilities and encourage good design amongst other things.

## **2. Description of site**

- 2.1. The site is located within the defined settlement of Galleywood where the Local Plan directs development towards.
- 2.2. The site is located to the south of The Eagle Public House a Grade II Listed Building and forms the current car park and beer garden. The pub stands on a corner plot next to the road intersection between Stock Road, Margaretting Road and Watchhouse Road. Another road, The Street, is taken from Watchhouse Road and is located to the rear of the site. Access to the pub car park is taken from Stock Road.
- 2.3. The Eagle is a mid-nineteenth century public house, which is grade II listed. It is a brick and slate roofed building of domestic appearance. It was probably built shortly after 1838 (as it does not appear on the title map of this date). It is unclear if it was built as a dwelling or a public house, but it is shown as The Eagle by the 1876 OS map. The building is a prominent feature at the crossroads and a well-known local landmark.
- 2.4. The wider context of the site is suburban with residential dwellings set out in a linear pattern along Stock Road and The Street. Galleywood Youth Centre is to the north of the site however the context changes opposite with the historic racecourse being retained and the land to the north side of Margaretting Road being wooded and verdant in appearance. The house types along Stock Road are traditional and simple in proportion. Laurel Cottage the immediate neighbour, is a non-designated heritage asset. The buildings within The Street are modest in scale.

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

- 3.1. This planning application seeks permission for the construction of two detached houses to the south of the public house. The dwellings would front The Street and Stock Road respectively and be served by access points leading from each road. The application also proposes the reconfiguration of the public house car park and beer garden; access would be retained in the same location with a reduced car park and beer garden.
- 3.2. The dwellings would be served by two off street parking spaces each and have their own accesses. The pub would be provided with 15 off-street parking spaces within its own car park served by its own access.



- 3.3. Plot 1 is a 3-bedroom house with a garden of 83 sq. metres and a gross internal area of 94 sq. metres. It would be two storey and of simple design and vernacular. The dwelling would front Stock Road and its access taken from this point. The garden to the dwelling would be to the rear of the plot.
- 3.4. Plot 2 is a 3-bedroom dwelling house with a garden of 108 sq. metres and a gross internal area of 98 sq. metres. It would be one and a half storey with dormers in the roof. Bedroom 3 would be located on the ground floor. The dwelling would front The Street and its access taken from this point. Its garden would also be to the rear.
- 3.5. For background it should also be noted that during the life of the planning application, the development as proposed has been altered in its design and layout slightly. These changes include the re-siting of Plot 1 further back into the plot to line up with the neighbour, the creation of additional space for vehicle turning to Plot 1, the reduction in height and scale of Plot 2 and the removal of windows to the rear of each dwelling.

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

- 4.1. 16/01252/FUL - Refused 14th February 2017 – Allowed on Appeal 17<sup>th</sup> February 2017  
Construction of convenience store (Use Class A1) and retention of public house (Use Class A4), reconfigured car park, new vehicular access to The Street, amended vehicular access from Stock Road, refuse and cycle storage, and landscaping
- 4.2. 16/01253/LBC - Approved 14th February 2017  
Works to Victorian well, new boundary fencing and surfacing to new beer garden area to front of Public House and new surfacing to existing rear garden area
- 4.3. The history of the application site is of relevance and this application follows a grant of planning permission (16/01252/FUL) for the construction of a convenience store within the car park of the public house.
- 4.4. This planning permission has not been implemented, the consent remains live by virtue of S.17 of the Business and Planning Act 2020. This legislation was introduced in response to the Covid-19 Pandemic and has the effect of extending soon to be expired planning permissions to allow for implementation no later than 1st May 2021.

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

- 5.1. During the life of the application, two rounds of Consultation have occurred in response to the submission of amended plans. The following comments were received prior to **7th September 2020** as part of the application:
  - Galleywood Parish Council – OBJECTION
    - It is stated that it is intended to use the sale of the site to reinvest into the Public House as a community facility. Although the listing of the building is mentioned the listing of a Community Asset is not. The reports appear to support the continued use and provision of the Public House into the future albeit this is not guaranteed. The historic importance of the site in relation to the Racecourse is noted as well as the presence of a Well which will be preserved. However, in section 11 of the application form the Well is not mentioned as a nearby watercourse and not mentioned in section 12 as of geological significance.
    - The design statement states that both plots will be afforded 'large' private gardens. Plot 1 - 95sqm and Plot 2 – 129sqm. The houses will be afforded a 20m separation distance

between the two with no overlooking by means of no fenestration amenity on abutting flank elevations.

- The proposed build materials appear to be in keeping with neighbouring properties in both Stock Road and The Street. There is precedent for back to back development within the locality.
- Concern – Plot 1 lies much further forward of Laurel Cottage and The Eagle Public House and breaks with the natural line of the street scene.
- Government guidance is provided in the Effective Use of Land (Published 22 July 2019) with regard to density of new build. A minimum plot size for a three bed detached is 93m<sup>2</sup>. Plot 1 appears to register at 90sqm and Plot 2 at 94sqm.
- Boundary Treatment it is proposed to remove identified hedging H1, H2 and H3 (conifer hedging to three elevations) and replace with 1.8m close boarded fencing.
- Concern – the height of the fencing would be inappropriate within the proximity of the highway. It is also unclear as to the ownership of the strip of land fronting The Street for the creation of an access way and ownership/maintenance of the hedging.
- Concern – The site fronting Street (Plot 2) is an area of planted verge remembrance to a local resident who recently died at the location under tragic circumstance.
- Car parking – an addition of one new car parking space is proposed in the overall plan
- 15 Spaces are proposed for The Eagle public house – the two rear parking plots appear to be tight to access but a schematic has been mitigated within the parking plan which appears to address this concern
- 2 parking spaces are provided on Plot 1 and Plot 2 – both 3 bedroom properties however identified as Plot 1 (90 sqm) – 4 person property and Plot 2 (94 sqm) – 5 person property.
- Vehicular access to Plot 1 (Stock Road) is stated as being able to access to and from the plot in front gear to avoid the possibility of reversing onto a busy thoroughfare. This is made available by a turning point to the front of the house which has been set forward of the usual street scene
- Vehicular access to Plot 2 (The Street) is stated as being able to access for tandem parking and due to the quieter nature of the thoroughfare a reverse option would be acceptable.
- Concern for consideration – The two properties together allow for 9 persons with 4 cars and does not appear to address visitor traffic or an increased parking requirement for additional cars. On street parking in both areas would not be available.
- Summary - Objection and referral to the Chelmsford City Council Planning Committee requested (see below)
- Note 5.22 relates to a reminder that the prior appeal for a convenience store granted in ( ) is still viable and could be revisited.
- The noise and transport reports were conducted under COVID-19 regulation and may have impacted the data gathered.
- P16 of the Airtight Noise report appears to be incorrect in its statement of mapping for a property named as The Coach and Horses is actually a plan of The Eagle Public House. It is accepted that this report is largely based on a schematic and not actual readings
- Local opinion against development of the site is noted and should be taken into good consideration, Local opinion regarding a proposal to remove a memorial site

