



Planning and Development Control Committee

Agenda

Part One

Council Chamber - Town Hall

Tuesday, 14 October 2014 at 7.00 pm

Membership (Quorum – 3)

Councillors

Cllrs Baker (Chair), Mynott (Vice-Chair), Carter, Cloke, Mrs Cohen, Mrs Henwood, Mrs Hones, Hossack, McCheyne, Morrissey and Mrs Squirrell

Committee Co-ordinator: Claire Hayden (01277 312741)

Additional Information:

Substitutes

Where a Member cannot attend a meeting, he or she will contact the Committee Administrator by 5.00pm on the day before the meeting to let them know this and to confirm who will be coming in their place.

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Substitutes for quasi judicial Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a quasi judicial Committee it will not be filled until the nominated member has been trained.

Rights to attend and speak

Any Member may attend any body to which these Procedure Rules apply.

A Member who is not a member of the committee may speak at the meeting if they have given prior notification by no later than one working day before the meeting to the Chair and advised them of the substance of their proposed contribution.

The member may speak at the Chair's discretion, it being the expectation that a member will be allowed to speak on a ward matter.

Point of Order/Personal explanation/Point of Information

8.3.14 Point of order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

8.3.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

8.3.16 Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and its Boards and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk or from Democratic Services (01277 312739).

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Access

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Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- Planning policy such as adopted Brentwood Replacement Local Plan, Government guidance, case law, previous decisions of the Council;
- Design, appearance and layout;
- Impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance;
- Impact on trees, listed buildings or a conservation area;
- Highway safety and traffic;
- Health and safety;
- Crime and fear of crime;
- Economic impact – job creation, employment market and prosperity.

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- Land ownership issues including private property rights, boundary or access disputes;
- Effects on property values;
- Restrictive covenants;
- Loss of a private view;
- Identity of the applicant, their personality or previous history, or a developer's motives;
- Competition;
- The possibility of a "better" site or "better" use;
- Anything covered by other legislation.

Part I

(During consideration of these items the meeting is likely to be open to the press and public)

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**23 HIGH STREET
INGATESTONE ESSEX
CM4 9DU**

Ingatestone, Fryerning and **105 - 118**
Mountnessing

**PARTIAL DEMOLITION OF
LISTED BUILDING.
CHANGE OF USE FROM
OFFICES TO 5 FLATS (1 X
1 BEDROOM, 4 X 2
BEDROOMS), AND
ERECTION OF 2
BEDROOM COTTAGE
WITH ASSOCIATED CAR
PARKING, CYCLE AND
BIN STORAGE, AND
EXTERNAL
ALTERATIONS ,
INCLUDING NEW
DORMERS.**

**APPLICATION NO:
14/00594/LBC**

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Urgent business

An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.



Acting Chief Executive

Town Hall
Brentwood, Essex
06.10.2014

Minutes

Planning and Development Control Committee Tuesday, 2nd September, 2014

Attendance

Cllr Baker (Chair)	Cllr Mrs Hones
Cllr Mynott (Vice-Chair)	Cllr Hossack
Cllr Carter	Cllr McCheyne
Cllr Cloke	Cllr Morrissey
Cllr Mrs Cohen	Cllr Mrs Squirrell
Cllr Mrs Henwood	

Apologies

Substitute Present

Also Present

Cllr Aspinell	
Cllr Mrs Murphy	
Cllr Parker	
Cllr Dicker	Doddinghurst Parish Council
Cllr Foan	West Horndon Parish Council
Cllr North	Kelvedon Hatch Parish Council
Cllr Poston	Ingatestone and Fryerning Parish Council

Officers Present

Tony Pierce	Interim Head of Planning
Yee Cheung	Senior Planning Officer
Philip Cunliffe-Jones	Planning Solicitor
Caroline McCaffrey	Development Management Team Leader
David Carter	Senior EHO (Team Leader)
Alan Marsh	Arboricultural Assistant
Paulette McAllister	Design & Conservation Officer
Sukhvinder Dhadwar	Planning Officer
Martyn Earl	Senior Planning Officer

115. Apologies for absence

No apologies were received.

116. Minutes from previous meeting

The minutes of the meeting were approved and signed by the Chair as a correct record.

**117. THE SURGERY SITE AND LANDINGS OUTINGS LANE DODDINGHURST
ESSEX CM15 0LS**

**DEMOLITION OF FORMER DOCTORS SURGERY AND ADJACENT
DWELLING KNOWN AS THE LANDINGS AND CONSTRUCTION OF 5 NO.
DETACHED DWELLINGS.**

APPLICATION NO: 14/00627/FUL

Mr Miles, the objector, addressed the Committee objecting to the application.

Mr Haynes, the applicant, declared not to speak in support of the application.

Support of the application was received by Mrs Dicker, Doddinghurst Parish Council and Ward Members.

After a full discussion a motion was MOVED by Cllr McCheyne and SECONDED by Cllr Mrs Hones to approve the application.

FOR: Cllrs Cloke, McCheyne, Mrs Henwood, Mrs Hones and
Cllr Hossack (5)

AGAINST: Cllrs Baker, Carter, Mrs Cohen, Morrissey, Mynott and
Mrs Squirrell (6)

ABSTAIN: (0)

The motion was LOST.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to refuse the application.

FOR: Cllrs Baker, Carter, Mrs Cohen, Morrissey, Mynott and
Mrs Squirrell (6)

AGAINST: Cllrs Cloke, McCheyne, Mrs Henwood, Mrs Hones and
Cllr Hossack (5)

ABSTAIN: (0)

(Cllr Baker and other members declared a non pecuniary interest under the Councils Code of Conduct by virtue of knowing the objector).

RESOLVED the planning permission be REFUSED for the following reasons:-

R1 U08182

The proposed development does not seek to provide any affordable housing contributions to the detriment of local housing opportunities and social inclusion, contrary to Policy H9 of the Brentwood Replacement Local Plan 2005 and Chapter 6 of the National Planning Policy Framework (NPPF) which encourages the delivery of a wide choice of high quality homes, seeks to widen opportunities for home ownership and aims to create sustainable, inclusive and mixed communities.

R2 U08183

The design of the dwellings, particularly the two dwellings at the front of the site (plots 1 and 5) are of a poor design which by virtue of their scale and design language would result in an incongruous form of development which fails to take into account the local distinctiveness of the area and which would harm the setting of the adjoining Listed Building contrary to Chapters 7 and 12 of the National Planning Policy Framework (NPPF) and Policies CP1 and C16 of the Brentwood Replacement Local Plan 2005.

118. LAND ADJACENT TO HEATHLANDS SCHOOL ROAD KELVEDON HATCH ESSEX

OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE) FOR CONSTRUCTION OF TWO STOREY DETACHED DWELLING. (APPEARANCE AND LANDSCAPING RESERVED MATTERS)

APPLICATION NO: 14/00631/OUT

Mr Chamber, the objector, addressed the Committee objection to the application.

Mr Driscoll, the agent, addressed the Committee in support of the application.

Views were expressed about the Tree Prevention Orders on the site by the Parish Council.

A motion was MOVED by Cllr McCheyne and SECONDED by Cllr Mrs Henwood to approve the application.

The Chair requested a recorded vote in accordance with Part 4.1 of the Constitution, Rule 9.5, 5 Members requested a recorded vote be taken and Members voted as followed:

FOR: Cllrs Cloke, McCheyne, Mrs Henwood and Mrs Hones (4)

AGAINST: Cllrs Baker, Carter, Mrs Cohen, Morrissey, Mynott and Mrs Squirrell (6)

ABSTAIN: Cllr Hossack (1)

The motion was LOST.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to refuse the application.

The Chair requested a recorded vote in accordance with Part 4.1 of the Constitution, Rule 9.5, 5 Members requested a recorded vote be taken and Members voted as followed:

FOR: Cllrs Baker, Carter, Mrs Cohen, Morrissey, Mynott and Mrs Squirrell (6)

AGAINST: Cllrs Cloke, McCheyne, Mrs Henwood and Mrs Hones (4)

ABSTAIN: Cllr Hossack (1)

RESOLVED the planning permission be REFUSED for the following reasons:-

R1 U08182

The proposed development does not seek to provide any affordable housing contributions to the detriment of local housing opportunities and social inclusion, contrary to Policy H9 of the Brentwood Replacement Local Plan 2005 and Chapter 6 of the National Planning Policy Framework (NPPF) which encourages the delivery of a wide choice of high quality homes, seeks to widen opportunities for home ownership and aims to create sustainable, inclusive and mixed communities.

R2 U08183

The design of the dwellings, particularly the two dwellings at the front of the site (plots 1 and 5) are of a poor design which by virtue of their scale and design language would result in an incongruous form of development which fails to take into account the local distinctiveness of the area and which would harm the setting of the adjoining Listed Building contrary to Chapters 7 and 12 of the National Planning Policy Framework (NPPF) and Policies CP1 and C16 of the Brentwood Replacement Local Plan 2005.

119. 23 HIGH STREET INGATESTONE ESSEX CM4 9DU

PARTIAL DEMOLITION OF LISTED BUILDING. CHANGE OF USE FROM OFFICES TO 5 FLATS (1 X 1 BEDROOM, 4 X 2 BEDROOMS), AND ERECTION OF 2 BEDROOM COTTAGE WITH ASSOCIATED CAR PARKING, CYCLE AND BIN STORAGE, AND EXTERNAL ALTERATIONS , INCLUDING NEW DORMERS.

APPLICATION NO: 14/00593/FUL

Mr Cooper, the objector, addressed the Committee objection to the application.

Ward and Parish Council Members also spoke in objection for the application.

A motion was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Mrs Hones to refuse the application.

FOR: Cllrs Carter, Cloke, Mrs Cohen, McCheyne, Mrs Henwood, Mrs Hones and Cllr Hossack (7)

AGAINST: Cllrs Baker and Mrs Squirrell (2)

ABSTAIN: Cllrs Morrissey and Mynott (2)

The motion was **CARRIED**.

RESOLVED the planning permission be **REFUSED** for the following reason:-

The cottage results in a cramped layout and poor relationship to neighbouring properties, impacting on the living conditions of The Barn, by loss of light and an overbearing effect.

120. 23 HIGH STREET INGATESTONE ESSEX CM4 9DU

PARTIAL DEMOLITION OF LISTED BUILDING. CHANGE OF USE FROM OFFICES TO 5 FLATS (1 X 1 BEDROOM, 4 X 2 BEDROOMS), AND ERECTION OF 2 BEDROOM COTTAGE WITH ASSOCIATED CAR PARKING, CYCLE AND BIN STORAGE, AND EXTERNAL ALTERATIONS , INCLUDING NEW DORMERS.

APPLICATION NO: 14/00594/LBC

As the only item for consideration was the impact of the proposal on the listed building and the impact from the cottage had been resolved in the previous item, the Committee resolved without discussion that the application for listed building consent be determined and refused accordingly.

121. 149C -151HIGH STREET BRENTWOOD ESSEX CM14 4SA

**CONVERSION OF OFFICES INTO 6 X 2 BEDROOM FLATS AND
CONSTRUCTION OF AN ADDITIONAL STOREY TO PROVIDE AN
ADDITIONAL 2 BEDROOM FLAT.**

APPLICATION NO: 14/00648/FUL

Mr Bender, on behalf of Save Brentwood Action Group, addressed the Committee in support of the application.

After a full discussion a motion was **MOVED** by Cllr Morrissey and **SECONDED** by Cllr Mynott to refuse the application.

FOR: Cllrs Baker, Carter, Cloke, Mrs Cohen, Mrs Henwood, Mrs Hones, Morrissey, Mynott and Mrs Squirrel (9)

AGAINST: (0)

ABSTAIN: Cllrs Hossack and McCheyne (2)

RESOLVED to **REFUSE** the application for the following reasons:

R1 U08360

The design proposed is not of good design with the architectural narrative lacking, the detailing approach cumbersome, the material palette unsuitable for the location and the fenestration and detailing to the balustrades unacceptable. The proposal is of a poor design which fails to reinforce local distinctness and fails to take the opportunities available for improving the character and quality of the area and fails to enhance the heritage assets it adjoins, contrary to Chapters 7 and 12 of the National Planning Policy Framework (NPPF) and Policies CP1(i), CP1(iii), C14 and C16 of the Brentwood Replacement Local Plan 2005.

R2

If a project architect is not engaged fully (and confirmation provided within 14 days from notice of refusal) with instructions to achieve an acceptable design, as required by para. 64 of the NPPF, authority is delegated to officers to serve an Enforcement Notice for breach of all conditions relating to application 13/00395/FUL.

122. Urgent business

There were no items of urgent business.

SITE PLAN ATTACHED

03. LAND ADJACENT TO 42 IRIS CLOSE PILGRIMS HATCH ESSEX

CONSTRUCTION OF A THREE BEDROOM DETACHED HOUSE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING

APPLICATION NO: 14/00934/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	26.09.2014
PARISH		POLICIES	NPPF NPPG CP1 T2
CASE OFFICER	Charlotte Allen		01277 312536
Drawing no(s) relevant to this decision:	PLANNING STATEMENT ; TREE SURVEY ; ADDITIONAL INFORMATION ; L.001 ; P.01 ; P.02 ; P.03 ; P.04 ; P.05 ; P.06 ; P.07 ; P.08 ; 14-569 ;		

1. Proposals

This application is presented straight to committee, rather than going through the weekly list process given the high level of neighbour representation received.

Planning permission is sought for the construction of a detached dwelling to the east of No.42 Iris Close. The proposed dwelling is of a chalet design and has three bedrooms. There is a detached garage to the east of the dwelling.

There is a concurrent application for a new dwelling on the site opposite this proposed development, which is separate from this proposal.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

LT2 - Development of Existing Urban Open Space

T2 - New Development and Highway Considerations

3. Relevant History

- 14/00935/FUL: Construction of a three bedroom detached house with associated access, parking and landscaping -

4. Neighbour Responses

To date 61 objection letters have been received which object to both this application and the application on the land opposite the site which raise the following concerns:

- Loss of valuable green amenity space
- Green area used by children as a safe place to play; will affect children in the area.
- Large detached houses not in-keeping and would be unsightly; semi-detached and terraced houses in the area and are out of proportion.
- Overlooking
- Affect property values
- Loss of outlook
- Loss of view
- Loss of trees
- Harm to wildlife/biodiversity; particularly bats, badgers (badger sett on site), birds, hedgehogs, foxes
- Amenity area used by community; similar to village green
- Lack of consultation by Council with local residents
- Development is not in the Local Development Plan
- Negative impact on visual amenity

- Negative impact on residential amenity
- Infilling/garden grabbing.
- Eroding community resource.
- Harm character of area - was designed with open gardens and small greens
- Valued by older residents and parents.
- Already highly populated area.
- More cars/traffic
- Parking is already an issue and will be exacerbated.
- Disruption during construction
- Precedent for other green spaces in Pilgrims Hatch
- Flowers estate has small gardens and large Bishops Hall Park is too remote.
- Would turn footpath into alley; security issues.
- Inappropriate and overdevelopment
- Access to houses would reduce parking.
- Danger Iris Close and Heather Close will become a through road.
- Developer may amend plans for more development
- Loss of sunlight and daylight and overshadowing.
- Turning area could not longer be used.
- Would affect public footpath
- Road safety issues
- Is the only piece of green other than the park
- Amenity grabbing - depriving the community of a valued resource
- Local Plan preferred options indicates six sites in Pilgrims Hatch but also reports the area requires more children's play areas.
- May increase flooding.
- Noise and pollution
- Is higher ground than Heather Close
- Would lose the benefit of 2 street lights; security concerns.
- Loss of 4 parking spaces at the end of the cul-de-sac.
- Green is an integral part of the Flowers estate
- For developer/Council
- Further overcrowding
- Was refused permission due to impact to Heather Close.
- Have seen all our green spaces built on
- Only Green area on Iris Close/Flowers estate
- Refusing applications would reduce carbon emissions.
- Would remove 57 percent of the open green space
- Contrary to Policy CP1
- Overbearing houses
- Will 1 new house really make a difference to housing need.
- Planting of birch trees will block sunlight.
- Will destroy sense of openness.
- Already lost part of park to Marconi Gardens.

