



# **Planning and Development Control Committee**

## **Agenda**

### **Part One**

Council Chamber - Town Hall

Tuesday, 2 September 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**

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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.

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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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**APPLICATION NO:  
14/00631/OUT**

**5                    23 HIGH STREET                    Ingatestone, Fryerning and    47 - 68**  
**INGATESTONE ESSEX                    Mountnessing**  
**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**

**6                    23 HIGH STREET                    Ingatestone, Fryerning and    69 - 82**  
**INGATESTONE ESSEX                    Mountnessing**  
**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**

7            **149C -151HIGH STREET            Brentwood West            83 - 96**  
**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**

8            **Urgent business**



Acting Chief Executive

Town Hall  
Brentwood, Essex  
22.08.2014



## Minutes

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### Planning and Development Committee 22<sup>nd</sup> July 2014

#### Membership/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         |                    |

\*present

#### Substitute Present

Cllr Clark (for Cllr Mrs Cohen)  
Cllr Quirk (for Cllr Mrs Squirrell)

#### Also Present

Cllr Aspinell	Cllr Foan (West Horndon Parish Council)
Cllr Le-Surf	Cllr Keeble (Blackmore, Tipps Cross & Wyatts Green Parish Council)
Cllr Ms Sanders	Cllr North (Kelvedon Hatch Parish Council)
	Cllr Stacey (Mountnessing Parish Council)

#### Officers Present

Alex Bird – Senior Planning Policy Officer  
David Carter – Senior EHO (Team Leader)  
Yee Cheung – Senior Planning Officer  
Philip Cunliffe-Jones- Planning Solicitor  
Claire Hayden – Governance and Member Support Officer  
Alan Marsh – Arboricultural Assistant  
Kathryn Mathews - Senior Planning Officer  
Caroline McCaffrey – Development Management Team Leader  
Tony Pierce – Interim Head of Planning

**104. Apologies for Absence**

Apologies for absence were received from Cllrs Mrs Cohen and Mrs Squirrell.

**105. Minutes of Planning and Development Committee held on 24 June 2014**

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

**106. Planning Applications and Matters**

The Chair reminded those present of the procedure to be followed in order to allow the public, etc, to speak at the meeting, where requisite notice has been given,

Notwithstanding any comments made by the public, etc, Members were reminded that they had to base their decision on the material planning considerations appertaining to each application.

**107. 1-5 Roman Triangle, Roman Road, Mountnessing, Essex**

**Variation of condition 2 (time limit) to allow permanent residency, deletion of condition 3 (restoration of land to agricultural land) and variation of condition 9 (revised layout) of planning application 11/00711/ful (change of use of land to a caravan site involving the siting of 5 mobile homes, 5 touring caravans and construction of 5 day rooms/amenity blocks, an internal access road, hard standing for parking, and fencing/walls and gates to the external boundary and to divide the site)**

**Application no: 14/00244/FUL**

Mrs Reilly, the applicant, addressed the Committee in support of the application.

A Ward Member and Parish Councillors spoke on the item, raising their concerns over the site being in Green Belt and request that temporary permission is granted until the LDP has been agreed.

Mr Pierce informed members that within the LDP, Roman Triangle is a recommended site.

After a full discussion A motion was MOVED by Cllr Morrissey and SECONDED by Cllr Carter to approve the application.

Cllr Mrs Hones requested a recorded vote in accordance with Part 4.1 of the Constitution, Rule 9.5, five Members requested a recorded vote be taken and Members voted as followed:

FOR: Cllrs Baker, Carter, Clark, Morrissey, Mynott and Quirk (6)

AGAINST: Cllrs Cloke, Mrs Hones and McCheyne (3)

ABSTAIN: Cllr Mrs Henwood (1)

RESOLVED that planning permission be approved, subject to the conditions recommended.

(Cllr Hossack declared a personal interest under the Councils Code of Conduct by virtue of knowing one the applicant's children. Cllr Hossack, decided to the Chamber taking no part in the discussion or vote on the item).

**108. Warley Depot, The Drive, Warley, Essex  
Change of use part of existing depot store, building to a class 7 MOT Testing Station  
Application No. 14/00435/BBC**

Planning permission was approved for this application at the Planning and Development Committee on 24 June 2014. Unfortunately, revised architectural drawing to increase the size of the building to allow large vehicles to be tested were not received until after that meeting.

The motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Mynott to approve the application subject to the conditions recommended.

RESOLVED UNANIMOUSLY that planning permission be approved, subject to the conditions recommended.

FOR: Cllrs Baker, Carter, Clark, Cloke, Mrs Henwood, Mrs Hones, Hossack, McCheyne, Morrissey, Mynott and Quirk (11)

AGAINST: (0)

ABSTAIN: (0)

**109. Brentwood Planning Enforcement Plan**

Members were asked to consider and approve for consultation the draft Brentwood Planning Enforcement Plan along with revised High Hedges and Tree Enforcement Procedures. The draft Plan, to be amended after consideration of by members' Parish Councils' and public responses, will be presented to Council for approval and publication at a future meeting of this Committee. This will allow any interested parties to engage in setting objectives and suggesting priorities for enforcement action, as well as providing greater clarity and certainty to the investigation and development processes.

Planning Enforcement is essential to protect the quality of life of people who live and work and visit the area. It is also essential to support confidence in the integrity of the Planning system. It can be technically complex, but the draft plan links to Government Guidance and it is hoped that this assists in clarifying issues and priorities. The draft Plan includes proposed standards for openness, proportionality and consistency of procedures particularly relating to identification of unauthorised development; priorities for investigating and reporting on potential planning breaches, options for decision, and completion of an investigation.

The appendices of the draft Plan set out the Enforcement Toolkit, the procedure notes for Tree Preservation Order enforcement and high hedges. There is also further detailed legal information on untidy land notices and hedgerows.

A motion was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Henwood to approve the recommendation set out in the report.

**FOR:** Cllrs Baker, Carter, Clark, Cloke, Mrs Henwood, Mrs Hones, Hossack, McCheyne, Morrissey, Mynott and Quirk (11)

**AGAINST:** (0)

**ABSTAIN:** (0)

**RESOLVED UNANIMOUSLY to:-**

2.1 Approve the draft Brentwood Planning Enforcement Plan for public consultation, as shown in Appendix 1.

2.2 Agree that the draft Brentwood Planning Enforcement Plan as amended as a result of consultation responses to be considered for approval and publication at a future meeting of Planning Committee.

## **110. Urgent Business**

The Chair raised the issue of whether any controls apply where the change of use to Class A1 (Shop) takes place from a Class A3 /A4 (food and drink or public house. It had come to notice recently with the change of use of establishments in Warley and Hanging Hill Lane to Tesco Metro that traffic obstructions were created and this may be a possible breach of Article 3 of the Permitted Development Order. Although a Highway Officer was not present he asked that this be looked at with Tesco and the County Highway officers.

The Chair permitted a question to be asked by Councillor McCheyne about progress in the appointment of the new Head of Planning, and a question from Cllr Hossack regarding the Travellers recently arrived in Hutton. Tony Pierce responded to the first question and David Carter to the second.

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**SITE PLAN ATTACHED**

**03. 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**

<b>WARD</b>	Brizes & Doddinghurst	<b>8/13 WEEK DATE</b>	18.07.2014
<b>PARISH</b>	Doddinghurst	<b>POLICIES</b>	NPPF NPPG H6 H9 H14 H17 CP1 T2
<b>CASE OFFICER</b>	Charlotte Allen		01277 312536
<b>Drawing no(s) relevant to this decision:</b>	PL 02 ; PL 03 ; PL 04 ; PL 10 ; PL 11 ; PL 12 ; PL 13 ; PL 14 ; PL 15 ; PL 16 ; PL 17 ; PL 18 ; PL 19 ; PL01A ;		

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

This application was referred to Committee by Cllr Blake on behalf of the Parish Council for the following reason: The officers recommendation is for a refusal on the basis that (1) the development does not seek to provide any affordable housing to the detriment of local housing opportunities and (2) that the two dwellings to the front of the site are of poor design and fail to take in the local distinctiveness of the area.

**Update since publication of Weekly List 1649**

**Since the application appeared on the Weekly List 7 additional neighbour representations have been received and Planning Policy and Housing comments have also been received and are now included in the Committee report.**

## **1. Proposals**

Planning permission is sought for the demolition of the existing buildings on the site; a former doctors surgery and a dwelling and it is sought to construct 5x detached dwellings on 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.