- The proposal to build forward of the street scene line is not acceptable.
- CIL monies should be identified for the use of the local area should the application be minded for approval.
- Galleywood Parish Council have requested that this application be brought to the Chelmsford City Council Planning Committee via Ward Councillor
- Public Health & Protection Services –
  - Providing the recommendations of the acoustic report in relation to construction/glazing are implemented it appears the internal noise levels in the proposed dwellings will meet the required criteria.
  - An informative should be included covering construction time
  - 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 – OBJECTION
  - The proposal would lead to the creation of a substandard vehicular access to Plot 1 onto Stock Road (B1007)
  - The proposal would lead to the creation of a substandard vehicular access to Plot 2 onto The Street
  - The lack of suitable visibility from each proposed vehicular access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety
  - The proposed turning space provided for Plot 1 does not enable turning vehicles perpendicular approach to the Stock Road carriageway. This would likely result in oblique forward manoeuvres and or reversing manoeuvres, both with restricted visibility. This would result in an unacceptable degree of hazard for both emerging and approaching vehicles and to other highway users to the detriment of highway safety.
- Recycling & Waste Collection Services –
  - No Comments
- Local residents – 9 Letters of Objection
  - Loss of pub garden would be a negative for family users
  - Loss of pub garden would harm viability of pub in time of national financial difficulty
  - Laurel Cottage will suffer loss of light
  - Plot 2 will overlook Laurel Cottage
  - Parking access to Plot 2 would be restricted due to narrow width of The Street
  - The proposal will affect a Local Memorial
  - Smaller pub garden won't allow for social distancing
  - Occupants of houses will complain about pub noise
  - CAMRA Objection received on basis of reduction in pub garden harming viability of pub
  - Parking is reduced and therefore on-street parking stress may occur
  - Beauty of Public House would be reduced
  - Surveys provided for parking and access are out of date
  - Proposal will diminish Heritage Asset
  - Development is ugly and unnecessary

- English pub should be retained
- 1 Letter of Support
  - This proposal which appears to be well thought out. Two detached dwellings - one facing The Street and one facing the Stock Road. A much better option than the previous proposal of a supermarket.

5.2. The following comments were received following reconsultation:

- Galleywood Parish Council - OBJECTION
  - Amendments to Plot 1 and Plot 2 do not adequately address concerns around accessibility
  - There does not appear to be provision for disabled parking
  - Spaces 1 and 2 within Eagle Car Park would need to be reversed into to achieve good accessibility
  - Pinch point and no public footpath in car park and front corner of Eagle Public House. Pedestrians exposed to vehicular traffic
  - Height of fence between Plot 1 and Laurel Cottage is not specified and could cause visibility issue
  - Garden proposed to front of Eagle is unsatisfactory and unsafe to patron given proximity to highway. Noise and pollution as well as general vehicular movement is strong concern
  - Footpath sweeping front of Eagle does not have a raised profile and should be raised for safety
  - Telephone services pole to front of development would require removal in favour of underground service
  - The introduction of vehicle charging points is welcomed but no covered storage for recycling and refuse has not been provided
  - Unclear how refuse collection will be made from the Eagle especially during the day when car parking facility would be hampered
  - Both plots will not have a garage
  - Patronage to the house owners to the Eagle should not be assumed, potential for noise complaints that could damage the business
  - Neither dwellings are in keeping with general street scene
  - Fenestration on side elevation of Laurel Cottage may cause privacy issues
  - Revision included to Plot 1 show 4 large windows to side elevation facing Eagle Car Park which will cause noise, vibration and pollution issues, this amendment is not provided by any environmental reports
  - The environmental report on noise does not specify the exact point that the data was taken from and is based on calculus and not actual recordings due to COVID-19 restriction. This brings into doubt the validity of this report.
  - A compromise will be required by future occupiers between heat and noise when opening windows to new dwellings. Opening rear windows may cause privacy issues
  - It is unclear as to the relation of the property in Telford to this site as it bears no highway relationship
  - The Design and Access Statement has not been amended to reflect the new proposals on both plots
  - Insufficient information has been provided to demonstrate the harm conflict vs any public benefit
  - The use of the term 'windfall site' is seen to be opportunistic within a historical site of the village

- The proposal for 2 dwellings on the site appears to be cramped.
- Recycling & Waste Collection Services
  - No Comments
- Public Health & Protection Services
  - No further comment, previous comments still apply
- Essex County Council Highways
  - Application is acceptable subject to Planning Conditions
- Local residents – 2 Letters of Objection
  - The access to the dwelling is tight and would not allow sufficient access for service vehicles
  - Traffic volumes don't take account of peak times where nearby land uses are engaged
  - The dwellings cannot be constructed without traffic obstruction to the surrounding road network
  - Proposal removes 30-4-% of the garden and pub viability will be compromised

## 6. Planning considerations

### *Main Issues*

- 6.1. The following issues are to be considered as part of this Report:
- a) Principle of Development
  - b) Highways and Access
  - c) Heritage
  - d) Responding to Surrounding Context
  - e) Design Standards
  - f) Impact on Surrounding Amenity
  - g) Other Matters

### **Principle of Development**

- 6.2. The application site is located within the defined settlement of Galleywood as set out within the Chelmsford Local Plan, this is an area of which the Plan directs development towards. The redevelopment of the site for housing is acceptable subject to compliance with the remaining planning policies within the Plan.
- 6.3. A number of comments submitted by the public raise concern that the application in its proposed reduction of the beer garden would harm the viability of the public house. Local Planning Policy DM21 seeks to protect Community Facilities and Section (A) to this policy sets out criteria to be applied to applications seeking the change of use of premises or the redevelopment of sites that provide valued community facilities or services.
- 6.4. The application is not directly captured by this policy as that the public house in use, form and function would remain on site and would be unaltered. The only tangible change would be to the extent of the car park and beer garden. The reduction of both is not however considered to be harmful to the successful operation nor economic viability of the public house as both are an adequate size to allow business to continue.

- 6.5. The proposal is not considered to result in the loss of the facility and further no objection has been raised to the scheme from the Council's Economic Development team following consultation. The proposal is not considered contrary to Planning Policy DM21.