5. Consultation Responses

- **Highway Authority:**

Having regard to the fact that both of these development sites are situated at the end of a cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards.

The Highway Authority therefore does not wish to raise objections to the above applications subject to the following:

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan 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 controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit. Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

Note: The Highway Authority does not object to the proposed removal of highway rights in this location.

INF01 Highway Works - 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 or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- **Environment Agency:**

As the proposed development site is less than 1 hectare in size, and located in Flood Zone 1, the main flood risk issue to consider is the management of surface water run-off. This is covered by our Flood Risk Standing Advice (FRSA) available online here:

<https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

- **Arboriculturalist:**

No - the tree information is good, no arb reasons for refusal it will need to be included as a condition with monitoring by a qualified arboriculturalist

6. Summary of Issues

The application site is located on the northern side of Iris Close and currently forms an open area of green space with some trees on the site. There are houses to the west and north of the site, and houses beyond the green to the east and south. The site is allocated for residential purposes in the Local Plan. The site does not lie within a protected urban open space.

The main considerations in the determination of this proposal are therefore; principle of development; design; effect on residential amenity and living conditions of nearby neighbours; parking and highway considerations and landscaping and ecology considerations:

Principle of the Development

The site is allocated for residential purposes in the local plan and is not designated as protected urban open space. Chapter 8 of the NPPF seeks to promote healthy communities, with paragraph 69 stating that planning decisions should aim to achieve places which promote high quality public space and paragraph 73 stating that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. However, Paragraph 76 states that local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as 'Local Green Space' local communities will be able to rule out new development other than in very special circumstances. Paragraph 77 states that the Local Green Space designation will not be appropriate for most green areas or open space.

From the representations received it is clear that local residents feel this area of green space has a strong local amenity value, however, given that it is not allocated as protected urban open space, or as a local green space as outlined in the NPPF and given that the proposal would not result in the loss of the entire open green space, the principle of the development is acceptable, subject to other considerations such as design, parking and residential amenity.

Design

In design terms, the style of the dwelling has been influenced by the surrounding context. The dwellings on this side of Iris Close are characterised by chalet-type dwellings and this proposal includes front and rear dormers. The ridge and eaves height clearly reflect that of the adjoining dwellings. However, the dwelling is not identical to the adjoining dwellings and there are differences, including the detached nature of the dwelling and detached garage which are not characteristic of the area. The width of the dwelling is also larger than the adjoining residents. However, a streetscene elevation has been submitted which demonstrates that whilst the dwelling will not be a copy of the adjoining dwellings, it will not appear incongruous in the streetscene.

It should also be noted that Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctive. While there are differences between the design proposed and the adjoining dwellings, as outlined in the NPPF it is unreasonable to stifle originality through requirements to conform, and in any event the overall style of the proposal does reinforce local distinctiveness. Therefore, the proposal complies with aims and objectives of Chapter 7 of the NPPF and Policy CP1(i) and (iii) of the Local Plan.

Residential Amenity

In terms of overlooking no side windows are proposed. The front windows would overlook the public realm and as such would not result in any unacceptable overlooking. The rear windows would be located a minimum of some 12m from the rear boundary which is not dissimilar to the rear isolation spaces of adjoining residents. A degree of views into neighbouring gardens is to be expected in a residential area of this nature and the proposal would not result in significant or demonstrable levels of overlooking. No objection is therefore raised on this basis.

In terms of an overbearing impact the dwelling would be located a minimum of some 20m from the fronts of dwellings in Heather Close with the garage a minimum of some 16.5m from the front elevations of dwellings in Heather Close. Given this degree of separation the proposal would not result in any undue overbearing impact or dominance to these residents. The dwelling would not extend beyond the rear wall of the adjoining dwelling at No.42 and would not therefore result in any significant harm in terms of an overbearing impact to No.42. All other properties are too remote to be adversely affected in this regard. Given the design, size and location of the dwelling the proposal would not therefore result in any significant overbearing impact, dominance, loss of light or loss of outlook.

No objection is therefore raised in this regard in terms of Paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

Living Conditions

All habitable rooms will be provided with windows to provide light, outlook and ventilation and a garden area in excess of 100 sq. m will be provided. The proposed development would therefore provide adequate living conditions to any future occupiers in accordance with Planning Policy.

Parking and Highway Considerations

The Highway Authority has commented that having regard to the fact that both of these development sites are situated at the end of the cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the site can accommodate parked vehicles in accordance with current policy standards. The Highway Authority therefore does not wish to raise an objection to the proposal subject to conditions and on this basis, the proposal complies with the relevant policy requirements.

Landscaping and Ecology Considerations

The Council's Tree Officer has raised no objection to the proposal and suggests that any works to trees are monitored by a qualified Arboriculturalist. Subject to conditions requiring a landscaping scheme to be submitted, there would be no adverse impact on trees.

In terms of ecology, it is noted that a number of neighbours have raised concerns about the impact of the proposal on ecology, including protected species and there are claims that there is a badger sett on the site. The planning statement submitted suggests that the site has no intrinsic ecological value. However, given the comments received from the neighbours, it is necessary to condition any grant of consent to require the submission of an ecological survey before any work commences on the site. Subject to such a condition, the proposal satisfies the policy requirements.

Other Considerations

The majority of the neighbour objections have already been considered including the loss of the green space, residential amenity issues, such as overlooking, trees, design, impact on wildlife and highway and parking considerations.

With regard to the loss of the green space/community space and its use by children, it is noted that this space is important to local residents, however, as already stated it is not a protected open space and there will still be a green space retained for public enjoyment.

Property values and developer profit are not material planning considerations. Adequate neighbour consultation was undertaken. Noise during construction is not a reason to refuse an application and construction disruption can be partially controlled with the imposition of a condition requiring a construction method statement. The site may not be specifically allocated for housing development in the Local Plan but it is allocated for residential purposes making the principle acceptable, subject to meeting other considerations.

The development is not considered to be garden grabbing and in any event, the Council has no relevant policies related to development of back gardens.

Comments relating to overdevelopment and the high population and density of the area; the proposal equates to a density of some 25 dwelling per hectare which is not considered excessive within an urban location. Concern has been raised that this proposal will set a precedent for other green spaces in the area, however, each planning application is considered and determined on its own merits.

With regard to comments that the developer may amend the application and apply for other development on the site, this proposal must be considered as submitted and any amendments/new scheme would require further permission. A neighbour refers to being refused themselves due to impact on adjoining residents, but as stated each application must be considered on its own merits.

Comments have been received that the proposal would turn the nearby footpath into an alley, causing security concerns, however, a fairly large green space will be retained between the dwelling and the adjoining properties in Heather Close. With regard to concerns about the creation of a through road and the loss of the cul-de-sac, this proposal does not propose such an alteration. A number of neighbours have commented that this proposal would result in the loss of four parking spaces at the end of the cul-de-sac, however, this area is a turning head and not an allocated parking area.

Neighbours have stated that the green space needs to be retained as garden areas are small and the park is too far away, however, dwellings in this area are provided with gardens and not all of the green space will be lost. There is no evidence that the proposal would increase flooding or noise in the area. Concerns about access to fences is a civil matter.

Conclusion

The site is not protected urban open space and the principle of development is acceptable in this location; the proposal amounts to sustainable development as outlined in the National Planning Policy Framework and having taken into consideration all other material matters, including representations made by neighbouring residents, is considered acceptable subject to conditions.

7. **Recommendation**

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT01 Samples (details acceptable)

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

4 BOU01 Boundary treatment to be agreed (gen)

The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

5 CON1 Construction Method Statement

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

6 LAN02 landscaping, full, details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

7 PARK01 Garage for parking only

Vehicular access to the garage shall not be restricted by any reduction in the size or change in the nature of the garage door and the clear space within the garage shall not be reduced in size through the construction of internal walls. The garage shall not be used or adapted for use for any purpose other than domestic storage and the parking of private motor vehicles associated with the dwelling and it shall not be used for habitable living accommodation of any kind.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

8 U08670

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reasons: To safeguard the living conditions of the occupiers of neighbouring dwellings.

9 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

10SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

11 U08671

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan 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 controlled manner in the interest of highway safety.

12 U08672

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

13 U08673

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14 U08674

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

15 U08675

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

16 U08676

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

17 U08677

During the development process, the development shall be monitored by a qualified arboriculturalist.

Reason: In the interests of the visual amenity of the area.

18 U08705

No development shall take place until an ecological survey has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity.

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4 U02117

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 or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

5 U02118

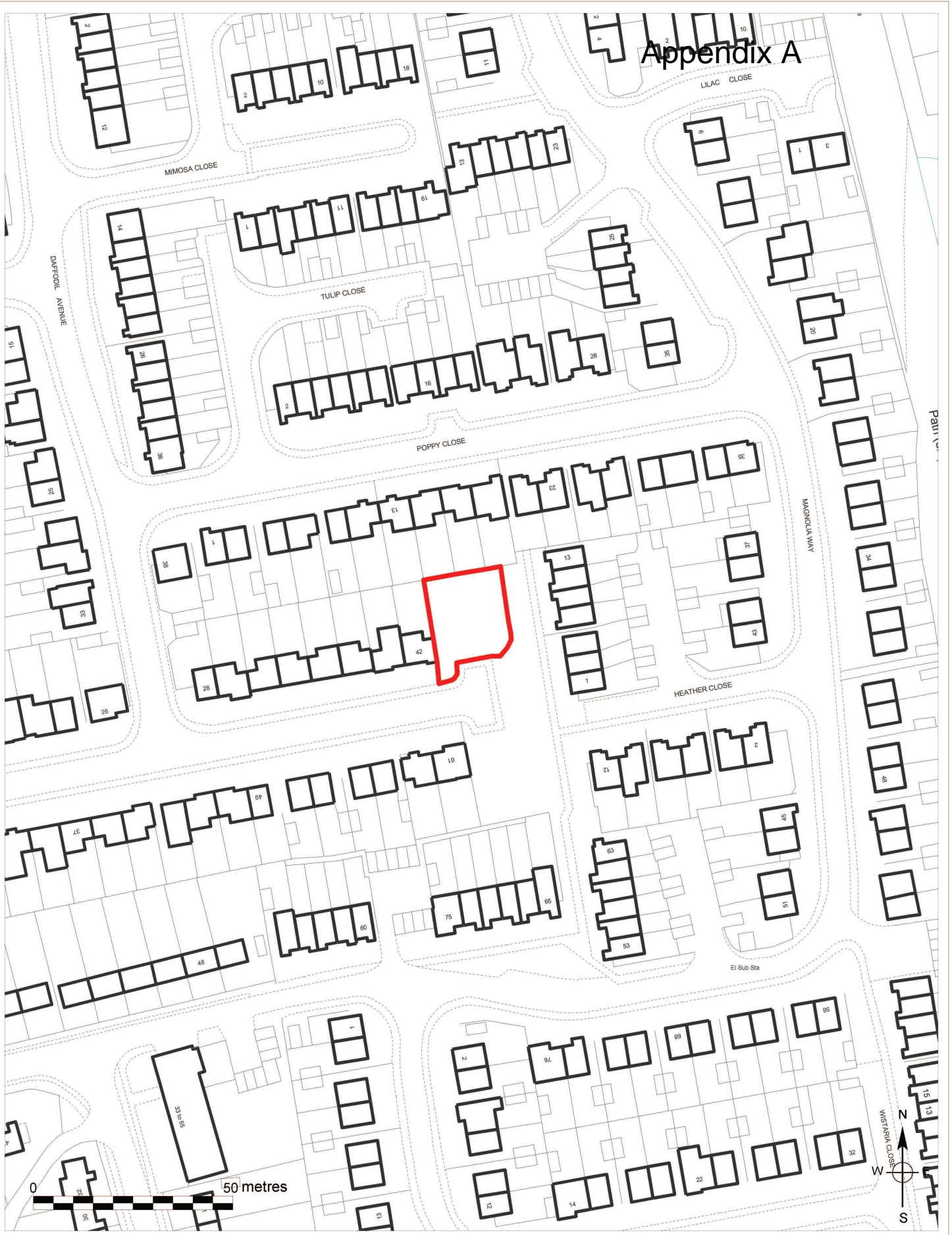
The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: Land Adjacent To 42, Iris Close, Pilgrims Hatch
14/00934/FUL

Scale 1:1250 at A4

Date 14th October 2014

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel: (01277) 312500



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SITE PLAN ATTACHED

04. LAND ADJACENT TO 61 IRIS CLOSE PILGRIMS HATCH ESSEX

CONSTRUCTION OF A THREE BEDROOM DETACHED HOUSE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING

APPLICATION NO: 14/00935/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	26.09.2014
PARISH		POLICIES	NPPF NPPG CP1 T2
CASE OFFICER	Charlotte Allen	01277 312536	
Drawing no(s) relevant to this decision:	L001 ; P01 ; P02 ; P03 ; P04 ; P05 ; P06 ; P07 ; 14-569 ; PLANNING STATEMENT ; TREE SURVEY ; ADDITIONAL INFORMATION ;		

1. Proposals

This application is presented straight to committee, rather than going through the weekly list process given the high level of neighbour representation received.

Planning permission is sought for the construction of a detached dwelling to the east of No.61 Iris Close. The proposed dwelling is of a two storey design with set back side projections, including a set back attached garage and has three bedrooms.