H6 - Small Unit Accommodation

H9 - Affordable Housing on Larger Sites

H14 - Housing Density

H17 - Dormer Windows

CP1 - General Development Criteria

T2 - New Development and Highway Considerations

## **3. Relevant History**

- 13/00578/FUL: Construction of 2 No dwellings. -Application Refused
- 13/00008/OUT: Outline application for the demolition of former doctors surgery and construction of two detached dwellings. Access, layout and scale to be determined. appearance and landscaping reserved. -Application Permitted
- 12/01280/OUT: Outline Application with all matters reserved for 2 No detached residential dwellings. -Application Permitted
- 12/00718/OUT: Outline application with all matters reserved for 3 no. detached residential dwellings. -Application Refused
- 01/00014/FUL: Formation Of An Area Of Hardstanding To Provide Additional car Parking Spaces. -Application Permitted

#### 4. Neighbour Responses

26 neighbour letters were sent out and a site notice displayed.

To date 10x letters have been received, eight objections, one support and one neither explicitly providing support nor objection to the proposal:

8x objection letters makes the following comments:

- Plots 1 and 5 are too high to be in-keeping with the area as Outings Lane is predominantly bungalows of 1.5 storey chalet style properties.
  - Sub-standard parking. 10 parking spaces unlikely to be adequate for a site with 22 bedrooms. Deficient 6/7 spaces. No visitor parking provided. Poor public transport in the area means more parking should be provided. Existing parking bays still used by some residents.
  - Believe parking will overspill onto Outings Lane - was previously a problem with the doctors, causing congestion and danger.
  - People will park in the road/ on pavement.
  - The width of Outings Lane adjacent to the plot is narrow.
  - Plot 4: the windows of the landing, bedroom 1 en-suite and bedroom 3 have direct line of sight into first floor rooms in Bardfield Cottage on Blackmore Road - request removed and sky lights used instead.
  - Overlooking from plot 2, 3, 4 and 5 of gardens and rooms.
  - If these matters can be addressed we have no further objections.
  - No objection in principle but object to submitted application.
  - Loss of view.
  - Cause loss of privacy and overlooking. Windows facing my property should be fixed and frosted.
  - No objection to trees being retained but need to be maintained.
  - Outings Lane/ Blackmore Road junction is already problematic - should be improvements to the junction as part of the development. Road network already struggles with traffic volume.
  - Back garden development should be avoided as it has an unacceptable detrimental impact on the visual amenity and character and appearance of the area contrary to CP1(i).
  - Other houses in Outings Lane are on generous plots with long gardens giving open and spacious feel to streetscene. Proposal would be crammed with detached houses on comparatively small plots.
  - Height would be overbearing
  - Size and scale will dwarf nearby properties and are not compatible with their location; particularly concerning as adjoining property Barfield Farm is Grade II Listed.
  - Unimaginative run-of-the-mill executive house design.
  - Overbearing and loss of light.
  - Loss of mature trees.
  - Increased noise from gardens and traffic noise and general disturbance.
- Disturbance during construction.

- Concerns about impact of foundations.
- Overdevelopment of the site.
- Replacing gardens with houses will have unacceptable impact on the visual amenity of the site and area.
- Design is incompatible with the area and style of design is not of a high standard compared to the area.
- Surrounding properties have been refused three storey as incongruous.
- Local wildlife including badgers and newts are present.
- No consultation with local residents have taken place.
- Will create crowded and overlooked homes.
- Will part urbanise what still remains a rural area.
- Will be beyond the financial reach of most new families.
- No intention for adoption of this cul-de-sac.

1x letter of support makes the following comments:

- In favour of the proposal.
- Would be a welcome addition to the area.
- Only concern is that a footpath is shown leading to the entrance of the site from Blackmore/Hook End Road but not continuing thereafter.
- Feel there could and should be a footpath in front of Plot 1 so the footpath is continuous ensuring pedestrian safety.
- Have children attending Doddinghurst School and the journey can be treacherous in its current state, however, current proposal requires pedestrians to either walk in the road or on the grass verge which will deteriorate.