### **Highways and Access**

- 6.6. The reconfiguration of the site layout would result in alterations to the size of the car park serving the public house and the creation of two new points of access to serve each respective house.
- 6.7. The National Planning Policy Framework sets out, at paragraph 110, that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.8. At a Local Level Planning Policy DM27 concerns the provision of adequate parking spaces and sets out 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. It is stated that proposal which provide below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard.
- 6.9. The applicant has submitted an Additional Technical Note covering matters of the highway and access. The Technical Note provides two, seven-day speed surveys which demonstrates that appropriate visibility in both directions can be provided to each of the new vehicular accesses. The layout of the Plot 1 and the pub car park has also been amended to take account of the comments provided by the Highway Authority.
- 6.10. The Technical Note has been reviewed by the Highway Authority during the re-consultation process who do not raised any objection and are satisfied that appropriate visibility is achievable on the access points on both Stock Road and The Street. The altered layout to Plot 1 ensures that adequate space is provided to enable vehicles entering the site to turn and leave in forward gear. The Highway Authority are also satisfied that the Note allows for the servicing of the public house outside of its operating hours of the public house and this is acceptable. A planning condition is included to ensure that this arrangement is achieved. The Highway Authority are satisfied that all parking spaces within public car park can be accessed in a safe manner by vehicles.
- 6.11. The southern boundary to Plot 1 is currently a close boarded fence with two mature trees and hedgerow present. The Highway Authority hold no issue with this existing arrangement. In any case all boundary treatments are subject to agreement under Planning Condition.
- 6.12. The Essex Parking Standards set out that 1 parking space per 5 sq. metres of A4 (Drinking Establishment) must be provided to support the public house and in order for the proposal to comply with Policy DM27. The internal trading area of The Eagle measures to be 55 sqm and therefore under the standard 11 off-street parking spaces are required to be provided. The pub is shown to be served by 15 spaces and therefore the application is considered to comply with Planning Policy DM21. The western most space of the northern group of spaces is capable of being increased to the standard required to provide a disabled parking space. A Planning Condition is included to deliver this.
- 6.13. Finally, the use of land to the front of the Public House is not considered to raise issues of Highway safety. This arrangement is already present without issue and the submitted Landscaping Plan shows that the front boundary to the pub would be strengthened through a white picket fence and plant boxes. The garden would not extend closer to the highway than already present.

- 6.14. Both dwellings would be served by two parking spaces each and their own point of access which are satisfactory to the Highway Authority. There would not be any highway safety issues and the proposal complies with Policy DM27.
- 6.15. Under the above circumstances, the application is considered acceptable from a Highways and Access standpoint.

## Heritage

- 6.16. The Eagle is a mid-nineteenth century public house, which is grade II listed. It is a brick and slate roofed building of domestic appearance. It was probably built shortly after 1838 (as it does not appear on the tithe map of this date). It is unclear if it was built as a dwelling or a public house, but it is shown as The Eagle by the 1876 OS map. The building is a prominent feature at the crossroads and a well-known local landmark. Like most buildings of this type it has been adapted and altered through its life, but its basic original form and appearance remain. The building is of communal and historic value as a long-standing public house and local landmark and of architectural interest for its design. The building also has group value with the adjacent historic buildings and racecourse. The setting of the building includes its curtilage, car park, beer garden and wider surroundings. The spacious setting and views towards the building are key to the buildings setting and contribute to its significance.
- 6.17. The impact upon the designated heritage asset of the introduction of built form into the application site has previously been considered within the earlier planning permission allowed at appeal. The planning inspector found that the subdivision of the curtilage to the listed building previously would amount to a low level of harm, less than substantial for the purposes of the NPPF. This harm was considered to be outweighed by the heritage benefits delivered by that scheme; the creation of improved paving, seating, landscaping and boundary treatments to the front of the public house, the consolidation of commercial activity and the display and interpretation of a well located within the grounds.
- 6.18. At a National Level, paragraph 196 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Framework also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.19. Local Planning Policy DM13 sets out that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development. Where there is substantial harm or total loss of significance of the designated heritage asset, consent will be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; or all of the following apply:
- i. the nature of the heritage asset prevents all reasonable uses of the site; and
  - ii. use of the asset is not viable in itself in the medium term, or not demonstrably possible in terms of grant funding; and
  - iii. the harm or loss is outweighed by bringing the site back into use.



- 6.20. Where there is less than substantial harm to the heritage asset this will be weighed against the public benefits of the development proposal, including securing the optimum viable use of the heritage asset.
- 6.21. The Council's Heritage Officer has provided comment on the amended proposal considering the scheme against National and Local Policy. The revised proposals reduce the height of the buildings and relate their position and design more closely to the context of the traditional buildings to the south. Additional landscaping is also introduced and amended boundary treatments and hard surfacing. The scheme also includes enhancement of the frontage to the listed building and presentation of the well to the rear. As a result, the proposals are now considered more sensitive to the context of the historic environment and minimise the impact upon the setting of the listed building.
- 6.22. As mentioned above, the previous appeal decision within the site established that the subdivision of the curtilage of the listed building would amount to a low level of harm which is less than substantial for the purposes of paragraph 196 of the Framework. This element of harm would remain.
- 6.23. The amended scheme now includes the improvement of the frontage of the dwellings and seeks to enhance the presentation of the historic well. The Planning Statement also indicates that the profit from the development would be put back into the business. It is noted and relevant that the scale of buildings and parking for this scheme is less than the previous approval, it is therefore the case that the level of harm through impact is reduced also.
- 6.24. It is considered that the physical package of heritage enhancements offered as part of the proposal are adequate to outweigh the remaining and less than substantial harm present. This is such that the public benefit of the proposal is considered to satisfy the balancing test set out within paragraph 196 of the Framework. Planning Conditions are included to ensure that the scheme is delivered in a sensitive manner and to secure the heritage enhancements.
- 6.25. Under the above considerations, the application is acceptable from a Heritage standpoint and complies with policy DM13.

### **Responding to the Surrounding Context**

- 6.26. Local Planning Policy DM23 seeks for development to be high quality and inclusive in design in two ways. Firstly, the policy seeks for development to respond to its context. In this vein Section (A) sets out 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.
- 6.27. Secondly, Section (B) sets out that planning permission will be granted for new buildings and extensions and alterations to existing buildings that are of a high quality design; are compatible with the character and appearance of the area, and also where relevant the host building, in terms of their the siting, scale, form, massing, materials and detailing; are well-proportioned; have visually-coherent elevations; have active elevations where the building or extension is visible from public vantage points; and create safe, accessible and inclusive environments; and minimise the use of natural resources in accordance with Policy DM25.



- 6.28. The surrounding context is characterised by residential development of simple and traditional form and the dwellings have been designed to have similar designs. Their frontages are well designed and include features of the local vernacular. Plot 1 displays well-ordered elevations and retains a traditional proportion. Plot 2 is of a lower scale with a one and a half storey form. The dormers set within the roof form are narrow and subservient in placement. The overall appearance of Plot 2 is balanced and visually well ordered.
- 6.29. Plot 1 has been revised in siting to be placed further back within the site such that the building line of the street scene along Stock Road is respected. The height of this building has also been lowered to follow those adjacent to the site.
- 6.30. The designs and siting of the houses are acceptable in line with the Policy DM23 and the scheme would satisfactorily respond to its context.