There is a concurrent application for a new dwelling on the site opposite this proposed development, which is separate from this proposal.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

LT2 - Development of Existing Urban Open Space

T2 - New Development and Highway Considerations

3. Relevant History

- 14/00934/FUL: Construction of a three bedroom detached house with associated access, parking and landscaping -

4. Neighbour Responses

To date 63 objection letters have been received which object to both this application and the application on the land opposite the sit (reference 14/00934). Not all the representations make clear which site they are referring to but they raise the following concerns:

- Loss of valuable green amenity space
- Green area used by children as a safe place to play; will affect children in the area.
- Large detached houses not in-keeping and would be unsightly; semi-detached and terraced houses in the area and are out of proportion.
- Overlooking
- Affect property values
- Loss of outlook
- Loss of view
- Loss of trees
- Harm to wildlife/biodiversity; particularly bats, badgers (badger sett on site), birds, hedgehogs, foxes
- Amenity area used by community; similar to village green
- Lack of consultation by Council with local residents

- Development is not in the Local Development Plan
- Negative impact on visual amenity
- Negative impact on residential amenity
- Infilling/garden grabbing.
- Eroding community resource.
- Harm character of area - was designed with open gardens and small greens
- Valued by older residents and parents.
- Already highly populated area.
- More cars/traffic
- Parking is already an issue and will be exacerbated.
- Disruption during construction
- Precedent for other green spaces in Pilgrims Hatch
- Flowers estate has small gardens and large Bishops Hall Park is too remote.
- Would turn footpath into alley; security issues.
- Inappropriate and overdevelopment
- Access to houses would reduce parking.
- Danger Iris Close and Heather Close will become a through road.
- Developer may amend plans for more development
- Loss of sunlight and daylight and overshadowing.
- Turning area could not longer be used.
- Would affect public footpath
- Road safety issues
- Is the only piece of green other than the park
- Amenity grabbing - depriving the community of a valued resource
- Local Plan preferred options indicates six sites in Pilgrims Hatch but also reports the area requires more children's play areas.
- May increase flooding.
- Noise and pollution
- Is higher ground than Heather Close
- Would lose the benefit of 2 street lights; security concerns.
- Loss of 4 parking spaces at the end of the cul-de-sac.
- Green is an integral part of the Flowers estate
- For developer/Council
- Further overcrowding
- Was refused permission due to impact to Heather Close.
- Have seen all our green spaces built on
- Only Green area on Iris Close/Flowers estate
- Refusing applications would reduce carbon emissions.
- Would remove 57 percent of the open green space
- Contrary to Policy CP1
- Overbearing houses
- I have been tending this piece of green for years.
- Already lost part of the park to Marconi Gardens

5. Consultation Responses

- **Highway Authority:**

Having regard to the fact that both of these development sites are situated at the end of a cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards.

The Highway Authority therefore does not wish to raise objections to the above applications subject to the following:

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan 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 controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit. Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

Note: The Highway Authority does not object to the proposed removal of highway rights in this location.

INF01 Highway Works - 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 or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- **Arboriculturalist:**

No - the tree information is good, no arb reasons for refusal it will need to be included as a condition with monitoring by a qualified arboriculturalist

6. Summary of Issues

The application site is located on the southern side of Iris Close and currently forms an open area of green space with some trees on the site. There are houses to the west and south and houses beyond the green to the east and north. The site is allocated for residential purposes in the Local Plan. The Council does have an allocation and Policy relating to protected urban open space, however, this site is not allocated as such. The main considerations in the determination of this proposal are therefore; principle, design, residential amenity, living conditions, parking and highway considerations and landscaping and ecology considerations:

Principle of the Development

The site is allocated for residential purposes in the local plan and is not designated as protected urban open space. Chapter 8 of the NPPF seeks to promote healthy communities, with paragraph 69 stating that planning decisions should aim to achieve places which promote high quality public space and paragraph 73 stating that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. However, Paragraph 76 states that local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as 'Local Green Space' local communities will be able to rule out new development other than in very special circumstances. Paragraph 77 states that the Local Green Space designation will not be appropriate for most green areas or open space.

From the representations received it is clear that local residents feel this area of green space has a strong local amenity value, however, given that it is not allocated as protected urban open space, or as a local green space as outlined in the NPPF and given that the proposal would not result in the loss of the entire open green space, the principle of the development is acceptable, subject to other considerations such as design, parking and residential amenity.

Design

In design terms, the style of the dwelling has been influenced by the surrounding context. The dwellings on this side of Iris Close are characterised by two storey style dwellings and this proposal is for a two storey dwelling. However, the dwelling is not identical to the adjoining dwellings and there are differences, including the detached nature of the dwelling and two storey, set back side projections which are not characteristics of the area. The width of the dwelling is also larger than the adjoining dwellings. However, a streetscene elevation has been submitted which demonstrates that whilst the dwelling will not be a copy of the adjoining dwellings, it will not appear incongruous in the streetscene.

It should also be noted that Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctive. Whilst there are differences between the design proposed and the adjoining dwellings, as outlined in the NPPF it is unreasonable to stifle originality through requirements to conform, however the overall style of the proposal does reinforce local distinctiveness. As such no objection is raised to the proposal in terms of Chapter 7 of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

Residential Amenity

In terms of overlooking, only ground floor side windows are proposed which would not result in any undue overlooking. The front windows would overlook the public realm and would not therefore result in any material overlooking. Ground floor rear windows could be screened by standard boundary treatments and the first floor rear windows would be located between some 13.5 - 15.5m from the rear boundary, with the closest window serving an en-suite. Given this degree of isolation the proposal would not result in any undue overlooking. No objection is therefore raised on this basis.

In terms of an overbearing impact, the proposed dwelling would be located some 17.4m from the adjoining dwellings in Heather Close and as such would not result in any undue overbearing impact or dominance to these residents. With regard to the adjoining dwelling at No.61, the garage would extend some 5m beyond the rear wall of No.61 which has the potential to result in dominance, however, the garage is single storey in nature with a hipped roof that slopes away from the adjoining resident and No.61 has a garage to this side and as such the proposed garage would be located some 4m from the main part of the dwelling at No.61. As such, it is not considered that the proposal would result in significant or demonstrable harm in terms of an overbearing impact to No.61. All other properties are too remote to be adversely affected in this regard. Given the design, size and location of the dwelling the proposal would not therefore result in any significant overbearing impact, dominance, loss of light or loss of outlook.

No objection is therefore raised in this regard in terms of Paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

Living Conditions

All habitable rooms will be provided with windows to provide light, outlook and ventilation and a garden area in excess of 100 sq. m will be provided. The proposed development would therefore provide adequate living conditions to any future occupiers in accordance with Planning Policy.

Parking and Highway Considerations

The Highway Authority has commented that having regard to the fact that both of these development sites are situated at the end of the cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards. The Highway Authority therefore does not wish to raise an objection to the proposal subject to conditions. Whilst the neighbour concerns with regard to highway safety and parking are noted, given this advice no objection is raised on this basis.

Landscaping and Ecology Considerations

The Council's Tree Officer has raised no objection to the proposal and comments that the tree information submitted is good, however, a condition is required that the works are monitored by a qualified Arboriculturalist. Subject to such a condition and a condition requiring a landscaping scheme to be submitted, whilst the neighbour concerns are noted no objection is raised in terms of impact on the trees.

In terms of ecology, it is noted that a number of neighbours have raised concerns about the impact of the proposal on ecology, included protected species and there are claims that there is a badger sett on the site. The planning statement submitted suggests that the site has no intrinsic ecological value. However, given the comments received from the neighbours, it is necessary to condition any grant of consent to require the submission of an ecological survey before any work commences on the site. Subject to such a condition, no objection is raised on this basis.

Other Considerations

The majority of the neighbour objections have already been considered including the loss of the green space, residential amenity issues, such as overlooking, trees, design, impact on wildlife and highway and parking considerations.

With regard to the loss of the green space/community space and its use by children, it is noted that this space is important to local residents, however, as already stated it is not protected by Policy and part of the green space will be retained for public use, including local children.

Property values and developer profit are not material planning considerations. Adequate neighbour consultation was undertaken. Noise during construction is not a reason to refuse an application and construction disruption can be partially controlled with the imposition of a condition requiring a construction method statement. The site may not be specifically allocated for housing development in the Local Plan but it is allocated for residential purposes making the principle acceptable, subject to other considerations.

The development is not considered to be garden grabbing and the Council has no such policies in this regard that would be relevant to this proposal. With regard to comments with regard to overdevelopment and the high population and density of the area, the area is not considered overly dense and this proposal has a density of some 25 dwelling per hectare which is not excessive. Concern has been raised that this proposal will set a precedent for other green spaces in the area, however, each planning application is considered and determined on its own merits. With regard to comments that the developer may amend the application and apply for other development on the site, this proposal must be considered as submitted and any amendments/new scheme would require further permission. A neighbour refers to being refused themselves due to impact on adjoining residents, but as stated each application must be considered on its own merits.

Comments have been received that the proposal would turn the nearby footpath into an alley, causing security concerns, however, a fairly large green space will be retained between the dwelling and the adjoining properties in Heather Close. With regard to concerns about the creation of a through road and the loss of the cul-de-sac, this proposal does not propose such an alteration. A number of neighbours have commented that this proposal would result in the loss of four parking spaces at the end of the cul-de-sac, however, this area is a turning head and should not be used for parking in any case.

Neighbours have stated that the green space needs to be retained as garden areas are small and the park is too far away, however, dwellings in this area are provided with gardens and not all of the green space will be lost. There is no evidence that the proposal would increase flooding or noise in the area. Concerns about access to fences is a civil matter.

Conclusion

The proposal amounts to sustainable development as outlined in the National Planning Policy Framework and furthermore accords with the relevant Local Development Plan; all other material considerations have been assessed; there would be no significant or demonstrable harm caused by the development and subject to conditions the recommendation is for approval.

7. **Recommendation**

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT01 Samples (details acceptable)

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

4 BOU01 Boundary treatment to be agreed (gen)

The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

5 CON1 Construction Method Statement

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

6 LAN02 landscaping, full, details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

7 PARK01 Garage for parking only

Vehicular access to the garage shall not be restricted by any reduction in the size or change in the nature of the garage door and the clear space within the garage shall not be reduced in size through the construction of internal walls. The garage shall not be used or adapted for use for any purpose other than domestic storage and the parking of private motor vehicles associated with the dwelling and it shall not be used for habitable living accommodation of any kind.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

8 U08678

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reasons: To safeguard the living conditions of the occupiers of neighbouring dwellings.

9 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

10SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

11 U08679

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan 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 controlled manner in the interest of highway safety.

12 U08680

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

13 U08681

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14 U08682

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

15 U08683

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

16 U08684

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

17 U08685

During the development process, the development shall be monitored by a qualified arboriculturalist.

Reason: In the interests of the visual amenity of the area.

18 U08706

No development shall take place until an ecological survey has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity.

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4 U02119

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 or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

5 U02120

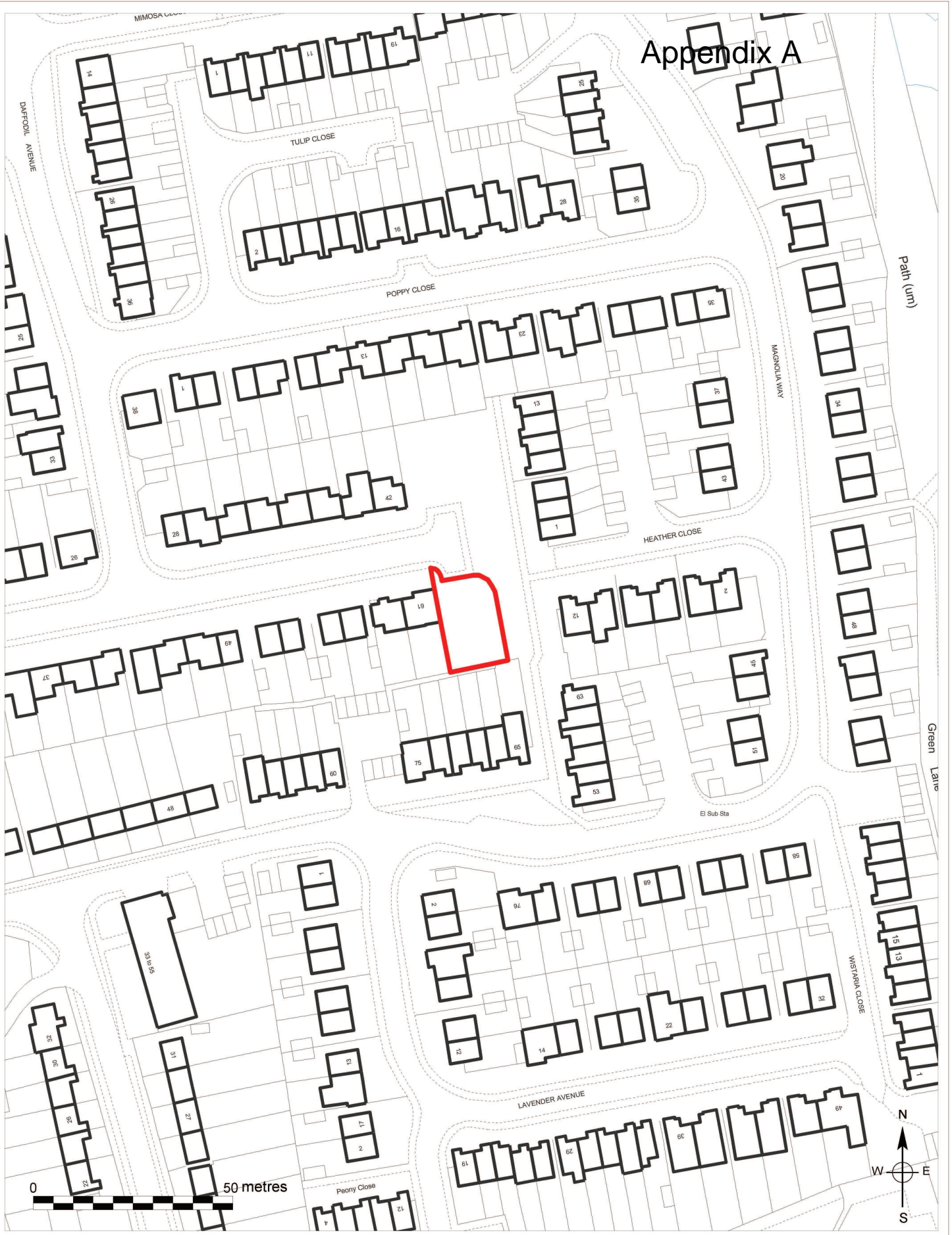
The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: Land Adjacent To 61, Iris Close, Pilgrims Hatch
14/00935/FUL

Scale 1:1250 at A4

Date 14th October 2014

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel: (01277) 312500



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SITE PLAN ATTACHED

05. LAND AT 141 TO 147 HIGH STREET BRENTWOOD ESSEX

**CONSTRUCTION OF PART FOUR/PART FIVE STOREY BUILDING
COMPRISING OF 17 NO. ONE BEDROOM FLATS AND A3 RESTAURANT ON
GROUND FLOOR.**

APPLICATION NO: 14/00608/FUL

WARD	Brentwood West	8/13 WEEK DATE	02.09.2014
PARISH		POLICIES	CP1 C14 T2 TC3 TC4 TC5 H6 NPPF NPPG C18
CASE OFFICER	Kathryn Mathews		01277 312616
Drawing no(s) relevant to this decision:	001 P0; 101 P1; 102 P2; 103 P1; 200 P1; 202 P1; DESIGN & ACCESS STATEMENT ; 001 P1; 104 P0; 105 P0; 106 P0; 201 P1;		

1. Proposals

Construction of part four/part five storey building comprising of 17 no. one bedroom flats and A3 restaurant on ground floor (the latter being 348sq.m. in floor area).

The proposed building would have a footprint measuring a maximum of 34m in width and 27m in depth, with a maximum height of 18.3m. The footprint of the building would virtually fill the site. It would consist of four story elements along its boundaries with existing development and three five storey elements within the central part of the site's road frontage. The majority of the building would be flat roofed with parapet walls. The central, highest element would have a pyramid style roof.