1x letter which does not expressly state whether it supports or objects to the proposal comments:

- Welcome application for executive homes which is in-keeping with the surrounding properties.
- Each property is slightly different is also in-keeping with Outings Lane.
- Concerned whether there is sufficient parking; have single garages, properties this size normally have garaging for two vehicles and additional parking. Request garage sizes checked to be large enough for family sized vehicle. Three properties can accommodate just two vehicles, with limited parking available for visitors which has proven troublesome elsewhere.
- Want to avoid the situation when doctors surgery was open which resulted in parking down Outings Lane.
- Support style and size of properties proposed.
- Wonder if it would be better to reduce the number of properties to 4 to provide sufficient parking.

## 5. Consultation Responses

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application as shown on Revised Drawing no. PL01 Rev.A, subject to the following conditions being attached to any approval, given the location, the previous use of the site and the area to be available for parking within the sites, which will comply with Brentwood Borough Council's adopted parking standards for the proposed dwellings.

1 The development shall not commence until layout and construction details of the proposed parking area within each site have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the parking areas have been provided in accordance with the approved details.

Reason: To ensure that appropriate parking is provided in accordance with Brentwood Borough Council's adopted parking standards and to avoid the displacement of loose material onto the highway in the interests of highway safety.

2. The development shall not commence until details showing the means to prevent the discharge of surface water from the proposed parking area, within each site, onto the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been carried out in its entirety and thereafter 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.

3. The development shall not be occupied until a kerbed footway as shown on Revised Drawing no.PL01 Rev.A has been provided adjacent to the carriageway of Outings Lane, and a grass verge has been provided between the footway and the site boundary, 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.

4. Any tree planting proposed within the highway shall be agreed with the Highway Authority. Trees shall be sited clear of all underground services and visibility splays. All proposed tree planting shall be supported by a commuted sum, to be agreed with the Highway Authority, to cover the cost of future maintenance.

Reason: To avoid the interference with visibility splays and services within the highway in the interest of highway safety

5. 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 Outings Lane and 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 6. Prior to occupation of the proposed development, the Developer shall provide a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, 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 proposed dwelling.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- **Environmental Health & Enforcement Manager:**

Response awaited

- **Arboriculturalist:**

The root protection area (RPA) needs to be plotted and a method statement provided and agreed as to how works will be carried out in close proximity to the RPAs. This can be secured via condition. A shade assessment should also be required and a landscaping scheme be conditioned.

- **Planning Policy:**

The site was allocated in the Preferred Options (LDP) last summer (July 2013 consultation). the details of the application, such as density, design, access, etc, are subject to your assessment. From an emerging policy position we're mindful of the increased housing need in the Borough and need to maximise brownfield land wherever appropriate in terms of density.

We have recently published our latest Strategic Housing Market Assessment (SHMA) - although this is draft it sets out the need for affordable housing in the Borough which is considerable.

We'll need to consider the proposal in light of Borough wide needs for affordable units.

The proposal is for 5x 4-5 bed homes, where evidence suggests the need for more of a mix of homes, particularly smaller units (2-3 bedroom units). So the mix of units is as important as affordable housing provision.

- **Parish Council:**

The council is in favour of this development with the following conditions:

- (i) The pavement along Outings Lane past the old surgery site is realigned to eliminate the bay originally created for surgery car parking.
- (ii) Adequate car parking is provided within the development site to avoid the need for future residents, and their visitors, having to park on Outings Lane.
- (iii) Double yellow lines are added to the end of Outings Lane where it intersects with Blackmore Road at Deal Tree Corner to deter people from parking near the junction

- **Historic Buildings And Conservation Officer:**

Significance

In close proximity to Grade II listed Barfield Farmhouse and adjacent to the Green Belt.

Proposal

Demolition of former doctors surgery and adjacent dwelling known as The Landings and construction of 5 No. Detached dwellings.