### **Design Standards**

- 6.31. Local Planning Policy DM26 sets out that all new dwellings shall achieve suitable privacy and living environment for residential occupiers; achieve sufficient private amenity space; provision of open space; appropriate internal space through adherence to the Nationally Described Space Standards; and provide appropriate and well-designed recycling and waste storage. The development standards to which this policy relates is set out at Appendix B of the Local Plan.
- 6.32. Plot 1 is a 3-bedroom house with a garden of 83 sq. metres and a gross internal area of 94 sq. metres. The dwelling complies with both development standards for gardens and the national described space standards. The bedrooms provided within the dwelling are marginally (approximately 1 sq. metre) below the internal space standard but this is not considered to be harmful as the rooms are well lit and the dwelling provides sufficient gross internal space.
- 6.33. Plot 2 is a 3-bedroom house with a garden of 108 sq. metres and a gross internal area of 98 sq. metres. Each bedroom would be provided with the required internal space standards. The dwelling complies with the required development standards.
- 6.34. The dwellings would be located in close proximity to each other and would not provide the back to back or back to boundary separation distances routinely required to ensure there are no harmful impacts on the amenity enjoyed at each. In this case, any potential for overlooking or facing habitable windows has been removed through the window placement to the rear of each dwelling serving a bathroom and a stair void and thus being obscure-glazed and non-openable or not allowing views from within. A condition is included to ensure this is delivered and the dwellings are considered to achieve suitable privacy and living environment for residential occupiers.
- 6.35. Under the above consideration, the proposal would provide an acceptable living environment for future occupiers in line with Planning Policy DM26.

### **Impact on Surrounding Amenity**

- 6.36. Local Planning Policy DM29 seeks to protect living environments, the policy states that, amongst other matters, 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.

- 6.37. The proposal would introduce two and one and a half storey built form into land where there is not currently and both dwellings would be located close to the side boundary serving Laurel Cottage to the south. There would not be any windows serving habitable rooms located on the rear elevations of either dwelling and further the site is located to the north of the neighbour. The two storey dwelling at Plot 1 would not protrude beyond the rear wall of Laurel Cottage whilst Plot 2 would retain a limited height on the boundary. As a result of this and the orientation of the development to this neighbour there would not be any overshadowing of the neighbour's garden.
- 6.38. An existing window is present within the side elevation of Laurel Cottage serving a first-floor bedroom. This bedroom is also served by a window of the principal elevation of the building. Limited views of the rear garden to Plot 1 would be possible as the dwelling at Plot 1 would screen any view. This relationship is considered acceptable. Whilst Plot 1 would be located close to this side window, loss of light enjoyed within the bedroom is not considered likely due to the north facing orientation of the window and presence of a primary window to the front of the dwelling.
- 6.39. Side windows at a ground and first floor level would be provided within the northern side elevation of Plot 1. Whilst close to and facing towards the Public House and repositioned car park this is not an unusual relationship and would be well screened by 1.8m soft landscaping as shown on the landscaping plan. This relationship is not considered harmful.
- 6.40. The development is not considered to have any harmful impact on the neighbouring amenity of nearby residential occupiers and the application complies with Planning Policy DM29.

#### **Other Matters**

- 6.41. In order to comply with the requirement for sustainable buildings set out at Policy DM24, a planning condition has been included to require the provision of an EV charging point to serve each dwelling house.
- 6.42. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has paid the required financial contribution towards mitigation at a local wildlife site ahead of the determination of the application.

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

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

#### **RECOMMENDATION**

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

##### **Condition 1**

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

Reason:

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

**Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

**Condition 3**

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

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the listed building in accordance with Policy DM13 of the Chelmsford Local Plan.  
an.

**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**

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

- (a) Eaves, verges, hips and ridges;
- (b) Doors, door casings and surrounds;
- (c) Brick detailing;
- (d) Rainwater goods and soil or vent pipes;
- (e) Chimneys and flues;
- (f) Vents and extractor fans;
- (g) Soffit, gutter brackets and verges
- (h) plinths

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

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the listed building in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 6**

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

- a) hard surfacing including pathways and driveways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;

Reason:

In order to add character to the development, to integrate the development into the area and to promote biodiversity in accordance with Policies DM16 and Policy DM23 of the Chelmsford Local Plan.

**Condition 7**

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

Reason:

To ensure that adequate private amenity space is retained for the dwelling in accordance with Policy DM26 of the Chelmsford Local Plan.

**Condition 8**

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 roofs of the dwellings hereby permitted shall not be altered, enlarged or extended without the grant of an additional planning permission by the local planning authority.

Reason:

In the interests of respecting the heritage of the locality in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 9**

All new brickwork shall be constructed to give the appearance of Flemish bond, with either a flush or recessed mortar joint.

Reason:

To ensure the proposed development does not detract from the historical value or character and appearance of the listed building in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 10**

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

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 11**

Prior to the commencement of works to construct the dwellinghouses, the enhancement works to the Public House and garden shall be completed in full accordance with the details shown specified on drawing no. 20.63.10.05-G Landscaping Plan unless previously agreed in writing by the Local Planning Authority.

Reason:

To ensure that enhancement and improvement of the Designated Heritage Asset is delivered in accordance with Policy DM13 of the Chelmsford Local Plan.

**Condition 12**

The Pub Car Park shall be retained as open and available for patrons use during the trading hours of The Eagle Public House throughout the construction period of the development.

Reason:

To ensure that the Public House can continue to trade and maintain business in accordance with Policy DM21 of the Chelmsford Local Plan.

**Condition 13**

Prior to the first occupation of the dwellings 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 Policy DM25 of the Chelmsford Local Plan.

**Condition 14**

The first floor rear window in the eastern elevation to Plot 1 and shown on approved Drawing No. 10.02G serving the en-suite bathroom and the first floor rear window in the western elevation to Plot 2 and show on approved Drawing No. 10.04E 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 15**

No dwelling shall be occupied until the points of access which provide access to it shall have been constructed in accordance with the approved plans and in accordance with drawing no. 10.00H. The access points as constructed shall be retained thereafter.

Reason:

To ensure that the development is accessible in the interests of highway safety.

**Condition 16**

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 17**

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 18**

No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing No. 10.00H for two cars to be parked and for vehicles to turn so that they may enter and leave Plot 1 in forward gear and the spaces shall thereafter be kept available at all times for the parking of vehicles and for those purposes.

Reason:

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

**Condition 19**

Prior to construction of the dwelling houses, the vehicle parking area for the public house shown in the Proposed Site Plan, drawing no. 10.00 Revision H, including a parking space for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the public house unless otherwise agreed with the Local Planning Authority and shall be retained in this manner permanently thereafter.

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.

**Condition 20**

Prior to the construction of the dwelling houses, details of a General Service, Delivery and Car Park Management Plan shall be submitted to and agreed in writing with the Local Planning Authority following the principle set out in approved Drawing No. Technical Note October 2020. The Plan shall include details of:

- i. The retention of the Public House car park as free and open during the works to construct the dwelling house
- ii. Service vehicles servicing the site restricted to a maximum length 10 metres;
- iii. The advanced management and organisation of deliveries to the public house outside of trading hours;
- iv. To temporary suspension of the use of the public car park when deliveries take place as arranged in (ii) above, to facilitate the turning of heavy goods service vehicles, enabling them to leave the car park and enter Stock Road in forward gear.