The materials to be used to construct the external surfaces of the building would consist of a mixture of brick, render and stone for the walls and slate for the roof, and timber windows and doors.

There would be no off-street parking provided as part of the proposal but provision would be made for 11 cycle parking spaces within the ground floor of the building. Unloading is proposed along the High Street frontage within part of the feeder lane for Weald Road.

It is stated that the proposal would create 10 full time jobs.

The opening hours of the proposed restaurant are 9am to midnight Monday to Saturday and 9am to 11pm on Sundays and Bank Holidays.

The area of the site is stated as being 0.053ha.. There is a difference in ground levels across the site of around 1.5m, east-west.

The building would accommodate a Class A3 restaurant use at ground floor level along with pedestrian access to the flats proposed. The residential accommodation would be provided across the first, second, third and fourth floors of the building. There would also be a small mezzanine area within part of the roofspace of the building.

The application is accompanied by a Design and Access Statement within which reference is made to the highly sustainable location of the site being within reach of train and bus services and ready access to shops, services and employment opportunities. The site was cleared following the demolition of former buildings (the Sir Charles Napier Public House, a bookshop at 143 High Street and a medical use at 145-147 High Street) to facilitate improvements to the road junction and was subsequently sold by Essex County Council being surplus to the road widening scheme.

2. Policy Context

Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications.

Local Plan Policies

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

T2 (New Development and Highway Considerations): requires an assessment of the impact of the proposal on the transport system and that a proposal complies with current Country Highway Authority guidance.

H6 (Small Unit Accommodation): aims to ensure that 50% of units are one or two bedroomed in new larger housing developments

C14 (Development Affecting Conservation Areas): requires that special attention is given to the need to preserve or enhance the character or appearance of Conservation Areas.

C18 (Ancient Monuments and Archaeological Sites): aims to ensure that archaeology is properly considered in the planning process.

TC3 (Mixed Use Development): encourages mixed use development within the areas allocated for residential/offices/shops and in any other redevelopment proposals involving commercial development outside the residential/offices/shops allocation.

TC4 (Use of Upper Floors above Commercial Development): encourages the use of accommodation above existing commercial premises in the town centre for residential use provided that the development does not result in demand to replace storage space lost.

TC5 (Type of Accommodation): requires all new housing within the town centre inset plan area to be one or two person units.

3. Relevant History

- 08/00001/CON: Conservation Area Consent For Demolition Of Buildings At 141-147 High Street, Levelling Of Site And Erection Of Temporary Hoarding -Application Withdrawn
- 08/00003/CON: Conservation Area Consent For Demolition Of Buildings At 141-147 High Street, Fill Basement Areas To Ground Level And Erection Of Temporary Construction Hoardings -Application Permitted

4. Neighbour Responses

A site notice was displayed at the site and a press notice published. 60 letters of notification were sent out. Five letters of representation has been received which raise the following concerns:-

- inadequate provision for delivery and waste disposal bins - the applicant states that the slip road would be used for this purpose but such use of the slip road would be dangerous for pedestrians.
- Weald Road is a natural break from the food and catering establishments on the main High Street as this area is mainly residential but proposal includes a restaurant
- fumes and smells from extractor and ventilation shafts would impact on the area
- proposal has no car parking spaces so this would impact on the already over parked neighbourhood
- queries whether an emergency/fire escape is required as none shown
- queries whether sufficient bin storage is proposed and asks how and where will the bins be emptied
- Design and Access Statement suggests that 22 flats are proposed - overcrowding on a small plot of land
- users of proposed amenity area would overlook Leigh House car park and cause noise
- proposed windows would overlook Leigh House
- would cause maintenance issues for Leigh House with a gap of 0.25m-0.3m to Leigh House
- may incur cost for providing ventilation measures within Leigh House car park if closed in by new building
- object to height of proposed building and effect this will have on natural light to all floors of Leigh House
- potential safety hazard would result from site access
- mass, bulk and proximity of rear elevation would be overbearing and intrusive element to users of Leigh House and to the occupiers of flats to the rear of the site

5. Consultation Responses

- **Highway Authority:**

The Highway Authority has considered the above planning application in relation to the highway aspects, particularly with regard to the proposed lack of private vehicle parking and the Essex County Council's Parking Standards - Design and Good Practice document which has been adopted by Brentwood Borough Council as Parking Authority.

The site is located within the main town centre of Brentwood which has good public transport links via local bus services and the train station nearby, together with easy access to local amenities and facilities within the town. The site is therefore considered to be within a highly accessible location and as such a reduction in highway safety as a result of a lack of provision is considered to be unlikely. As such it is the view of the Highway Authority that a reduction in parking standards is considered acceptable in line with the adopted parking standards.

Where private vehicle trips and associated parking may be required in connection with the proposed development, this can be accommodated at the public car parking areas nearby in William Hunter Way and Coptfold Road. On street parking associated with the site is not considered likely given the extensive parking restrictions in the vicinity. From a highways and transportation perspective the proposed development would be acceptable to the Highway Authority subject to the following:

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. There shall be no deliveries to the development during the road network peak hours i.e. between 07.30 to 09.30 and 16.30 to 18.30.

Reason: To ensure that the highway is not obstructed during the network peak hours in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Service vehicles delivering to the restaurant shall be restricted in size to no larger than small goods vehicles (Transit type vans)

Reason: To ensure that the left turn lane from the High Street to Weald Road is not obstructed in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. The developer to pay for the necessary Traffic Regulation Orders together with provision of the associated signing and lining to control the location of deliveries in the vicinity of the site.

Reason: To control the location of service vehicle deliveries to the site to minimize congestion in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

6. The developer to provide cycle parking spaces within the development. The number of bicycle parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009.

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informatives:

- The above conditions are required in order to ensure that the proposals conform to the County Council's Development Management Policies published February 2011.
- The conditions contained above should be imposed by way of negative planning conditions and/or planning obligations as appropriate.
- 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 or by post to:
SMO3 - Essex Highways, Childerditch Highways Depot ,Unit 36, Childerditch Hall Drive, Brentwood. CM13 3HD.
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- **Environmental Health & Enforcement Manager:**

I do not in principle have any objections to this application, however, if permission is granted, I would recommend that the following conditions be imposed:

1. The extraction system will require adequate odour control and noise attenuation measures and will normally be required to terminate at least 1m above the highest roof level and the efflux velocity of the discharge shall be a minimum of 15m/sec. A suitable flue termination such as Scandinavian sleeve must be provided. This Service, as a matter of course with such applications, would require an activated carbon filtration system to be installed.
2. The rating level of the noise emitted from the extraction unit shall be lower than the existing night time background level (23.00 to 06.00) by at least 5 dB. The noise levels shall be determined at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:1990. It is recommended that the services of a qualified acoustics engineer are engaged in order that an inspection/report can be submitted.
3. A suitable and sufficient grease trap shall be installed within the foul drainage system.
4. Details of any plant and machinery shall be agreed with the local planning authority with regard to its acoustic performance.
5. No deliveries should be made before 7 am and after 6pm.

- **Historic Buildings And Conservation Officer:**

Significance

141 to 147 High Street Brentwood is a prominent corner site located on the north side of Brentwood High Street at the western entry to the Brentwood Town Centre Conservation Area. The site is located opposite a Grade II listed building.

Proposal

Construction of part four/part five storey building comprising of 17 no. one bedroom flats and A3 restaurant on ground floor.

Background

Pre-application has been undertaken. The application site is presently redundant following the demolition of the Charles Napier public house and associated Georgian brick built buildings. Hoardings are in place. The site is not presently supportive of character to the Conservation Area. Pre-application advice stated it was important both heritage assets upon which these proposals impact; the Conservation Area and the listed building opposite were to be fully considered in the design approach both in massing terms and design intent.

Discussions

The proposals within this application relate to a ground floor restaurant and 17 residential units over four and five storeys. In terms of massing, the primary tower is of a significant scale (18.3m to the apex of the pyramid roof) I would not regard this as harmful to the Conservation Area given the adjacent development at the corner of Hart Street and as the existing site levels fall away travelling east. I advise this location can accommodate the massing of the proposed form.

The design intent within the submitted drawings, seeks to reflect an architecture which is not outwardly contemporary. The architecture proposed has a variety of elevation treatments derived from heritage buildings. By creating this variety of elements, which includes parapets and various fenestration types, there is interplay of treatments and details on the principal elevations as they wrap the corner location. Cohesion is expressed through the proposed materials.

By the introduction of heritage materials such as Welsh Slate and leadwork, there is a high quality to the proposed finishes; I would regard this to be an enhancement to the Conservation Area. In order for the design intent to be implemented successfully, this high standard of detailing and materials must be implemented.

With regards to my initial concerns regarding this application, these have been addressed by the project architect; these were as follows:

Firstly the introduction of the glazed balustrade at the upper storey and upon the canopy was slightly incongruous. Revised drawings have addressed these, along with the roof covering for the canopy which is now proposed to be covered in lead. The courtyard element is perhaps something which could have been pushed further as an outdoor area, however given this will have retractable openings I have no further objection on this aspect of the application.

Signage and fascia treatment is to be the subject of a separate application (see DAS 4.12).

Summary

Having conducted a series of site visits and reviewed all aspects of this application I advise these proposals will be an enhancement to the Conservation Area.

Conservation Areas are 'Areas of Special Architectural or Historic Interest, the character or appearance of which it is desirable to preserve or enhance' (Planning (Listed Buildings and Conservation Areas) Act 1990). In order to protect the integrity of the Conservation Area I advise conditions include the following:

- Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted and approved in

writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- A schedule of all external surface materials including walls and roofs, and a schedule of all external joinery, indicating the proposed finish and decoration to be used, shall be submitted and approved by the local planning authority in writing prior to the commencement of any works.
- Details of paving and hard landscaping must be approved by the local planning authority before work starts.
- No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building without prior written approval of the local planning authority.
- All new brickwork shall be constructed to give the appearance of Flemish bond.
- All rainwater goods shall be black and made of cast metal
- The pitched roof shall be clad in welsh slate, samples of which shall be submitted to and approved in writing by the local planning authority before development commences.
- The rooflights shall be of low profile conservation type, the specification to be approved by the local planning authority before work starts. The window frames shall be set into the brickwork by at least 70mm behind the face of the bricks and with concealed trickle vents.

Recommendation

Consequently I recommend approval.

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Essex & Suffolk Water:**

We have no objection to the proposed development.

We would advise you that our existing apparatus does not appear to be affected by the proposed development. We give consent to this development on the condition that a metered water connection is made onto our Company network for each new dwelling (flat) and the restaurant for revenue purposes.

As the development involves a commercial property (restaurant), the following applies:

Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are Notifiable under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999. Please see the copy of the Water Regulations Information Sheet No. IS - 0014 attached for more detailed information.

- **County Archaeologist:**

The above planning application has been identified by the Historic Environment Advisor of Essex County Council as having archaeological implications.

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Brentwood (EHER 525), which was first mentioned in 1176. In addition to this possible medieval activity there is a line of properties are marked on the 1st edition OS mapping; meaning these buildings pre-date 1880. While these properties were demolished when the road junction was improved there may be further settlement evidence to the rear of these properties and it is likely that the remains of earlier buildings and an indication for activity associated with the medieval settlement at Brentwood may survive on the development site. These deposits may be destroyed or disturbed by the proposed development.

In view of this, the following recommendations are made in line with the National Planning Policy Framework:

Recommendation: Full condition

'No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

A professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the level of investigation will be issued from this office on request.

- **Operational Services Manager:**

No response at the time of writing report.

6. Summary of Issues

The application site is located on the western side of the junction of Weald Road and High Street at the southern end of the town centre. Most of the site is within Brentwood Conservation Area. The site is located opposite a Grade II listed building. The site is also within an area allocated for residential/offices/shops in the Local Plan.

The site is located in an area of mixed use (including residential, offices and retail uses). The residential uses within the immediate vicinity of the site are flats but there are terraced dwellinghouses further along Weald Road to the north-west. The site adjoins an office block and associated car park to the north and retail units with flats above adjoin the western boundary of the site. Both these adjoining properties are located outside the Conservation Area. The remaining, curved boundary along the eastern/southern boundary fronts the junction of Weald Road and High Street.

The main issues which require consideration as part of the determination of this application are the principle of the development, the impact the proposal would have on the character and appearance of the area which is a Conservation Area, the impact the development would have on the amenity of the occupiers of any neighbouring residential properties, the quality of life for the occupiers of the proposed flats, highways/parking issues and archaeology.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs of particular relevance to the determination of the current application are 'Conserving and enhancing the historic environment' and 'Design' which have been taken into account in the following assessment of the development proposed.

Principle

The site is allocated for mixed use in the Local Plan. The proposed development, as it would consist of a mixture of retail with residential use above, would accord with this allocation along with Policies TC3 and TC4.

The residential units proposed would also be one bedroom units which would accord with Policies TC5 and H6.

Impact on the Character and Appearance of the Conservation Area

Based on the advice of the Conservation Officer, it is considered that the proposal would enhance the character and appearance of the Conservation Area and, therefore, would accord with the NPPF (section 12), the NPPGs referred to above as well as Policies CP1 (criteria i, iii and viii) and C14, subject to the imposition of conditions.

Impact on Residential Amenity

It is understood that there are residential flats at first floor level within the building adjoining the western boundary of the site (149 High Street) and there are also residential properties beyond this adjacent block and the commercial premises immediately to the north of the site which front Weald Road and Tower Hill.

The proposed building would be up to five storeys high in parts and would contain habitable room windows and external walkways along the building's rear elevation, along with an area of amenity space at first floor level. However, the adjacent flats do not have a formal area of outdoor amenity space. The dwellings further to the north and north-west are located at a sufficient distance for material harm by reason of overlooking, dominance, loss of outlook, loss of daylight or loss of sunlight not to be caused. There are also existing, intervening buildings which would further reduce any potential adverse impact. Furthermore, the proposed external amenity space could be provided with a suitable privacy screen if necessary.

Based on the advice of the Environmental Health Officer, the proposal would not have an adverse impact on the amenity of existing residents and other occupiers as a result of the restaurant use proposed subject to the imposition of conditions requiring further details of extract and ventilation equipment, and limiting hours of deliveries. An extraction system is shown as part of the submitted application but, based on advice from the Environmental Health Officer, this would not be satisfactory as the extraction system would normally be required to terminate at least 1m above the highest roof level. However, following discussions between the applicant, Environmental Health officers and the Design Officer, it is considered that a satisfactory scheme could be achieved, the details of which could be required by condition.

As a result, it is considered that none of the occupiers of any of these residential properties within the vicinity of the site would be materially adversely affected by the development proposed as a result of the size, height, design and position of the building proposed. Therefore, the proposal would comply with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

Quality of Life for the Occupiers of the Proposed Flats

The proposed flats would be provided with a limited amount of outdoor amenity space and two of the flats would have a balcony area measuring around 18sq.m. but no off-street parking would be provided. However, all of the proposed flats would be greater than the recommended minimum size for one bedroom flats (i.e. all have a floorspace of greater than 40sq.m.) and provision for bin storage and cycle parking would be made at ground floor level. As a result, and given the town centre location of the development, it is considered that the quality of life for the occupiers of the proposed flats would not be below an acceptable level.