Discussion

The application site is located in Doddinghurst, accessed from the main thoroughfare of Outings Lane. Immediately adjacent is a strip of Green Belt land which separates the site from the Grade II listed C17th Barfield Farmhouse, a former hunting lodge (English Heritage Building ID: 373611). The properties in close proximity to the site are predominantly modest and of a chalet style, with a few mid to late C20th forms which are distinctively in an architecture of their time, there is also a limited number of terraced dwellings on the Blackmore Road. The proposals within this application are twofold; firstly to demolish the doctors surgery and The Landings, and secondly to construct five new dwellings within the demise. I raise no objections to the principle of demolition for the elements within this application, however having reviewed the submitted information I do have concerns regarding the design, these are as follows;

The principal concern is in relation to the scale of the proposed dwellings and design language for the two primary Plots (Plot 1 and Plot 5). The proposed scheme intends to place these two substantial properties facing the main thoroughfare of Outings Lane. The placement of these can be acceptable in principle however the design of Plot 1 and Plot 5 I would regard as incongruous within the street scene, which comprises modest dwellings of local distinctiveness. The proposed Plot 1 appears to be derived from early C20th language, which may be acceptable in detail but in terms of scale I advise this is too great for the location. As with Plot 5 the scale and design must be studied further with due regard for the local distinctiveness and the adjacent listed building, a more informed and lesser

challenging design may provide the solution for the treatment of the principle frontage. The proposed remaining Plots (2, 3 and 4) are still substantial dwellings, although are designed with a more inherent understanding of the context.

In addition to the above comments I regard landscape proposals should be integrated within the scheme, I advise such information is dovetailed into the design approach with material and design intent towards detailing to give transparency at the application stage.

Recommendation

For the above reasons I am unable to support this application and consequently recommend refusal.

- **Housing Services Manager:**

In principle I would expect one affordable unit to be provided unless some alternative community/borough benefit was offered.

- **Anglian Water Services Ltd:**

Response awaited

- **Essex & Suffolk Water:**

Response awaited

- **Open Space Strategy Coordinator:**

Response awaited

## 6. Summary of Issues

The application site is located on the south-western side of Outings Lane. The site adjoins residential dwellings to the north-west and residential gardens to the south-west. There are residential dwellings opposite the site and to the south-east, the site adjoins Green Belt land with Barfield Farm located beyond a undeveloped strip of land, which is a Grade II Listed Building.

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 proposal, design, impact on the adjoining heritage asset, residential amenity, living conditions, parking and highway considerations and landscaping.



## Principle of the Development

The site is allocated for residential purposes in the Local Plan and as such the principle of developing the site for residential purposes is acceptable, subject to other factors such as design, residential amenity and parking considerations.

The NPPF states at Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

In terms of Local Plan Housing Policies, Policy H6 states that in new housing development, the Council will seek a mix of units of suitable sites of 6 units or more or on suitable sites of 0.2 hectares or more, 50% of the total units should be 1 or 2 bedroom properties, except where it can be demonstrated that such a mix of units would be inconsistent with the character of the area. Whilst this proposal constitutes 5 dwellings, the site area exceeds 0.2ha, therefore this Policy is applicable. In this regard, the Design and Access Statement submitted indicates that the existing properties on Outings Lane are predominately detached family homes with large plots and that the proposed dwellings would therefore be in-keeping with the grain of the area. In this regard, it is evident that the existing dwellings on Outings Lane tend to be family sized detached dwellings on large plots. As such it is considered that the character of the area is such to warrant a departure from Policy H6 and no objection is therefore raised on this basis.

Policy H9 of the Local Plan states that on sites of 5 units and above or suitable sites of 0.16ha or more within the defined settlements outside of the Brentwood Urban Area, the Council will seek a proportion of 35 percent of the number of dwelling units to provide affordable housing. The Agent has referred to the development as a replacement dwelling and the construction of 4 new dwellings, however, the proposal constitutes a development of 5 new dwellings and in any case the site area exceeds 0.16ha. Therefore the requisite affordable housing is required, the Council's Housing Department supports this, commenting that one affordable unit would be expected. The Agent was advised of the affordable housing requirement at pre-application stage, however, has made no reference to affordable housing in the formal submission. The application is therefore contrary to Policy H9 of the Local Plan and Chapter 6 of the 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.

In this regard, it is noted that the reason for referral indicates that the village has adequate affordable housing with the Village Neighbourhood Plan Housing Needs Survey 2012/13 indicating that there is no additional requirement for affordable housing in Doddinghurst for the next 20 years. However, this document has not been adopted by the Council and appearance to just be a survey of local people which includes a question asking is affordable housing is needed in the area. The Planning Policy team have commented in this regard that the draft Strategic Housing Market Assessment (SHMA) indicates that there is a considerable need for affordable housing in the Borough and that this proposal will need to be considered in light of Borough wide needs for affordable units.