Reason:

In the interests of highway safety and to ensure that on street parking within the adjoining streets does not occur.

## 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 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

### 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 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 [Address.Management@chelmsford.gov.uk](mailto:Address.Management@chelmsford.gov.uk)
- 6 A financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has been paid and agreed in writing between the Council and the Developer. Further information is available at: <https://www.chelmsford.gov.uk/planning-and-building-control/essex-coast-rams/>

### **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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## Galleywood Parish Council

Comments
<p>Planning Report – 20/01100/FUL - Land at the Eagle Public House, Stock Road, Galleywood  <i>Erection of two detached dwellings, with associated vehicular parking, on the land to the rear of the existing public house with the creation of two new accesses (Off Stock Road and The Street), reconfiguration of public house car park and beer garden, and associated land, and associated hard and soft landscaping. Installation of bin and bike store.</i></p> <p><b>Site Area for development</b> 0.1710 sqm</p> <p><b>Community Infrastructure Levy</b> would apply per unit</p> <p><b>The Eagle Public House – Historic Site Impact</b> - It is stated that it is intended to use the sale of the site to reinvest into the Public House as a community facility. Although the listing of the building is mentioned the listing of a Community Asset is not. The reports appear to support the continued use and provision of the Public House into the future albeit this is not guaranteed. The historic importance of the site in relation to the Racecourse is noted as well as the presence of a Well which will be preserved. However, in section 11 of the application form the Well is not mentioned as a nearby watercourse and not mentioned in section 12 as of geological significance.</p> <p><b>Design and Garden Amenity</b> – The design statement states that both plots will be afforded ‘large’ private gardens. Plot 1 - 95sqm and Plot 2 – 129sqm. The houses will be afforded a 20m separation distance between the two with no overlooking by means of no fenestration amenity on abutting flank elevations. The proposed build materials appear to be in keeping with neighbouring properties in both Stock Road and The Street. There is precedent for back to back development within the locality.</p> <p>Concern – Plot 1 lies much further forward of Laurel Cottage and The Eagle Public House and breaks with the natural line of the street scene.</p> <p>Government guidance is provided in the Effective Use of Land (Published 22 July 2019) with regard to density of new build. A minimum plot size for a three bed detached is 93m<sup>2</sup>. Plot 1 appears to register at 90sqm and Plot 2 at 94sqm.</p> <p><b>Boundary Treatment</b> it is proposed to remove identified hedging H1, H2 and H3 (conifer hedging to three elevations) and replace with 1.8m close boarded fencing.</p> <p>Concern – the height of the fencing would be inappropriate within the proximity of the highway. It is also unclear as to the ownership of the strip of land fronting The Street for the creation of an access way and ownership/maintenance of the hedging.</p> <p>Concern – The site fronting Street (Plot 2) is an area of planted verge remembrance to a local resident who recently died at the location under tragic circumstance.</p> <p><b>Car parking</b> – an addition of one new car parking space is proposed in the overall plan  15 Spaces are proposed for The Eagle public house – the two rear parking plots appear to be tight to access but a schematic has been mitigated within the parking plan which appears to address this concern  2 parking spaces are provided on Plot 1 and Plot 2 – both 3 bedroom properties however identified as Plot 1 (90 sqm) – 4 person property and Plot 2 (94 sqm) – 5 person property.</p> <p><b>Vehicular access</b> to Plot 1 (Stock Road) is stated as being able to access to and from the plot in front gear to avoid the possibility of reversing onto a busy thoroughfare. This is made available by a turning point to the front of the house which has been set forward of the usual street scene  Vehicular access to Plot 2 (The Street) is stated as being able to access for tandem parking and due to the quieter nature of the thoroughfare a reverse option would be acceptable.</p> <p>Concern for consideration – The two properties together allow for 9 persons with 4 cars and does not appear to address visitor traffic or an increased parking requirement for additional cars. On street parking in both areas would not be available.</p> <p><b>Summary - Objection and referral to the Chelmsford City Council Planning Committee requested (see below)</b></p>

Note 5.22 relates to a reminder that the prior appeal for a convenience store granted in () is still viable and could be revisited.

The noise and transport reports were conducted under COVID-19 regulation and may have impacted the data gathered.

P16 of the Airtight Noise report appears to be incorrect in its statement of mapping for a property named as The Coach and Horses is actually a plan of The Eagle Public House. It is accepted that this report is largely based on a schematic and not actual readings

Local opinion against development of the site is noted and should be taken into good consideration, Local opinion regarding a proposal to remove a memorial site

The proposal to build forward of the street scene line is not acceptable.

CIL monies should be identified for the use of the local area should the application be minded for approval. Galleywood Parish Council have requested that this application be brought to the Chelmsford City Council Planning Committee via Ward Councillor Mrs Janette Potter for due consideration

Comments Made 18<sup>th</sup> November

**20/01100/FUL (Revisions) Land at the Eagle Public House, Stock Road, Galleywood - Erection of two detached dwellings, with associated vehicular parking, on the land to the rear of the existing public house with the creation of two new accesses (off Stock Road and The Street), reconfiguration of public house car park and beer garden, and associated hard and soft landscaping. Installation of bin and bike stores.**

I write to inform you of the following resolution recorded at the Galleywood Parish Council Planning and Highways Committee held on Tuesday 17 November 2020.

The Committee returned a strong objection to the proposal. The following concerns were raised

#### Parking - Vehicular access

- The amendments to both Plot 1 and Plot 2 does not adequately address the concerns of accessing the properties either in first gear or reverse. This is especially in the case of Plot 1 which is close to a major crossroads and traffic light system.
- There does not appear to be provision for disabled parking on the plans - all parking bays appear to be of the same size
- Spaces 1 and 2 within the Eagle Car Park facility (immediate spaces to the right of entry splay) would have to be reversed into for good exit onto The Stock Road.
- There appears to be a pinch-point and no public footpath to the corner of the carpark and the front corner of the Eagle Public House. This would mean that pedestrians would be in direct conflict with vehicular traffic
- The height of the fencing between Plot 1 and Laurel Cottage is not specified and could be a visibility issue for vehicular/pedestrian safety.

#### Amenity

- The garden provision proposed to the front of The Eagle Public house is unsatisfactory and unsafe to patrons given the proximity to the highway at a major village junction. Noise and pollution as well as general vehicular movement is of strong concern.