On the basis of the above, it is considered that the occupiers of the proposed flats would be provided with an adequate quality of life, in accordance with the NPPF (paragraph 17 and Section 6) and Policy CP1 (criterion ii) as well as Policy TC4 which requires that reasonable facilities and amenities are provided for prospective occupiers.

Highways/Parking

The adopted parking standards state that one bedroom flats should be provided with a minimum of one parking space each. On this basis, a total of at least 17 spaces would need to be provided to comply with this standard. However, the parking standards also state that in urban areas consideration can be given to a reduction in this standard. The proposal does not include any off-street parking spaces but given the town centre location of the site and the size of the flats proposed, it is considered that a reason for refusal based on the lack of provision of off-street parking could not be sustained. On the basis that the occupiers of the proposed flats would have access to local services and facilities as well as public transport without the need for use of a private car, and provision would be made for cycle storage within the proposed building, it is considered that the provision of no off-street parking could be justified in this case. The Highways Officer supports this view subject to the imposition of conditions including one requiring the provision of a Residential Travel Information Pack for sustainable transport to each dwelling.

With respect to servicing arrangements for the proposed restaurant, the applicant proposes that delivery vehicles temporarily stop in front of the proposed building within part of the dedicated left hand turn lane leading from the High Street into Weald Road. The Highway Officer has not raised an objection to the proposal on the basis of the servicing arrangements proposed, subject to the imposition of conditions relating to a limit on the hours within which servicing can take place, the size of vehicle which can be used and appropriate Traffic Regulation Order, signage and lining being put in place.

As a result, it is considered that the proposal complies with the NPPF (section 4), Policy T2 and Policy CP1 (criteria iv and v), in this respect.

Archaeology

Based on the advice of Essex County Council, it is considered that the archaeological interest of the site could be adequately addressed through the imposition of a suitably worded condition as recommended, in compliance with the NPPF (section 12) and Policy C18.

Other matters

The concerns raised by a local resident relate to highway safety, the acceptability of the restaurant use proposed in this location, potential nuisance resulting from the extraction and ventilation systems proposed and a query relating to emergency/fire escape provisions. All these matters have been covered above except for the matter of emergency/fire escape and bin storage provision. Means of escape would be a matter for Building Control who have verbally advised that there may need to be some adjustments to the rear of the building in terms of the proximity of bedroom windows and flat entrance doors to the walkways or the width of the walkways and providing means of escape for the mezzanine floor proposed but there may be an alternative engineering approach such as internal sprinkler systems for each flat. An area for bin storage has been shown at ground floor level on the submitted drawings and the comments on the proposed bin storage have been sought from the relevant Council Officer but no response has been received to date. Potential maintenance problems for the neighbouring property and any impact on the use of the adjacent car park at Leigh House are not material planning considerations.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 U08637

No development shall take place until additional drawings that show details of proposed new windows, doors, eaves, verges, cills, external balustrading and external staircase handrail by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: In the interests of the character and appearance of the Conservation Area.

3 U08640

No development shall take place until details of a privacy screen to be erected along the outer edge of the external amenity space proposed have been submitted to and approved in writing by the local planning authority. None of the flats hereby permitted shall be occupied until the approved privacy screen has been constructed. The approved privacy screen shall thereafter be permanently retained.

Reason:- In the interests of the amenity of the occupiers of the proposed flats and neighbouring properties.

4 U08638

No development or preliminary groundwork's of any kind shall take place until a programme of archaeological work has been completed in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: Due to the archaeological potential of the site.

5 U08639

Notwithstanding the submitted details, no development shall take place until details of an extraction system for the proposed restaurant has been submitted to and approved in writing by the local planning authority. The extraction system will require adequate odour control and noise attenuation measures and will normally be required to terminate at least 1m above the highest roof level and the efflux velocity of the discharge shall be a minimum of 15m/sec. A suitable flue termination such as Scandinavian sleeve and an activated carbon filtration system must be provided. Beneficial use of the restaurant hereby permitted shall not commence until the approved extraction system has been installed and is fully operational. The approved system shall be permanently retained as approved.

Reason: In order to protect the amenities of the occupiers of nearby properties.

6 U08707

The restaurant hereby permitted shall not be open for customers outside the following hours: 09:00-00:00 Mondays to Fridays, 09:00-00:00 Saturdays and 09:00-23:00 Sundays.

Reason: To safeguard the living conditions of nearby residents.

7 U08708

The rating level of the noise emitted from the extraction unit shall be lower than the existing night time background level (23.00 to 06.00) by at least 5 dB. The noise levels shall be determined at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:1990.

Reason: In order to protect the amenities of the occupiers of nearby properties.

8 U08709

A suitable and sufficient grease trap shall be installed within the foul drainage system.

Reason: To ensure satisfactory drainage from the site.

9 U08710

No development shall take place until details of the location and acoustic performance of any plant and machinery to be used has been submitted to and approved in writing by the local planning authority. Development shall be carried out and permanently retained in accordance with the approved details.

Reason: In order to protect the amenities of the occupiers of nearby properties.

10 U08711

There shall be no deliveries to the site made before 7 am and after 6pm.

Reason: In order to protect the amenities of the occupiers of nearby properties.

11 U08712

No development shall take place until a schedule and samples of all external surface materials including walls and roofs, and a schedule of all external joinery, indicating the proposed finish and decoration to be used, has been submitted to and approved in writing by the local planning authority. All new brickwork shall be constructed to give the appearance of Flemish bond. All rainwater goods shall be black and made of cast metal. The pitched roof shall be clad in Welsh slate. Development shall be completed in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area.

12 U08713

No development shall take place until details of all paving and hard landscaping have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area.

13 U08714

No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building without prior written approval of the local planning authority.

Reason: In the interests of the character and appearance of the Conservation Area.

14 U08715

The rooflights shall be of low profile conservation type. No development shall take place until details of the specification of the rooflights have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The window frames shall be set into the brickwork by at least 70mm behind the face of the bricks and with concealed trickle vents.

Reason: In the interests of the character and appearance of the Conservation Area.

15 SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

16 U08749

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

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

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.

17 U08750

There shall be no deliveries to the development during the road network peak hours i.e. between 07.30 to 09.30 and 16.30 to 18.30.

Reason: To ensure that the highway is not obstructed during the network peak hours in the interests of highway safety.

18 U08751

Service vehicles delivering to the restaurant shall be restricted in size to no larger than small goods vehicles (Transit type vans).

Reason: To ensure that the left turn lane from the High Street to Weald Road is not obstructed in the interests of highway safety.

19 U08752

No development shall take place until details of the location of a loading bay for delivery vehicles servicing the site have been submitted to and approved in writing by the local planning authority. The use of the restaurant hereby permitted shall not commence until the loading bay has been provided in accordance with the approved details which shall include the gaining of any necessary Traffic Regulation Orders, signing and lining.

Reason: To control the location of service vehicle deliveries to the site to minimize congestion in the interests of highway safety.

20 U08753

Prior to occupation of the proposed development, the Developer shall provide a Residential Travel Information Pack for sustainable transport, details of which shall be submitted to and approved in writing by the local planning authority before any development takes place, with information covering local public transport travel and including six one day travel vouchers for use with the relevant local public transport operator, to each dwelling.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

21 U08754

Notwithstanding the submitted details, details of cycle parking for the proposed development shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and permanently retained as such.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

22 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, C14, T2, TC3, TC4, TC5, H6, C18 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

3 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4 U02124

A professional team of archaeologists should undertake the archaeological work. The archaeological condition will have financial implications for the applicant. An archaeological brief outlining the level of investigation will be issued from the relevant office at Essex County Council on request.

5 U02125

It is recommended that the services of a qualified acoustics engineer are engaged in order that an inspection/report for the extraction system can be submitted.

6 U02136

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 or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Hall Drive, Brentwood. CM13 3HD.

7 U02137

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title: Land At 141 To 147, High Street, Brentwood
14/00608/FUL

Scale 1:1250 at A4

Date 14th October 2014

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel: (01277) 312500



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SITE PLAN ATTACHED

06. BELMONT VILLA RECTORY CHASE LITTLE WARLEY ESSEX CM13 3EZ

TWO STOREY SIDE AND REAR EXTENSIONS AND A FRONT CANOPY PORCH

APPLICATION NO: 14/00565/FUL

WARD	Warley	8/13 WEEK DATE	30.06.2014
PARISH		POLICIES	NPPF NPPG CP1 GB1 GB2 GB5
CASE OFFICER	Ms Sukhi Dhadwar		01277 312604
Drawing no(s) relevant to this decision:	1120/09A; PLANNING STATEMENT; SITE PLAN; 1120/1 REV 1;		

This application was referred by Cllr Hubbard from Weekly Report No 1657 for consideration by the Committee. The reason(s) are as follows:

My planning reasons for referring the decision are that the plan the applicants have submitted, whilst being two-storeys rather than one, take up less square footage than the permitted development rights do. Furthermore the extensions they have asked for to the sides and rear do not come out as far as the extensions that would be allowed under permitted development rights and the roofing is stepped back and in-keeping with the original build.

Update since publication of Weekly List 1657

Since the publication of the report on the weekly list, the consultation response from the Design and Conservation Officer have been added into the body of the report.

1. Proposals

The construction of a part single and part two storey rear extension; two storey side extension to each side of the existing detached house.

The part ground floor rear element measures 5.2m deep, 9.2m wide this being the full width of the existing rear elevation, and would be 3.35m high to the ridge of the hipped roof.

The first floor rear element would have a double hipped roof design and be 6.75m high, 4m deep and measure the full width of the existing rear elevation.

Each side extension would measure 3.6m wide, 5.2m along each flank; and 6.8m high with hipped roofs.

An open front porch canopy is also shown to measure 3.2m high with a pitched roof.

The existing chimney stacks are shown on the drawings to be repositioned each side of the new extensions.

The application as submitted included the erection of a detached garage but a revised drawing has now omitted this element from the scheme.

The external finishes include painted render for walls, tiles to match existing and plastic framed windows.

2. Policy Context

The National Planning Practice Guidance (NPPG) was published by the Government on 6 March 2014. The Guidance supports the National Planning Policy Framework and provides users of the planning system with a specific body of advice and reference. All decisions upon planning applications must now have regard to NPPG as a material consideration.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgment in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development ; in decision making, this means approving proposals that accord with the development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit or; specific policies within the Framework indicate that development should be restricted.

Chapter 9 of the Framework sets out the policy criteria for protecting the Green Belt; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 89 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt with some exceptions. The extension or alteration of a building may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Chapter 7 of the NPPF Requiring Good Design makes clear that good design is a key aspect of sustainable development. Design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. Permission should be refused for development of poor design.

The development plan is the Brentwood Replacement Local Plan adopted in 2005.

Local Plan Policy CP1 (General Development Criteria) requires that development should

- (i) Not harm character and appearance of an area;
- (ii) Not harm neighbouring residential amenity;
- (iii) Be of an acceptable design;
- (iv) Raise no significant parking or highway issues; and
- (v) Not give rise to pollution

Relevant Green Belt policies are:

Local Plan Policy GB1 (New Development); planning permission will not be given except in very special circumstances, for the extension of buildings, for purposes other than those appropriate to a Green Belt.

Local Plan Policy GB2 (Development Criteria); development should not conflict with the purposes of including land within the Green Belt, nor should it harm openness. Consideration will also be given of the effect on public rights of way; the impact on existing landscape features and whether it is satisfactorily located in respect of the surrounding landscape and any adjoining buildings.

GB5 (Extensions to Dwellings) Extensions to dwellings within the Green Belt will only be permitted where the total habitable floor space of the extension does not exceed 37 sqm above the original habitable floor space.

3. Relevant History

- 13/01090/FUL: Construction of a two storey rear and two storey side extensions and alterations to the roof. -Application Refused
- 14/00049/PN42: Single storey rear extension. The proposed extension would extend 8m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 2.9m and the proposed eaves height would be 2.5m. -Prior Approval is Not Required
- 13/01365/S192: Two storey rear and single storey side extensions -Application Permitted
- 14/00875/S192: _single storey side extension and porch to front elevation. -Application Withdrawn
- 14/00891/PN42: Single storey rear extension. The proposed extension would extend 8.0m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 2.2m and the proposed eaves height would be 2.2m. -Application Withdrawn

4. Neighbour Responses

Letters were sent to occupants of adjoining and nearby properties. A site notice was also displayed. At the time of writing this report no responses have been received.

Ward Councillor David Tee has commented : "I know there is considerable support for this application to proceed. My knowledge of the original lean too extension which was removed early last year only goes back to 1974 when I moved into The Old Rectory. I do know the owner and builder, Charlie Thompson, of Belmont Villas died in 1968 so I guess it was there then. I have no information on OS maps of 1957 why do you not look at OS maps of the 1980s? In the days when this house was built Mr Thompson just bought the plot and built the house; he was a church warden it was on church land and the church gave permission in return for a job he did in the church".

5. Consultation Responses

- **Highway Authority:**

Although the internal length of the proposed garage would not comply with Brentwood Borough Council's adopted parking standards, the Highway Authority would not wish to raise an objection to the above application, given the internal width of the proposed garage and the area to be available for parking within the site, excluding the garage, which will comply with Brentwood Borough Council's adopted parking standards for the extended dwelling.

- **Arboriculturalist:**

There needs to be an arb. Survey, - possibly with CEZ [construction exclusion zone], RPA assessment and method statement all as BS5837

- **Design Advice:**

Belmont Villa is one of a pair of detached inter war properties located within Rectory Chase, Little Warley. The pair retain limited original features and detailing. This part of Little Warley has retained its rural quality, the grain evidences a scattering of built forms, not urban in character. Adjacent are a pair of single storey cottages from perhaps an earlier period. All of these buildings demarcate the entry point to The Old Rectory and contribute to the social history of the hamlet of Little Warley.

Belmont Villa itself has a fairly shallow plan form, therefore the principal of additional weight is acceptable. design studies leading to the proposed architecture should take into account the local distinctiveness and rural character. My concerns regarding this application relate to this aspect, as the design approach which proposes a 'mirrored' front elevation would place bulk and mass on the principal frontage and has not taken into account the local character, the design is too 'urban' in approach. In addition the placement of form proposes to build up to the boundary on one aspect, despite the wedge shaped demise, at present there is good punctuation from the soft boundary. Evidently there is opportunity to enhance this location, however the architectural approach and the, material language must not dilute the rural qualities of this green belt location.

Presently I would not support these proposals as being of Good Design in line with National Policy. A greater regard for the local vernacular and setting will achieve a better design, this includes features such as dormers and materials'.

6. Summary of Issues

The main issues which are relevant to the determination of this application are:

Is the development appropriate in the Green Belt?

Would the development harm the openness of the Green Belt?

Are there any special circumstances which would outweigh any identified harm to the Green Belt?

Design - Impact of the bulk and extent of the proposal, materials, features and landscaping on the character and appearance of the area

Impact on neighbouring residential amenity

Impact on highway safety.

Other matters:

Is the development appropriate in the Green Belt?