Local Plan Policy H14 states that residential densities will be expected to be no less than 30 dwellings per hectare, unless the character of the area determines that such densities would be inappropriate. This proposal seeks to develop at a density of some 15 dwellings per hectare which is contrary to Local Plan Policy H14 and the NPPF which encourages the effective use of land. However, given the existing density of the surrounding area, and the rural, village character of the area, the proposed density would not be out of keeping with the area and as such no objection is raised to the proposal on this basis.

#### Design and Impact on the Adjoining Heritage Asset

The Council's Design and Historic Buildings Consultant has commented that properties in close proximity to the site are predominantly of a chalet style. No objection is raised to the principle of demolishing the existing buildings on the site, however there are concerns about the design proposed. The main concern relates to the scale of the proposed dwelling and the design language of the two primary plots (plots 1 and 5). Whilst the placement of two dwellings on plots 1 and 5 can be acceptable in principle, the design is incongruous in the streetscene and out of keeping with the local distinctiveness of the area and the scale is too great for the location. The area must be studied further and regard had to local distinctiveness and the adjacent Listed Building; a more informed and less challenging design may provide the solution. The other plots (2,3 and 4) are still substantial dwellings, although are designed with a more inherent understanding of the context. The landscaping proposals should also be integrated within the scheme. As such the Design and Historic Buildings Consultant recommends that the application is refused.

Given that the scale and design proposed differs substantially from the character and local distinctiveness of the area it is considered that the proposed development would result in an incongruous development which would be detrimental to the character and appearance of the area. The design and scale proposed has little regard to the setting of the adjoining Listed Building and as such it is also considered that the proposal would substantially harm the setting of the adjoining Listed Building. The proposal is therefore contrary to Chapters 7 and 12 of the NPPF and Policies CP1 and C16 of the Local Plan.

## Residential Amenity

In terms of dominance and overbearing, given the location of the proposed dwellings in relation to the existing dwellings it is not considered that the development would adversely impact the residential amenity of the adjoining existing residents in this regard. Similarly, given the separation spaces between the proposed dwellings on the development it is not considered that the new dwellings would materially dominate or overbear each other. No objection is therefore raised on this basis.

In terms of overlooking, it is considered that the ground floor windows could be adequately screened by boundary treatments, details of which can be secured by condition. In this regard a condition requiring existing and proposed levels will also be required. With regard to first floor windows proposed the majority of the windows will not result in any undue overlooking as they overlook the public realm or the undeveloped land adjacent to the south-east.

However, there are some windows which have the potential to result in overlooking:

Plot 1: the first floor rear windows serving bedrooms 2 and 4 are located between 7.2m and 12.4m from the boundary at Plot 2. However, there is an intervening detached garage and there are no windows in this elevation at Plot 2 facing Plot 1. As such it is not considered that this part of the proposal would result in a material level of overlooking.

Plot 4: the rear windows serving bedrooms 2, 4 and 3 are located some 12m from the boundary which adjoins an existing residential garden. However, given this isolation space and the fact that the windows do not directly overlook any habitable rooms or the adjoining dwelling it is not considered that this would result in significant or material levels of overlooking or loss of privacy.

Plot 4 has a secondary bedroom window to bedroom 3, a window to the stairs and an en-suite window located between 8m and 3m from the boundary with the adjoining existing dwellings in Blackmore Road. A neighbour has raised concerns about these windows specifically. However, given the purposes of these windows and the spaces they serve, these windows can be conditioned to be obscure glazed and non-opening to mitigate any overlooking from these windows.

Given the design of the dwellings and their locations within the plots, subject to conditions requiring some windows in the development to be obscure glazed it is not considered that the proposal would result in any significant or demonstrable harm in terms of overlooking or loss of privacy.

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

## Living Conditions

All of the 5 dwellings proposed would be provided with private amenity spaces (subject to adequate boundary treatments which would be secured by condition) which exceed the 100 sq. m minimum recommended. All habitable rooms will be provided with windows to provide light, ventilation and outlook. As such the proposal would provide adequate living conditions for any future occupiers. No objection is therefore raised on this basis.