- The footpath sweeping to the front of the Eagle does not currently have a raised profile to the rest of the highway and would need to be raised for safety
- The telephone services pole to the front of the development would require removal in favour of an underground service
- The introduction of vehicle charging points to both plots is welcomed but no covered storage for recycling or refuse has been provided for on the plans supplied
- It is unclear as to how refuse collection will be made from The Eagle. Collections are often during the day and will be hampered by the tight car parking facility for turning space
- Both plots will not have access to a garage facility
- Patronage by the house owners to The Eagle should not be presumed. It is often the case that noise becomes an issue and therefore complaints against the business could be damaging to its wellbeing. It is of significant concern that family housing is being proposed so close to a public house.
- 

#### General Design

- Neither design of Plot 1 or 2 will be in keeping with the general street scene with Plot 1 set forward of both The Eagle PH and Laurel Cottage
- It is noted that Laurel Cottage has fenestration to the side elevation with Plot 1. The provision of any fenestration to the side elevation of Plot 1 to the Cottage may cause privacy issues
- Amendments to Plot 1 appear to show the inclusion of 4 large windows to the side elevation to The Eagle Car park which will cause noise, vibration and pollution issues. This new revision does not appear to be supported by any revised amendments to the previously supplied environmental reports.
- The environmental report on noise does not specify the exact point that the data was taken from and is based on calculus and not actual recordings due to COVID-19 restriction. This brings into doubt the validity of this report.
- Evidence appears to show that a compromise by the residents will be required - noise vs heat when opening of the windows to the properties is made. The recommendation to open rear elevation windows only may cause privacy issues to the rear of both properties
- It is unclear as to the relation of the property in Telford to this site as it bears no highway relationship
- The Design and Access Statement has not been amended to reflect the new proposals on both plots
- Insufficient information has been provided to demonstrate the harm conflict vs any public benefit
- The use of the term 'windfall site' is seen to be opportunistic within a historical site of the village
- The proposal for 2 dwellings on the site appears to be cramped.

The Committee agreed unanimously that should the planning application be forwarded to the City Planning Committee, then Parish Council representation is hereby requested to make further representation

## Public Health & Protection Services

### Comments

28.10.2020 - Public Health & Protection Services have no comments on these amendments however the previous comments still apply.

25.08.2020 - Providing the recommendations of the acoustic report in relation to construction/glazing are implemented it appears the internal noise levels in the proposed dwellings will meet the required criteria.

Please add the construction times informative

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

27.10.2020 - Your Ref: 20/01100/FUL

Our Ref: CO/EGD/SD/RM/CHL/20/1100/26004

Date:- 27th October 2020

Recommendation Issue 2.

The applicant has provided an Additional Technical Note which includes

i. Two 7 day speed surveys, which demonstrate that appropriate visibility splays can be provided to each of the new vehicular accesses below;

' For the Plot 1 vehicular access to Stock Road which has a speed limit of 40mph

' For Plot 2 vehicular access to The Street which has a speed limit of 30mph. The two speed surveys.

ii. Plot 1 is provided with a turning space to enable vehicles in the parking area to enable vehicles entering the site to turn and leave in forward gear.

iii. A statement that servicing of the public house would take place outside the operating hours of the public house. This is to facilitate the turning of heavy goods service entering the public house car park, to enable them to leave in forward gear.

Therefore, from a highway and transportation perspective the impact of the amended proposal is acceptable to the Highway Authority subject to the following conditions:

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy 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 occupation of the development the vehicular access to Plot 1 and to Plot 2 shall each be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge not exceeding 3.6 metres wide.

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.

3. Prior to occupation of Plot 1, the new vehicular access to Stock Road shown in the Proposed Site Plan, drawing no. 10.00 Revision H, at its centre line shall be provided with a clear to ground visibility splay with dimensions of not less than 2.4 metres by 51 metres to the north and 2.4 metres by 42 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

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

4. Prior to occupation of Plot 2, the new vehicular access to The Street shown in the Proposed Site Plan, drawing no. 10.00 Revision H, at its centre line shall be provided with a clear to ground visibility splay with dimensions of not less than 2.4 metres by 33 metres to the north and 2.4 metres by 37 metres to the south point, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

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

5. No unbound material shall be used in the surface treatment for each of the vehicular accesses to Plot 1 and Plot 2 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.

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

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.

7. Prior to occupation of Plot 1, the vehicular turning facility shown in the Proposed Site Plan, drawing no. 10.00 Revision H 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.

8. The vehicle parking area for the public house shown in the Proposed Site Plan, drawing no. 10.00 Revision H, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The 15.no vehicle parking spaces and associated turning area shall be provided in accordance with the EPOA Parking Standards and retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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.

9. For the public house, a Service & Car Park Management Plan, shall be submitted and agreed in writing with the Local Planning Authority, as set out in principle in the Technical October 2020 to include:

- i. Service vehicles servicing the site of maximum length 10 metres shall be used to service the public house;
- ii. Deliveries to the public house to be managed and organised in advance;
- iii. To facilitate safe deliveries to the site, the necessary parking spaces shall be temporarily suspended when deliveries take place as arranged in (ii) above, to facilitate the turning of heavy goods service vehicles, enabling them to leave the car park and enter Stock Road in forward gear.

Reason: In the interests of highway safety to ensure accordance with Policy DM1 and DM19.

10. The proposed development, Plot 1 and Plot 2, shall not be occupied until such time as the vehicle parking area shown in the Proposed Site Plan, drawing no. 10.00 Revision H, has been appropriately hard surfaced. The vehicle parking areas shall be retained in this form at all times.

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

11. 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.

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

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

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

#### Informatives:

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

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

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

22.09.2020 - Your Ref: 20/01100/FUL

Our Ref: CO/EGD/SD/RM/CHL/20/1100/26004

Date:- 22nd September 2020

#### Recommendation for Refusal

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

1. The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users. Stock Road (B1007) is a highly trafficked Main Distributor in the ECC Route Hierarchy, whose function is to carry traffic safely and efficiently between major centres within the region.

2. The proposal would lead to:

i. the creation of a substandard vehicular access to Plot 1 onto Stock Road (B1007)

and

ii. the creation of a substandard vehicular access to Plot 2 onto 'The Street'

The lack of suitable visibility from each proposed vehicular access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

3. The proposed turning space provided for Plot 1 does not enable turning vehicles perpendicular approach to the Stock Road carriageway. This would likely result in oblique forward manoeuvres and or reversing manoeuvres, both with restricted visibility. This would result in an unacceptable degree of hazard for both emerging and approaching vehicles and to other highway users to the detriment of highway safety.

The proposal is therefore contrary to policy DM1 and DM2 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### Notes

i. No changes are proposed to the existing vehicular access arrangement to Eagle Public House.

ii. The existing parking provision level for Eagle Public House of 15no. parking spaces has been reorganised in accordance with the Essex Planning Officer Association Parking Standards and this is satisfactory.

iii. It is recommended that the turning area for Heavy Goods Vehicles/Dray lorries that service the Eagle Public House is shown on any future proposal.