The proposal site comprises a wedge shaped piece of land which contains a 1930's built detached house and curtilage. The site is designated as being within the Green Belt and is within a rural part of Little Warley, originally identified within the Local Plan as being within a Special Landscape Area. To the north are two modest semi-detached bungalows and to the east is a detached house within a large verdant curtilage. The remainder of the surrounding area is made of open fields.

The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework. The NPPF indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt which include assisting in safeguarding the countryside from encroachment.

The NPPF indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. Paragraph 89 indicates that the extension or alteration of a Green Belt building may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building (as defined in Annex 2 of the Framework).

Although adopted some years before the NPPF the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan (RLP) are consistent with those of the NPPF and therefore they still carry weight.

When assessing the Green Belt implications the principal issue to be considered is whether the extensions would be disproportionate. The NPPF provides no guidance on how the "proportionality" of a proposal should be assessed however it is considered that a number of factors should be taken into account when determining whether an extension is disproportionate, for example, floor space, volume, bulk, massing and scale. Local Plan Policy GB5 takes a narrow approach to defining the amount of extensions to buildings in the Green Belt and sets out that no more than 37sqm of habitable floor space should be created; as such, officers attribute limited weight to this particular policy criterion.

The planning statement submitted by the applicant considers that 'disproportionate' should be considered as over and above that which can be achieved under the GPDO (permitted development) allowance. In giving consideration to a fall back position, the applicants agent considers the proposal as 'appropriate'. Setting aside the fact that the GPDO limitations fail to take into consideration the original size of the building to be extended, in this case the proposal exceeds the limitations of permitted development and therefore using the applicants agents own assessment, is 'disproportionate', and must, therefore, in accordance with the definition contained within the NPPF be 'inappropriate'. Whether the fall back position is a consideration that outweighs the harm caused by inappropriateness is a different matter entirely, and is assessed separately.

In this instance, the extensions would provide an additional 158sqm of floor; the existing floor space is measured at 100sqm, therefore increasing the floorspace of the house by over 150%.

The side extensions would increase the width of the property at the front from around 9m to 16m and at the rear, the extensions would be the full width of the existing property.

The proposed will result in a 380% volume increase in comparison with the original building. This compares with a 182% increase as a result of the permitted development application approved under reference 14/00049/PN42 and a 298 % increase as a result of the certificate application approved under reference 13/01365/S192.

The cumulative extensions, by reason of their height, width and bulk, including volume and floorspace, would be disproportionate additions, which by definition is inappropriate development in the Green Belt.

A material consideration in the determination of this current application is a previous scheme, reference 13/01090/FUL for the 'construction of a two storey rear and two storey side extensions and alterations to the roof'. This application was refused (weekly list 1616); the grounds for refusal were that the size of the extensions with an increase of 145 sqm floorspace would be disproportionate additions and therefore inappropriate development. It was considered that there were no very special circumstances that outweighed the harm by reason of inappropriateness. This current application proposes extensions that exceed that which the Council has previously refused on the basis of inappropriate development in the Green Belt.

Conclusion: The proposal constitutes inappropriate development in the Green Belt which conflicts with the NPPF and local plan policies GB1 and GB5.

Would the development harm the openness of the Green Belt?

The building would be around 150% larger in floor space (over two floors) than the original house and would take up two thirds of the frontage of the site (the site has a width of 25m and the proposed house is 16m wide). The substantial extension to the rear has a dual pitched roof and adds considerable bulk to the original building at both ground and first floor. The extensions by reason of their bulk scale and mass would seriously harm the openness of the Green Belt in this location and therefore conflict with the NPPF and Local Plan Policy GB2.

Are there any 'very special circumstances' which would outweigh the harm created to the Green Belt?

The Council has granted a Certificate of Lawfulness for permitted development extensions (ref 13/01365/S192); a further Prior Approval certificate has been granted for a single storey rear extension (ref 14/00049).

The applicant argues that the 'fall back' position is a 'very special circumstance'.

Background:

Following the Council's refusal of the smaller scheme under reference 13/01090/FUL Officers met with the applicant to offer advice on what might be an appropriate scheme. The applicant was advised that given the Green Belt constraints of the site, an even larger extension would not be supported by officers, and that any extension should not be greater than the amount allowed under the 'permitted development' limitations as set out within the GPDO legislation.

The applicant subsequently queried the outline of the footprint of the house, asserting that it is larger than that shown on the refused plans, as there was previously a 'lean to' projection which has now been demolished. The applicant was advised that if this projection was part of the original house, or if it was built prior to 1948 then it could be classified as being part of the original foot print of the building. However, there was no evidence from the Council records, or the applicants records to suggest that the house had been originally built with this lean-to element. If it could be proved that the lean-to was part of the original structure, then it may have a marginal affect when considering any new extensions in terms of proportionality or where extensions allowed under permitted development could be located.

A further meeting discussed the fall back position, and officers reiterated the above points on the fall back position. The applicant strongly believed that there were original structures which have now been removed but were in place on or before 1 July 1948. As part of any future application, it was recommended that he provide supporting evidence.

No supporting evidence was submitted as part of the second round of certificate applications (see Relevant History section). Historical ordnance survey maps dating to 1957 indicate that a lean to extension did not exist at that time. The applicant's agent was advised that in the absence of any evidence of the existence of the lean-to when the house was built, then it would not be considered part of the original house. The applicant's agent was informed that these applications would not constitute 'permitted development' and as a result they decided to withdraw both applications before the Council 's formal determination of the applications.

Therefore, an optional fall back position to the one originally granted has not been established.

The granted Certificates have established that extensions would provide an additional area of 122 sqm predominantly at single storey level. Given that this area is smaller than the 158sqm proposed in this application, the permitted development fallback position is considered to be less harmful to the openness of the Green Belt, compared to what is proposed under this current application.

The second consideration raised by the applicant is that the house is run down and the cost of renovating the house can only be justified if the dwelling was larger. This issue was also raised in the previously refused application. This justification relates only to requirements which are personal to the applicants without specifying what those costs would be and are neither unique or special circumstances.

Officers are not aware of any other material planning considerations that would amount to 'very special circumstances' which would clearly outweigh the harm arising from the inappropriateness of the proposal or the significant harm to the openness of the Green Belt, and as such the proposal conflicts with the NPPF and Policy GB1 of the local development plan.

Impact on the character and appearance of the area:

This part of Warley has a rural quality with only sporadic development, as identified by the Design officer. The existing house, the subject of this application has a fairly modest plan form; based on the response from the design officer, the principal of some extension here is acceptable but the current proposal adds unacceptable bulk and mass to the front elevation which is unsupportive of the local distinctive character of the area.

Furthermore, the extensions, together with the hardstanding and any other domestic paraphernalia required to facilitate the dwelling will conspicuously and substantially add to the urbanisation of the site; the massing and volume of the resulting built form would unacceptably dominate long views of the site compared with the more discreet forms of dwellings close to the site, resulting in significant and demonstrable harm to the character and appearance of the area. The design and form of the development would be out of keeping with the surrounding area, detrimental to the character and appearance of this rural area, in conflict with Local Plan Policy CP1 and paragraph 64 of the NPPF.

Other matters:

One unprotected tree has been removed from the garden. Given that there are a number of trees on or close to the boundary of the site, the Arboricultural Officer has requested that if approval is recommended, then a condition should be imposed requiring that details of an arboricultural survey of all trees which adjoin the site should be submitted to and approved by the Council and then implemented prior to the commencement of any works on site. These details should comply with the requirements of BS 5837:2012. On this basis the proposal would accord with the requirements of policy C5 of the Local Plan.

Impact on highway safety.

The Highways Authority is satisfied that there is sufficient space for adequate parking and safe access into and out of the site in accordance with CP1 (iv).

Impact on the living conditions of neighbouring residential properties.

There will be no significant impact on neighbouring residential properties in terms of light, outlook and privacy. The proposal is therefore considered to comply with the requirements of policy CP1(ii).

In conclusion the proposal constitutes inappropriate development within the Green Belt and will create significant and demonstrable harm to the openness of the Green Belt. The design of the extensions are out of keeping with the existing house and do not reflect the local distinctive character of the area. The planning history of the site and householder permitted development rights have been taken into account and while these matters are capable of being material considerations they do not constitute very special circumstances that clearly outweigh the harm to the Green Belt. The proposal is therefore contrary to the requirements of the NPPF, CP1, GB1, GB2, GB5 of the Brentwood Replacement Local Plan 2005.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08564

The site lies outside the areas allocated for development in the Brentwood Replacement Local Plan 2005 and is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development constitutes inappropriate development in the Green belt and would result in significant and demonstrable harm to the openness of the Green Belt, in conflict with Chapter 9 of the National Planning Policy Framework and Local Development Plan Policies GB1, GB2 and GB5 of the Brentwood Replacement Local Plan 2005.

R2 U08565

Notwithstanding reason 1 above, the proposed extensions, by reason of their size, siting, and hardstanding required to facilitate the dwelling, would be out of keeping with the existing house and fail to reflect the local distinctiveness and character of the area, resulting in significant and detrimental harm to the character and appearance of this rural location, in conflict with the aims and objectives of the NPPF and Policy CP1 of the Brentwood Replacement Local Plan.

R3 U08588

No 'very special circumstances' or other considerations have been clearly demonstrated to outweigh the significant harm caused by the inappropriate development or the harm to the openness of the Green Belt and the development is in conflict with the National Planning Policy Framework Chapter 9, and Local Development Plan policies GB1 and GB2.

Informative(s)

1 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2 INF05

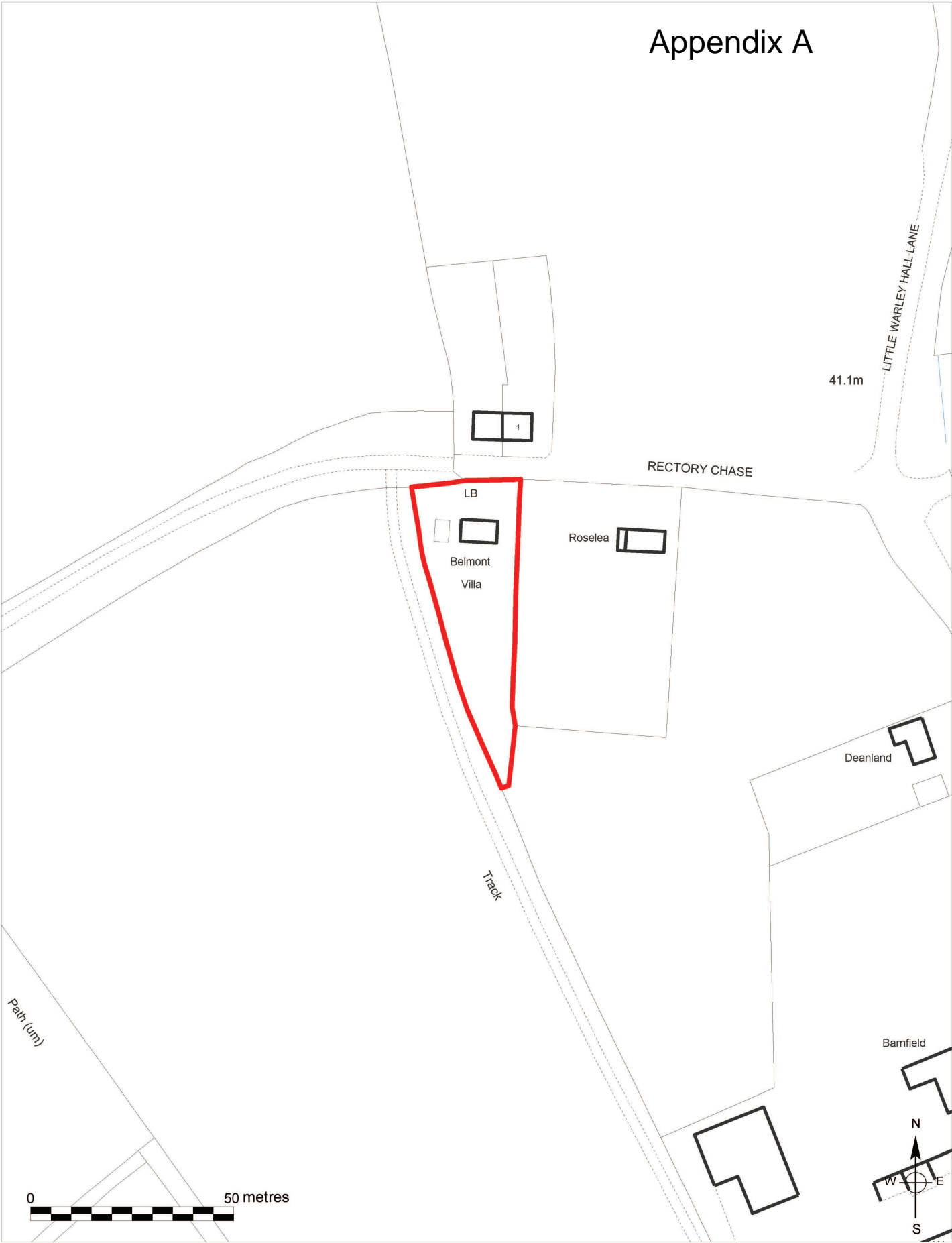
The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, C8 the National Planning Policy Framework 2012 and NPPG 2014.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: Belmont Villa, Rectory Chase, Little Warley
14/00565/FUL

Scale 1:1250 at A4

Date 14th October 2014

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel: (01277) 312500



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SITE PLAN ATTACHED

07. 134 HIGH STREET BRENTWOOD ESSEX CM14 4AT

DEMOLITION OF EXISTING DETACHED BUILDING AND CONSTRUCTION OF NEW THREE STOREY BUILDING CONTAINING SIX FLATS.

APPLICATION NO: 14/00885/FUL

WARD	Brentwood West	8/13 WEEK DATE	10.09.2014
PARISH		POLICIES	NPPF NPPG TC5 CP1 H17 T2
CASE OFFICER	Charlotte Allen		01277 312536
Drawing no(s) relevant to this decision:	1143 PL01 ; 1143 PL02 ; 1143 PL03 ; 1143 PL04 ; 1143 PL05 ; 1143 PL06 ; 1143 PL07 ;		

This application was referred by Cllr Russell from Weekly Report No 1657 for consideration by the Committee. The reason(s) are as follows:

Believe it contravenes CP1, size and bulk will cause harm to nearby properties and cause overlooking as well as cause nuisance by way of disturbance.

Update since publication of Weekly List 1657

None.

1. Proposals

Planning permission is sought to demolish the existing single dwelling on the site and to construct a new building of 6 residential flats over three floors; with 4x 2-bed flats and 2 x 1-bed flats. 6 parking spaces will be provided to the rear of the site with bin and cycle storage with the ground floor flats benefiting from a private garden area and the other flats having balconies and access to a communal garden at the front of the site.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

H17 -Dormer Windows

T2 - New Development and Highway Considerations

TC5 - Type of Accommodation

3. Relevant History

- 13/00612/FUL: Proposed change of use from mixed use residential and commercial to D1 non-residential institution (nursery); together with associated works including the demolition of the existing garage, renovation of boundary treatments; and closure of existing cross over and construction of two new cross overs -Application Refused
- 12/00971/FUL: Change of use from existing mixed use residential and commercial use to non-residential institution (Nursery) D1 -Application Refused

4. Neighbour Responses

17 neighbour letters were sent out and a site notice displayed. No responses have been received to date

5. Consultation Responses

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application as shown on Drawing No. PL04, subject to the following condition being attached to any approval; given the existing dwelling and its access, the town centre location and the area to be available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed dwelling.