## Parking and Highway Considerations

The Highway Authority has raised no objection to the application following revised drawings having been received, subject to conditions, given the location, the previous use of the site and the area to be available for parking within the sites which will comply with the parking standards. Subject to such conditions, no objection is therefore raised on this basis.

## Landscaping Considerations

The Tree Officer has commented that the Council requires the root protection area (RPA) to be plotted and a method statement to be submitted and agreed by the local planning authority prior to any works being undertaken to determine how the development will be undertaken in close proximity to trees on the site. A shade assessment should also be sought to ensure that the trees are not sought to be removed when the dwellings are occupied. A landscaping scheme will also be required. These details can be secured by conditions.

## Other Matters

The majority of the neighbour comments have already been considered, including design, parking, highway concerns, residential amenity and landscaping and tree impacts. With regards to the concern raised about a footpath being omitted from the plans, this has now been shown on revised plans submitted by the Agent. With regard to comments that the site would be more suitable for 4 dwellings, the Local Planning Authority must consider the application as submitted. Loss of a view is not a material planning consideration. The residential use of the site will not cause unacceptable noise levels to adjoining residents. Noise during construction is not a reason to refuse a planning application, however, a condition requiring a construction method statement can be attached to any grant of consent to limit such impacts on adjoining residents. Concerns about the building works impacting the structural integrity of adjoining residents is also not a material planning consideration and is dealt with by the Party Wall Act.

With regard to comments received about other three storey developments being refused in the area, it should be noted that each planning application must be considered on its own merits. It has been suggested that there are protected species on the site. No ecology survey has been submitted, which ideally should have been submitted with the application, however, now concerns have been raised in this regard a condition can be imposed on any grant of consent requiring an ecology survey before any works commence. Concerns have been raised that the cul-de-sac will not be adopted, however, the Highway Authority has raised no objection with regard to the proposal.

## Conclusion

The proposed development would have benefits; it would provide 5 new dwellings in the Borough and building works would boost the building trade, however, it is not considered that the benefits of the proposal would outweigh the significant harm identified as a result of the poor design of the scheme which fails to take account of the local distinctiveness and which would harm the setting of the adjoining Listed Building and by virtue of the lack of any provision of affordable housing on the site. The proposal is therefore recommended for refusal on this basis.

## 7. **Recommendation**

The Application 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.

### Informative(s)

#### 1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: H6, H9, H14, H 17, CP1, C16, T2 the National Planning Policy Framework 2012 and NPPG 2014.

#### 2 INF20

The drawing numbers listed above are relevant to this decision

#### 3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

### *BACKGROUND DOCUMENTS*

### **DECIDED:**

# Appendix A



Title: The Surgery Site And Landings Outings Lane Dodinghurst Essex CM15 0LS  
14/00627/FUL

Scale 1:1250 at A4

Date 2nd September 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 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**

<b>WARD</b>	Brizes & Doddinghurst	<b>8/13 WEEK DATE</b>	15.07.2014
<b>PARISH</b>	Kelvedon Hatch	<b>POLICIES</b>	NPPF NPPG GB1 GB2 CP1 C5 C7 T2
<b>CASE OFFICER</b>	Charlotte Allen	01277 312536	
<b>Drawing no(s) relevant to this decision:</b>	8007_100_00 ; 3D02 ; PLANNING STATEMENT ; LO1 ; LO2 ; TOPOGRAPHICAL SURVEY ; ARBTECH TCP 01 ; TREE SURVEY ;		

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

This application was referred to Committee by Cllr Parker on behalf of the Parish Council who believe that the village envelope as depicted in the local plan is both out of date and is not a true picture of the village boundaries.

**Update since publication of Weekly List 1649**

**A consultation response from Planning Policy has now been received and is included in the report.**

**1. Proposals**

Outline planning permission is sought for the construction of a new dwelling on the northern side of School Road, between the properties known as 'Woodside' and 'Heathlands'. The matters of detail to be determined as part of the current application are access, layout and scale. The matters reserved for future determination are appearance and landscaping.