## Recycling & Waste Collection Services

### Comments

No response received

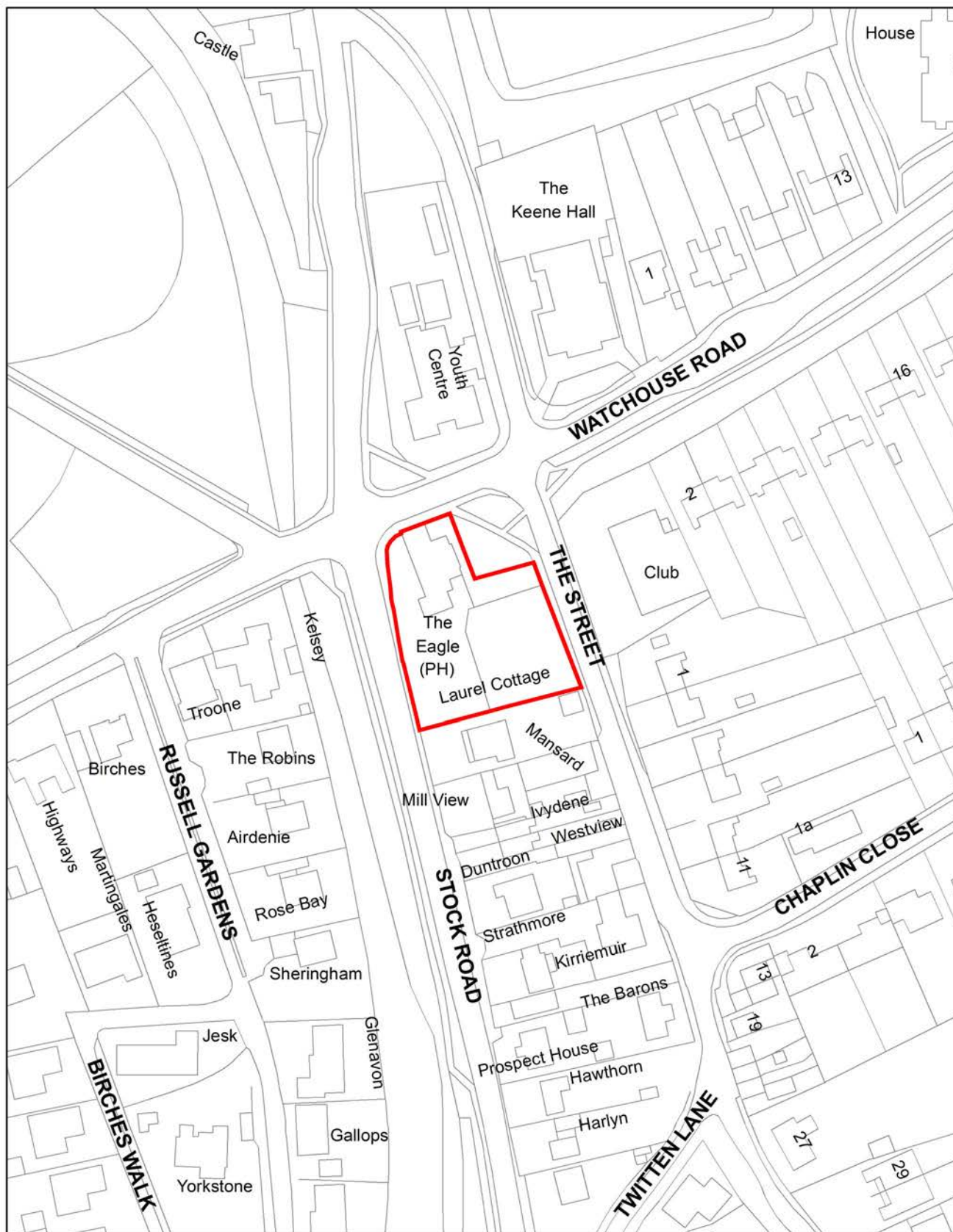
## Local Residents

### Comments

#### – 9 Letters of Objection

- o Loss of pub garden would be a negative for family users
  - o Loss of pub garden would harm viability of pub in time of national financial difficulty
  - o Laurel Cottage will suffer loss of light
  - o Plot 2 will overlook Laurel Cottage
  - o Parking access to Plot 2 would be restricted due to narrow width of The Street
  - o The proposal will affect a Local Memorial
  - o Smaller pub garden won't allow for social distancing
  - o Occupants of houses will complain about pub noise
  - o CAMRA Objection received on basis of reduction in pub garden harming viability of pub
  - o Parking is reduced and therefore on-street parking stress may occur
  - o Beauty of Public House would be reduced
  - o Surveys provided for parking and access are out of date
  - o Proposal will diminish Heritage Asset
  - o Development is ugly and unnecessary
  - o English pub should be retained
- 1 Letter of Support
- o This proposal which appears to be well thought out. Two detached dwellings - one facing The Street and one facing the Stock Road. A much better option than the previous proposal of a supermarket.





0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**20/01100/FUL**

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

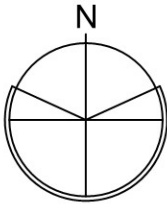
PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

Telephone: 01245 606826

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**Construction Design and Management (CDM) REGULATIONS 2015, RISK ASSESSMENT.**


**M & E**  
Standards required - CIBSE, BAFE, NICEIC, Gas safe. Dampers to ducting where required. Fire stopping where required. Light fittings to be Fire Rated where ceilings are fire separation. Fire Officer Testing and Certificate.

**BUILDING REGULATIONS**  
To Building regulation and British Standard. Requirements in all respects. To Fire Officer requirements in all respects. The Building Contractor must include for all works required by the M&E Contractors.

ACCOMMODATION SCHEDULE		
		GIA (m <sup>2</sup> )
PLOTS 1	3b5p	94
PLOTS 2	3b5p	94

GARDEN AREA		
		m <sup>2</sup>
PLOT 1		89
PLOT 2		106

**KEY**

 Electric Charging Point

PROPOSED SITE PLAN

CLIENT  
Cordage Ltd

PROJECT  
The Eagle,  
Chelmsford  
CM2 8PS

ISSUE  
06.07.2020  
RE-ISSUE  
20.10.2020

SCALE  
1:200@A2

DRAWN BY: AC

DESCRIPTION  
Proposed Site Plan

PROJECT NO.  
20.63  
**10.00**

**H**





FRONT ELEVATION



STREET SCENE CONTEXT - STOCK ROAD - NTS



# Appeals Report

Appeal Decisions received between 15/10/2020 and 17/11/2020

## PLANNING APPEALS

Total Appeal Decisions Received	11	
Dismissed	5	45%
Allowed	6	55%
Split	0	0%

### Written Reps

#### Barn At Chalk End Farm House Farmbridge End Road Roxwell Chelmsford Essex

<b>Reference</b>	19/01853/CUPAQ
<b>Proposal</b>	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use of Agricultural Building to a Dwelling House (Class C3).
<b>Appeal Decision</b>	Appeal Dismissed - 10/11/2020
<b>Key Themes</b>	Whether i. the proposed building operations are reasonably necessary for the building to function as a dwelling house and ii. the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building.
<b>Agreed with CCC on</b>	Existing building not able to function as a dwelling; works required would be significant and result in re-building. Has not been demonstrated that development would not exceed the external dimensions of the existing building.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### The Wilderness Leighs Road Little Waltham Chelmsford Essex CM3 3NA