1. The development shall not be occupied until the proposed vehicular access has been constructed at right angles to the carriageway in Westbury Road in accordance with Drawing No. PL04 and the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure that vehicles can leave the highway in a controlled manner in the interest of highway safety.

2. The development shall not be occupied until the existing vehicular access located to the south of the site has been suitably and permanently closed, incorporating the reinstatement to full height of the kerbs and footway in accordance with the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. The development shall not be occupied until, with the exception of street furniture, the vehicle access to the site at the centre line, have been provided with clear to ground sight splays of 2 metres x 20 metres in either direction to the compass point, as measured from and along the nearside edge of the carriageway in Westbury Road. These sight splays shall be provided before the access is first used by vehicular traffic from the development and retained free of any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between the vehicles using the access and those in Westbury Road in the interest of highway safety.

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 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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

- **Arboriculturalist:**

14/00885/FUL no trees shown

- **Historic Buildings And Conservation Officer:**

Proposal

Demolition of existing detached building and construction of new three storey building containing six flats.

Discussion

Thank you for consulting on the above application having reviewed the submitted information please find my comments as follows:

The site is located at the junction of Westbury Road and High Street Brentwood. Pre-application advice regarding design has been given to the applicant, my previous concerns were regarding fenestration upon the rear elevation; it is evident amendments have been undertaken prior to this submission which are an improvement to the scheme at this location.

Overall I advise the proposed architectural style to be of good proportion within this urban location at the edge of the Town centre; the material intent would not be overtly incongruous and makes reference to the domestic architecture within the local area. I have no further objections on design grounds

Recommendation

Consequently I recommend approval.

- **Environmental Health & Enforcement Manager:**

No objection.

6. Summary of Issues

The application site is located on the southern side of High Street on the corner with Westbury Road. The site is allocated for residential purposes in the Local Plan and as such the main considerations in this case are the principle of the development, design, residential amenity, living conditions and parking and highway considerations:

Principle

The site is located within an area designated for residential purposes and as such the development of the site for residential purposes is acceptable in principle, subject to other considerations such as design, residential amenity and parking considerations.

Policy TC5 states that all new housing within the Town Centre inset plan area should be in the form of one or two person units and as such the provision of one and two bedroom flats is acceptable in this location. The NPPF also encourages the effective use of land and as such the principle of the proposal is acceptable in terms of National and Local Planning Policy.

Design

The Council's Design and Historic Buildings Consultant has raised no objection or concerns with regard to the impact of the proposal on any heritage assets. Suggestions made during the pre-application discussions have been responded to in the final design. Based on the comments of the Design Office, the overall the architectural style is of good proportions within this urban location at the edge of the Town Centre; the material intent would not be incongruous and makes reference to the domestic architecture within the local area and the design is supported and considered to be acceptable.

As such the overall design, style and materials are considered acceptable. A number of dormers are proposed, however, the dormers maintain roof verges above, below and to the sides and the dormers proposed facing No.136 would not all be visible from the streetscene. It is not considered that the dormers proposed would dominate the roof space or materially harm the character of the area. No objection is therefore raised in this regard in terms of Policy H17 of the Local Plan.

In terms of the siting of the building, the proposed building has a similar front building line as the existing building on the site. Whilst the proposal seeks to increase the width of the building, with the replacement dwelling located closer to Westbury Road and further forward of the return building line, given the separation between the front elevations of 43-47 Westbury Road and the flank elevation of this proposal and given the relationship between No's 10 - 4 Westbury Road on the opposite side of the road it is not considered that the siting of the new building would result in any significant or demonstrable harm to the character or appearance of the area.

In terms of size and scale, the proposed new building is similar in scale to the existing dwelling on the site; whilst the proposed new building is wider, it has a similar depth to the existing structure and the proposed building would not exceed the height of the adjoining dwelling; No.136 High Street. As such the size and scale of the new building is also considered acceptable.

The bin and cycle store building is fairly prominently located but designed to resemble a residential detached garage, which are common features in residential areas; it would be partly screened by the landscaping shown within the private amenity area to flat 1. The car park to the rear of the site is also not of any particular visual merit, however, conditions can be imposed requiring the hard and soft landscaping to be approved by the local planning authority prior to the commencement of the development in this regard.

Subject to conditions no objection is therefore raised in terms of Chapter 7 of the NPPF or Policies CP1(i), CP1(iii) or H17 of the Local Plan.

Residential Amenity

In terms of overlooking, the windows that overlook High Street and Westbury Road would overlook the public realm and as such would not result in any undue overlooking or loss of privacy. The rear windows overlook the car park area and would be located some 17.5m from the rear of the site and as such would also not result in any material overlooking, especially considering that there are already rear windows to the existing dwelling.

To the west, windows are proposed in very close proximity to the adjoining dwelling at No.136 High Street which serve bathrooms, en-suites and kitchen/diners. The ground floor windows in this flank elevation could be significantly screened by standard boundary treatments and the en-suite and bathroom windows could be conditioned to be obscure glazed with limited openings to mitigate any overlooking. However, the kitchen/diners are spaces which could be occupied for more significant lengths of time than a bathroom and could be used for extended periods whilst eating and as such it is preferable to have these windows clear glazed so as to result in no undue harm to the living conditions on the future occupiers of the flats. To do so would have the potential to result in overlooking to the adjoining resident, especially considering that the adjoining resident has existing windows in the flank elevation facing the application site.

Therefore, a condition for these windows to be obscure glazed with limited openings is considered necessary; such a condition would not result in such significant or demonstrable harm to the living conditions of the occupier. As such subject to conditions requiring suitable boundary treatments to the ground floor side windows facing No.136 and all first and second storey westerly flank windows to be obscure glazed, the proposal complies with relevant Local Plan Policy CP1.

In terms of overlooking, balconies are also proposed. The balconies to the front of the site would overlook the public realm and as such would not result in any undue overlooking. The rear balconies would be located over 16m from the rear of the site and would overlook the car park area and as such would not result in significant loss of privacy. The rear projecting balconies closest to No. 136 High Street have the potential to result in undue overlooking to the adjoining dwelling to the west, however, the submitted plans indicate that the rear balcony would have a 1.8m high visibility screen which would remove any undue overlooking to the adjoining resident. Subject to a condition requiring such a screen to be implemented and retained in perpetuity the proposed balconies would not result in any material overlooking.

In terms of noise and disturbance, the previous rear garden will now be utilised as a car park area which directly adjoins the garden of the neighbouring dwelling at No.136 and therefore has the potential to result in noise and disturbance to this resident. However, the car park is relatively small; providing parking for 6 vehicles and a condition can be imposed requiring a suitable fence to be erected between the car park and the adjoining garden.

It is also noted that the dwellings to the rear of the application site benefit from off-street parking in close proximity to the proposed parking area and that the site is located on the busy High Street and will already experience traffic noise. On balance it is not therefore considered that the proposed parking area would result in significant or demonstrable harm to the living conditions of the adjoining residents.

In terms of an overbearing impact the replacement building would not extend significantly beyond the front or rear of the adjoining dwelling at No.136 and has a similar relationship to the adjoining dwelling as the existing dwelling on this site, although the new building would be located some 0.5m nearer to No.136 with an isolation space of a minimum of 1m retained. The overall height of the new building will not exceed that of the adjoining resident at No.136. The proposed development would not therefore result in a material overbearing impact to No.136 when compared to the existing situation.

Living Conditions

The information provided indicates that the 2-bedroom flats will have floor area of 80 sq. m with the 1-bedroom flats having floor areas of 65 sq. m which exceeds the minimum size requirements as set out in the Local Plan. In this regard the Environment Health Officer has raised no objection to the proposal.

In terms of amenity areas the Agent indicates that flat 1 has 45 sq. m of private amenity space, flat 2 has 60 sq. m, flats 3 and 4 have 13.5 sq. m and flats 5 and 6 have 8 sq. m, a shared garden of 75 sq. m is also provided. This amount of amenity space is considered acceptable and would provide adequate living conditions to any future occupiers of the flats. The communal area to the front of the site is not ideal and may not be heavily used due to its location, however, each flat will be provided with at least a balcony providing some private amenity space to the occupiers which is positive.

A condition requiring the first and second floor kitchen/diners to be served by obscure windows would mitigate any possible overlooking.

Parking and Highway Considerations

The Highway Authority has raised no objection to the proposal, subject to conditions given the existing dwelling and its access, the town centre location and the area to be available for parking within the site which complies with the adopted parking standards. Subject to the conditions recommended no objection is therefore raised on this basis.

Conclusion

There is a requirement for obscure glazed windows within the kitchen/diner rooms however the proposal is considered to be sustainable development and accord with the relevant local development plan policy requirements, and would furthermore provide additional housing close to a sustainable location. Subject to conditions the application is therefore recommended for approval.

7. **Recommendation**

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT01 Samples (details acceptable)

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

4 BOU01 Boundary treatment to be agreed (gen)

The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

5 CON1 Construction Method Statement

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

6 LAN02 landscaping, full, details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

7 REFU02 Prov refuse, recycling and bicycle -det

None of the accommodation hereby permitted shall be occupied until the facilities to be provided for the storage of refuse/recycling materials/bicycles (delete as necessary) have been provided in accordance with the details shown on the approved drawings. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in order to safeguard the character and appearance of the area.

8 SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

9 U08578

The first and second storey western windows shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

10 U08579

The 1.8m closed balcony screen adjacent to No.136 High Street as shown on the plans shall be installed prior to the occupation of the development and permanently retained as such thereafter.

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

11 U08580

The development shall not be occupied until the proposed vehicular access has been constructed at right angles to the carriageway in Westbury Road in accordance with Drawing No. PL04 and the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure that vehicles can leave the highway in a controlled manner in the interest of highway safety.

12 U08581

The development shall not be occupied until the existing vehicular access located to the south of the site has been suitably and permanently closed, incorporating the reinstatement to full height of the kerbs and footway in accordance with the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

13 U08582

The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be 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.

14 U08583

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

15 U08584

The development shall not be occupied until, with the exception of street furniture, the vehicle access to the site at the centre line, have been provided with clear to ground sight splays of 2 metres x 20 metres in either direction to the compass point, as measured from and along the nearside edge of the carriageway in Westbury Road. These sight splays shall be provided before the access is first used by vehicular traffic from the development and retained free of any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between the vehicles using the access and those in Westbury Road in the interest of highway safety.

16 U08585

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: TC5, CP1, H17, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

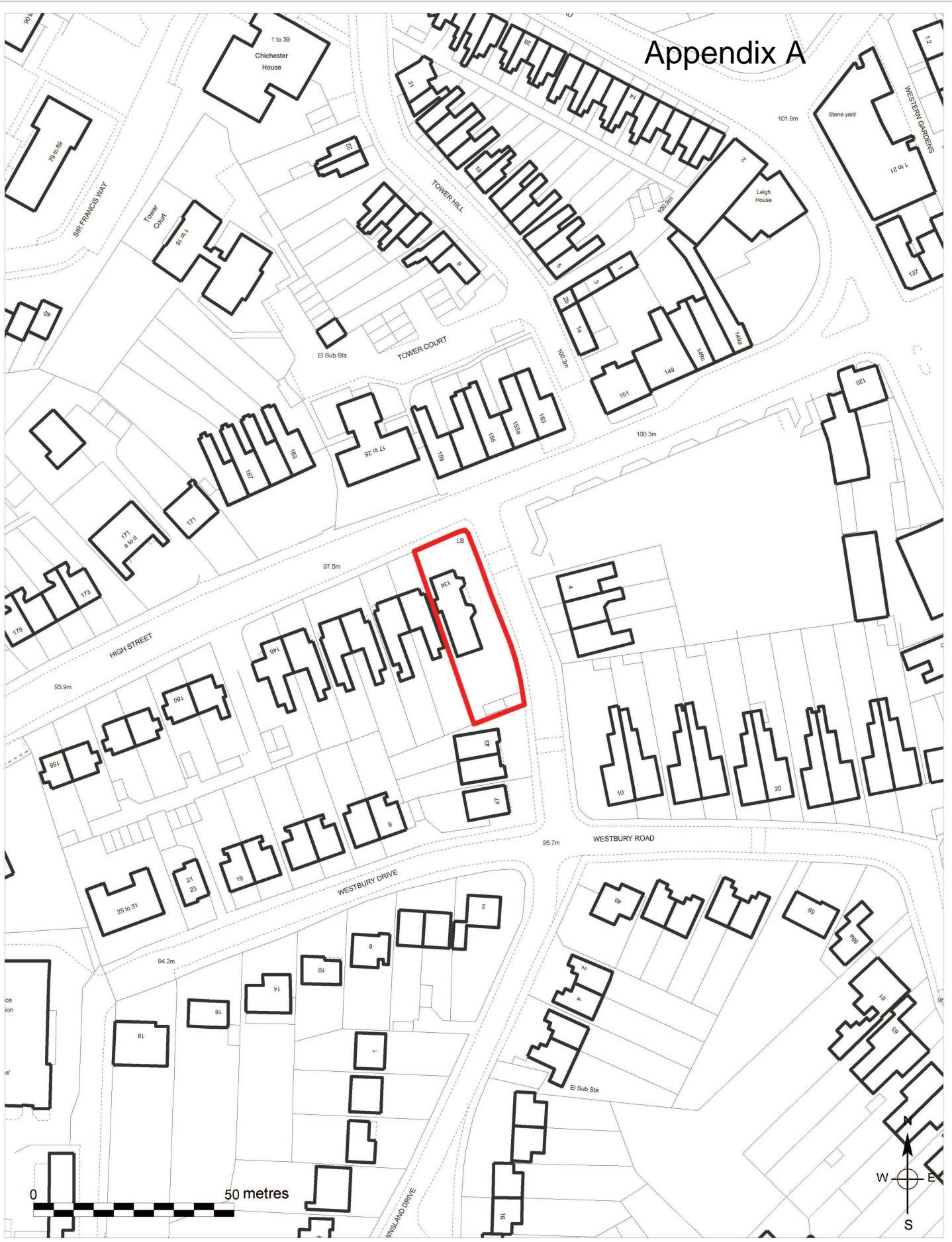
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: 134 High Street, Brentwood
14/00885/FUL

Scale 1:1250 at A4

Date 14th October 2014

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel: (01277) 312500



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SITE PLAN ATTACHED

08. 23 HIGH STREET INGATESTONE ESSEX CM4 9DU

PARTIAL DEMOLITION OF LISTED BUILDING. CHANGE OF USE FROM OFFICES TO 5 FLATS (1 X 1 BEDROOM, 4 X 2 BEDROOMS), AND ERECTION OF 2 BEDROOM COTTAGE WITH ASSOCIATED CAR PARKING, CYCLE AND BIN STORAGE, AND EXTERNAL ALTERATIONS , INCLUDING NEW DORMERS.