<b>Reference</b>	14/01019/S73
<b>Proposal</b>	Variation of condition 4 of approved planning permission 14/01019/FUL - (The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling house). Continuation of current letting to
<b>Appeal Decision</b>	Appeal Allowed - 10/11/2020
<b>Key Themes</b>	The inclusion of a condition requiring ancillary residential use on an annexe
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	Not reasonable to include the ancillary planning condition on an annexe as it does not satisfy the appropriate tests in the Planning Practice Guidance with regards to conditions
<b>Costs Decision</b>	None

#### Land South Of Rembrandt House Blasford Hill Little Waltham Chelmsford Essex

<b>Reference</b>	19/01650/OUT
<b>Proposal</b>	Outline application for a new dwelling, with Access and Landscaping not reserved
<b>Appeal Decision</b>	Appeal Dismissed - 16/11/2020

<b>Key Themes</b>	Impact of the development on the intrinsic character and beauty of the countryside; whether the proposal is an 'infill development'; whether the proposal would comply with Green Wedge Policy, whether the proposal should be considered sustainable development
<b>Agreed with CCC on</b>	The proposed development would be harmful to the intrinsic character and beauty of the countryside; development would not be an infill development or site, conflict with the purposes of the Green Wedge
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land North Of 95 Brook End Road South Springfield Chelmsford

<b>Reference</b>	19/01434/OUT
<b>Proposal</b>	Outline application for the construction of a detached dwelling. Access being sought, all other matters reserved.
<b>Appeal Decision</b>	Appeal Allowed - 09/11/2020
<b>Key Themes</b>	Living conditions for future occupiers (odour from Water Recycling Centre)
<b>Agreed with CCC on</b>	n/a
<b>Disagreed with CCC on</b>	One additional dwelling would not necessarily on their own give rise to a substantial increase in the level of complaints or result in the need to change the requirement for odour mitigation at the plant.
<b>Costs Decision</b>	None

#### Site At The Maisonette Bicknacre Road Danbury Chelmsford

<b>Reference</b>	19/01854/OUT
<b>Proposal</b>	Outline planning application (all matters reserved, except layout) for the demolition of the existing dwelling and erection of five dwellings.
<b>Appeal Decision</b>	Appeal Dismissed - 09/11/2020
<b>Key Themes</b>	Countryside impact. Amenity.
<b>Agreed with CCC on</b>	Proposal harms intrinsic character and beauty of countryside. At odds with character.
<b>Disagreed with CCC on</b>	Amenity issue could be resolved.
<b>Costs Decision</b>	None

#### Barr House Writtle Road Margaretting Ingatestone CM4 0EH

<b>Reference</b>	17/01815/DOC/2
<b>Proposal</b>	Condition 16 - Details of proposed treatment of all boundaries.
<b>Appeal Decision</b>	Appeal Allowed - 15/10/2020
<b>Key Themes</b>	Whether inappropriate development in Green Belt and effect on character and appearance of surrounding area
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	Not harmful to openness and compatible with character and appearance of the area
<b>Costs Decision</b>	None

## Householder

### Hazeleigh Riffhams Lane Danbury Chelmsford Essex CM3 4DS

<b>Reference</b>	19/01642/FUL
<b>Proposal</b>	Single storey rear extension incorporating first floor balcony. Juliette balconies to front. First floor extension and loft accommodation, including 3No. front dormers, 3No. rear dormers and roof windows.
<b>Appeal Decision</b>	Appeal Dismissed - 20/10/2020
<b>Key Themes</b>	Character of the area; neighbour amenity
<b>Agreed with CCC on</b>	The development would result in an adverse impact on the street scene; the development would adversely impact the relationship with the side and rear neighbouring properties
<b>Disagreed with CCC on</b>	12 and 14 Mildmays will not be adversely affected by the development
<b>Costs Decision</b>	None

### Blenheim Cottage Back Lane Little Waltham Chelmsford CM3 3PP

<b>Reference</b>	19/02020/FUL
<b>Proposal</b>	Proposed open cart lodge/garage with garden equipment store.
<b>Appeal Decision</b>	Appeal Allowed - 21/10/2020
<b>Key Themes</b>	Green Wedge. Rural Character.
<b>Agreed with CCC on</b>	N/A
<b>Disagreed with CCC on</b>	No harm to open character of Green Wedge. No visual harm.
<b>Costs Decision</b>	None

### Brookside Lower Stock Road West Hanningfield Chelmsford Essex CM2 8UY

<b>Reference</b>	19/01921/FUL
<b>Proposal</b>	Single storey front extension to entrances, single storey rear extension & external changes to existing building.
<b>Appeal Decision</b>	Appeal Allowed - 16/11/2020
<b>Key Themes</b>	Green Belt.
<b>Agreed with CCC on</b>	n/a
<b>Disagreed with CCC on</b>	Extension would not be disproportionate and therefore not inappropriate development.
<b>Costs Decision</b>	None

Notes: This decision was made by the same Inspector as the decision for Basildene. Officers disagree with the approach taken.

### Basildene Boyton Cross Roxwell Chelmsford Essex CM1 4LP

<b>Reference</b>	19/01919/FUL
<b>Proposal</b>	Single storey rear extension with two roof windows.
<b>Appeal Decision</b>	Appeal Allowed - 16/11/2020
<b>Key Themes</b>	Green Belt
<b>Agreed with CCC on</b>	n/a
<b>Disagreed with CCC on</b>	Extensions not disproportionate and therefore not inappropriate development.
<b>Costs Decision</b>	None

Notes: This decision was made by the same Inspector as the decision for Brookside. Officers disagree with the approach taken.

**Newnham House Ingatestone Road Stock Ingatestone Essex CM4 9PE**

<b>Reference</b>	20/00083/FUL
<b>Proposal</b>	Detached pool house and open pool area and paving. Height of building 2.700m
<b>Appeal Decision</b>	Appeal Dismissed - 16/11/2020
<b>Key Themes</b>	Green Belt.
<b>Agreed with CCC on</b>	inappropriate development; harmful to openness.
<b>Disagreed with CCC on</b>	n/a
<b>Costs Decision</b>	None

**TREES APPEALS**

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

**Householder****10 Kingston Avenue Chelmsford CM2 6DP**

<b>Reference</b>	19/05112/TPO
<b>Proposal</b>	G1 - Copper Beech - Rear Garden - Fell - due to causing nuisance to neighbouring property.
<b>Appeal Decision</b>	Appeal Dismissed - 20/10/2020
<b>Key Themes</b>	The removal of tree within rear garden
<b>Agreed with CCC on</b>	Highly visible tree and high amenity value. The removal of the tree would result in considerable harm to the character and appearance of the area. Insufficient justification for felling.
<b>Disagreed with CCC on</b>	None
<b>Costs Decision</b>	None