APPLICATION NO: 14/00594/LBC

WARD	Ingatestone, Fryerning & Mounthnessing	8/13 WEEK DATE	17.07.2014
PARISH	Ingatestone & Fryerning	POLICIES	NPPF NPPG CP1 C14 C15 C16 C17
CASE OFFICER	Charlotte Allen		01277 312536
Drawing no(s) relevant to this decision:	DESIGN AND ACCESS STATEMENT ; KEMSLEY LETTER ; 1 OF 6 ; 2 OF 6 ; 3 OF 6 ; 4 OF 6 ; 5 OF 6 ; 6 OF 6 ; 1 OF 3 ; 2 OF 3 ; 3 OF 3 ; SJG1079 1/1 ; SJG1079 1/1 ; SJG1079 1/1 ; SJG1079 1/1 ; SJG1079 1/1 ; REPORT ; 02 /B; 1 /A; 3 /A; 4 /A;		

This application was referred by Cllr Cloke from Weekly Report No 1649 for consideration by the Committee. The reason(s) are as follows:

The new two storey dwelling on the boundary of the application site by way of its size, scale, mass and bulk constitutes inappropriate development as it will have an overbearing impact on the neighbouring property contrary to Section CP1 of the Adopted Brentwood Local Replacement Plan and sits in the Conservation Area. It is also contrary to the Ingatestone Village Design Statement as accepted by Brentwood Borough Council.

Update since publication of Weekly List 1649

This application was previously presented to Committee alongside a full application for planning permission for the change of use of the building to residential flats and the construction of a new dwelling (reference 14/00593/FUL. After a full debate on the merits of the full planning application, the Committee resolved to refuse the applications. A decision notice has been issued for the planning application. Officers are seeking to establish the Committee's view on the Listed Building Consent application for works to the Listed Building. The Committee may either refuse the application, based on the advice given by officers on the effect of the works to the Listed Building, or may approve the application for works to the listed building, with conditions where appropriate. The approval of the Listed Building Consent application would not effect the outcome of the refused planning application.

1. Proposals

Listed Building Consent is sought for the change of use of the offices into 5 flats; 1x 1 bedroom flat and 4x 2 bedroom flats. As part of this proposal a single storey element to the rear elevation will be replaced with a two storey rear addition. Three dormers within the roof space are proposed to the front elevation.

It is also proposed to construct a two storey dwelling to the rear of the site.

Car parking, cycle and bin storage is also proposed.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

CP1 - General Development Criteria

C14 - Development Affecting Conservation Areas

C15 - Listed Buildings - Demolition, Alterations or Extensions

C16 - Development within the Vicinity of a Listed Building

C17 - Change of use of a Listed Building

3. Relevant History

- 14/00593/FUL: Partial demolition of Listed Building. Change of use from offices to 5 flats (1 x 1 bedroom, 4 x 2 bedrooms), and erection of 2 bedroom cottage with associated car parking, cycle and bin storage, and external alterations , including new dormers. -Application Refused

4. Neighbour Responses

51 neighbour letters were sent out, a site notice displayed and the application advertised in the press.

To date 5x letters of objection have been received which make the following comments:

- Loss of natural light; new dwelling would be located adjacent to three windows at The Barn, blocking out light, including 2x bedrooms and a bathroom (which has no other external window)
- Loss of view to High Street and skyline.
- Loss of telephone connectivity.
- Noise; located next to bedrooms and noise from development would disturb our rest.
- Loss of privacy; would have direct sight into house and garden.
- Inadequate parking.
- Cars coming and going would create noise and obstructions in Stock Lane.
- Unorthodox overhanging car port is out of keeping with the Conservation Area.
- Would break the historic link between 23 High Street and The Barn which were originally part of the same property.
- Additional traffic; Stock Lane is dangerous; increased traffic entering the proposed development would increase the already quite high risk of an accident.
- Potential to disrupt enjoyment of our property.
- Speculative.
- Overdevelopment of the site.
- Does not meet planning requirements such as car parking, cycle storage and amenity space.
- Vehicles have to back out onto a busy junction.
- Front door of cottage directly faces onto the road with almost no public footpath.
- Cottage will create a tunnel effect.
- Dormer windows add no architectural merit.
- Overbearing impact.
- Already suffers from parking congestion.
- Traditional joinery and appropriate materials should be used e.g. no UPVC windows and plastic rainwater goods.
- New dwelling will obscure right to light and cause loss of privacy.

- Not in-keeping with existing buildings
- Would further clutter the high density in the area.
- Increased vehicles would increase likelihood of pedestrian accident or collision.

5. Consultation Responses

- **Parish Council:**

OBJECTS to the erection of a new two bedroom cottage on the boundary of the application site and the adjacent property as it will create an overbearing impact on the neighbour contrary to the requirements of Section CP1 of the Local Plan.

In the case of the work required to be carried out to the grade 2 listed property the Parish Council has NO OBJECTION subject to heritage approving the work required.

- **Historic Buildings And Conservation Officer:**

Significance

23 High Street is a Grade II listed building with the Ingatestone High Street Conservation Area, character zone 1. The building originates from C17th, with a stucco Georgian façade, large sash windows and portico (Tuscan columns).

Proposal

Partial demolition of listed building. Change of use from offices to 5 flats (1x1 bedroom, 4x2 bedrooms) and erection of 2 bedroom cottage with associated car parking, cycle and bin storage, and external alterations, including new dormers.

Discussion

The existing building is Georgian, originating from C17th and formally listed as No.98 Corner House.20th. It is considered to be harmonious with the character of the Conservation Area and is located on an important corner within the village at the junction of High Street and Stock Lane.

Pre-application advice has been conducted, and the applicant has proactively sought to provide a well informed scheme with a sensitive regard for the heritage and significance of the heritage assets which would be impacted upon through this application. Having reviewed all of the information submitted please find my comments as follows:

The proposed cottage:

My comments previous comments included the following:

The proposed new development

Historical maps evidence the footprint of a building at the site of the proposed development. I would regard the bulk and scale as being crucial in any reinstatement of architectural form at this location, but the principle is acceptable in terms of the historical context. The urban grain is tight at this location with the junction of Stock Lane; it is a pinch point, quite typical of the Ingatestone Conservation Area.

The proposed architectural style is not out of keeping with the area, good materials and detailing of the fenestration would enable such to blend in to the setting and not be unsupportive of the Listed Building, this is apparent from the initial proposals from the architect although the ridge line presently looks too high and needs refinement, this was conveyed at the site meeting.

The proposed cottage upon the thoroughfare of Stock Lane I do not regard as being harmful to the Conservation Area nor the setting of the host listed building, however I would advise that height of the cottage needs reducing marginally (as stated in my previous advice) in order to be successfully implemented, at present it is still pushing the boundaries in terms of its bulk and presence within the street scene. The design narrative proposed is supportive of character, provided good materials and detailing are apportioned; the cottage would integrate well within the Conservation Area and have longevity of design. The rooflights should be black metal conservation type set flush into the roof and all rainwater goods cast metal painted black.

Change of Use

The host listed building is currently unoccupied and was formerly used as offices. Full inspections of the building have been undertaken. Having reviewed the information in terms for the subdivision of the building into flats my comments are as follows;

There is a level of variation in the sizes of the proposed units, importantly the sub-division has been led by the building. There are aspects where minor elements of historic fabric will be altered or removed and detailed information has been submitted within this application to both justify and mitigate the extent of such; it is important that a full recording of the building is undertaken prior to sub-division with each proposed unit allocated an up to date record of fixtures which must not be removed or altered without the consent of the Local Authority.

New fenestration is proposed to be inserted upon the Proposed Stock Lane elevation (see drawing 71813.04 Rev A), this is acceptable given the justification, however full details must be conditioned in order to ensure a high quality which does not undermine the host asset. Where existing fenestration is proposed to be blocked-up, this must be evident by recessing any blocked up apertures, any exposed lintels to be left intact to provide the ability to read the changes made to the heritage asset.

The staircase to the Attic space is an unusual reversed 'S' stair; this I would regard as being of high significance within the listed building; care in its restoration must be undertaken and under no circumstances should this element be altered or removed. Within the Attic space there are repair works necessary to strengthen the integrity of the Listed building (See report by Elphin & Brenda Watkin p.2); it is important that these are undertaken as a priority should permission be granted under this application, e.g. the eastern section of the roof space is un-floored at present. To ensure all repair works are undertaken with sensitivity I advise a watching brief is apportioned to these restorative works. I have no objections to the raising of the collars given the information submitted within the historic report.

Summary

In terms of the internal works to facilitate the sub-division, careful detailing and high quality materials must be used. It is imperative a full recording of the building is undertaken prior to any sub-division, that all fixtures and fittings of significance (as highlighted by the recording) are retained in order to protect the integrity of the statutory designated asset. A watching brief should be apportioned in the interest of the preservation of heritage assets. Provided the works are carried out sensitively and with due regard for both the host listed building and the Conservation Area, I have no objections on Conservation Grounds to the proposed works at 23 High Street.

I do have concerns as to the ridge height of the proposed cottage where a marginal reduction should be requested.

Recommendation

For the above reasons I am unable to fully support this application, however should permission be granted I would recommend conditions to include the following;

- The local planning authority shall be notified in writing of the date on which works are proposed to commence on site at least 14 days prior to such commencement in order to provide an opportunity, as required, for a site meeting involving a representative from the local planning authority, the applicant, agent and contractor to consider detailed elements of the works and to allow for a watching brief throughout the period of works.

- Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works a schedule showing the retention of elements, including reuse and new doors, ironmongery, railings, doorcases, fire surrounds, decorative boarding any panelling within the phase hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details. Such details are not included in the application as submitted and are required in the interests of the architectural and historic interests of the building
- Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works detailed plans and particulars of all proposed new windows, doors, staircases, handrails, inserted partitions and floor structures, structural alterations, rooflights (including positions), eaves, verges and cills to be used drawn by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details, this is in the interest of the character and integrity of the listed building.)
- The rooflights shall be of low profile conservation type, the specification to be approved by the local planning authority before work starts.
- Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.
- No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building without prior written approval of the local planning authority.
- No part of the fabric of the building, including any timber framing or infill panels shall be removed without the prior written approval of the local planning authority, unless specifically approved under this application.

6. Summary of Issues

The application site is located on the southern side of High Street, on the Corner with Stock Lane. The site is currently occupied by a detached Grade II Listed Building. The rear of the site is currently hardsurfaced for parking purposes with vehicular access gained from Stock Lane. The site is located within an area allocated for residential/office/shop purposes and is within the Conservation Area. There are a number of Listed Buildings in the vicinity of the application site, including the Grade I Listed Church of St Edmund and St Mary.

This application is for listed building consent and as such the only consideration is the impact of the proposal on the Listed Building. In this regard the Historic Buildings Consultant has commented that at pre-application stage concerns were raised about the height of the proposed new dwelling and it was stated that the ridge line needs refinement, although as historical maps evidence the footprint of a building at the site, reinstatement of architectural form at this location is acceptable in principle. The HBC comments that the proposed cottage would not be harmful to the setting of the Listed Building or the Conservation Area, however, advises that the height of the dwelling should be reduced marginally. The design narrative is supportive of character and would integrate within the Conservation Area and have longevity of design. Following these comments, the Agent has reduced the overall height of the new dwelling which the HBC has confirmed is now acceptable.

With regard to the change of use of the Listed Building, the HBC has commented that the sub-division has been led by the building, but where minor elements of the historic fabric are to be altered, detailed information has been submitted which to justify and mitigate the works. However, careful detailing and high quality materials must be used, and subject to conditions the HBC has no objections to the proposal.

Following revised plans, the HBC supports the application and subject to conditions the proposal is considered to be of an acceptable design which would not adversely impact the heritage assets and as such no objection is therefore raised in terms of Chapters 7 and 12 of the NPPF or Policies CP1, C14, C15, C16 or C17 of the Local Plan.

Other Matters

The reason for referral by Cllr Cloke refers to the impact of the new two storey dwelling in terms of size, scale, mass and bulk which would have an overbearing impact on the neighbouring property. However, it should be noted that during the course of the application, Officers secured a reduction in height of the new building which results in the new dwelling being of a very similar height to that of the existing adjoining dwelling. The windows at the adjoining dwelling which face the new dwelling serve a corridor/hallway which is a space which is not occupied for significant lengths of time and which are already fairly significantly screened by the existing high close-boarded fence on this boundary.

In the referral Cllr Cloke also states that the proposal is contrary to the Ingatestone Village Design Statement. However, the Planning Policy team have confirmed that that the Ingatestone Village Design Statement has not been formally adopted by the Council and as such the document holds little weight. However, it should be noted that this statement clearly outlines that;

- The majority of housing in Ingatestone is situated in a 'Residential Envelope'... Some limited development could still be possible within this envelope (Para. 2.1)
- Guideline 3.10: In the central High Street shopping area, any new buildings or re-development should front directly onto the pavement.
- Guideline 3.11: Any conversion of historic buildings should be carried out with great care to retain their appearance and special interest.

It is not considered that the proposed development would conflict with the Village Design Statement; however, as stated this document holds little weight.

In any case, this application is for Listed Building Consent and as such the only consideration is the impact of the proposal on the Listed Building.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM05 Standard Time - Listed Building Consent

The works hereby granted consent shall be begun on or before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 1990.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U08191

The local planning authority shall be notified in writing of the date on which works are proposed to commence on site at least 14 days prior to such commencement in order to provide an opportunity, as required, for a site meeting involving a representative from the local planning authority, the applicant, agent and contractor to consider detailed elements of the works and to allow for a watching brief throughout the period of works.

Reason: In order to preserve the character and integrity of the heritage assets.

4 U08192

Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works a schedule showing the retention of elements, including reuse and new doors, ironmongery, railings, doorcases, fire surrounds, decorative boarding any panelling within the phase hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details.

Reason: in the interests of the architectural and historic interests of the building

5 U08193

Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works detailed plans and particulars of all proposed new windows, doors, staircases, handrails, inserted partitions and floor structures, structural alterations, rooflights (including positions), eaves, verges and cills to be used drawn by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details, this is in the interest of the character and integrity of the listed building.)

Reason: In order to preserve the character and integrity of the heritage assets.

6 LBCV06 Conservation area roof lights

The roof lights indicated on the approved plans shall be cast iron conservation lights, details of which shall be submitted to and approved by the Local Planning Authority prior to commencement of the works.

Reason:- To at least preserve the character and appearance of the conservation area.

7 U08195

No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building without prior written approval of the local planning authority.

Reason: In order to preserve the character and integrity of the heritage assets.

8 U08196

No part of the fabric of the building, including any timber framing or infill panels shall be removed without the prior written approval of the local planning authority, unless specifically approved under this application.

Reason: in the interests of the architectural and historic interests of the building

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, C14, C15, C16, C17 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: 23 High Street, Ingatestone
14/00594/LBC

Scale 1:1250 at A4

Date 14th October 2014

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Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel: (01277) 312500



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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

**Planning and Development Control Committee
Terms of Reference**

- (a) Town and Country Planning Act 1990 and any related legislation including:-
 - (i) determination of planning applications
 - (ii) enforcement of planning control
 - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
 - (i) determination of applications for Listed Buildings and Conservation Area consent.
 - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
- (d) To determine fees and charges relevant to the Committee

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