In terms of access, it is proposed to create an in-out driveway,

In terms of layout, the building line proposed would see the front of the dwelling located behind Woodside, but in front of Heathlands. The dwelling would be located 3.5m from the western boundary with Woodside and 1.2m from the eastern boundary with Heathlands. A private amenity garden will be provided to the rear of the site. Internally, the dwelling would be provided with a study, dining room, W.C, utility room and open plan kitchen, dinner, lounge area at ground floor level and a bathroom, four bedrooms; one of which will have an en-suite and dressing room at first floor level.

In terms of scale, the proposed dwelling measures 12.1m in width, 14.5m in depth and has a maximum height of 7.9m. The elevations submitted indicate that the new dwelling will exceed the maximum height of the immediately adjoining dwellings by between 0.6m - 0.8m.

Appearance is reserved but the indicative plans indicate that the house would be a two storey dwelling with two front gable projections, an entrance canopy with velux windows over and rear gable projections and a rear dormer.

Landscaping is also reserved but there are Tree Preservation Orders on the site and as such a tree survey has been submitted and details have been included such as, the rear garden will be laid to lawn

## **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.

GB1 - New Development in the Green Belt

GB2 - Development Criteria

CP1 - General Development Criteria

C5 - Retention and Provision of Landscaping and Natural Features in Development

C7 - Development Affecting Preserved Trees, Ancient Woodlands and Trees in Conservation Areas

T2 - New Development and Highway Considerations

### **3. Relevant History**

- 07/00982/FUL: Proposed New Residential Dwelling (Outline Planning Application With All Matters Of Detail Reserved For Future Determination Except For Layout And Scale) -Application Refused

### **4. Neighbour Responses**

5 neighbour letters were sent out and a site notice displayed. To date three neighbour objections have been received which make the following comments:

- See no reason for a dwelling to be erected on Green Belt land.
- Further loss of wildlife habitat including deer, badgers, birds, bats.
- Potential damage during construction to the trees, especially TPOs.
- No need for dwelling to have an in-out drive as this is not a consistent feature in the road.
- Concerns over the right of way.
- Once dwelling established on site could lead to planning permission for further dwellings to the rear of the property which would be unacceptable.
- Further strain on already overstretched local amenity infrastructure.
- Construction traffic would further deteriorate the road surface.
- Would increase the possibility of further traffic issues for school access and child safety.
- Would destroy the natural beauty of the area.
- It is Green Belt; there is not much Green Belt left in Kelvedon Hatch
- Is only access to SSSI.
- Will jeopardise the eco-system.
- Reduce natural aesthetics of the village.
- Out of proportion to the plot.
- Position of building would damage root system of protected trees.
- Planning permission previously refused - nothing has changed
- There are no very special circumstances.
- Encroaches on the countryside.
- Remove openness of Green Belt.
- Strategic Housing Land Availability Assessment indicates there is no need to build on Green Belt land.
- Windows would face my property.
- Would have greater height than my property.
- Would impose on light.

## 5. Consultation Responses

- **Parish Council:**

Response awaited

- **Essex Wildlife Trust:**

Response awaited

- **Natural England:**

The application is in close proximity to The Coppice, Kelvedon Hatch Site of Special Scientific Interest (SSSI).

Natural England considers that impacts to the adjacent The Coppice Kelvedon Hatch SSSI can be avoided by suitably worded conditions which seek to achieve the following:

- No incursion into the SSSI is permitted. The SSSI boundary must be retained.
- No construction materials or waste products are to be stored or disposed of on the SSSI/
- No construction access (by vehicle or on foot) is to be gained through the SSSI.

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application, subject to the following condition being attached to any approval;

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres x site maximum as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway 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.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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.

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

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

5. 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.

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

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

7. 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.

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

- **Environmental Health & Enforcement Manager:**

This service has no observations on the above outline application

- **Arboriculturalist:**

The construction/design of the proposal does not take into account the RPA of the trees situated at the rear of the property - trees that are preserved and therefore recommend refusal.

- **Planning Policy:**

At present the Borough does not have a five year supply of deliverable housing land. This interim position will remain the case until a revised Draft Local Plan is published for consultation later this year, including 2013/14 residential monitoring data. Based upon the best information available to date, objectively assessed housing need is 362 dwellings per annum (1,810 dwellings over the five year period).

With regard to village boundaries, the Council is preparing a Local Development Plan to replace the current 2005 Local Plan. The most recent consultation version was available for consultation between July to October 2013 Brentwood Draft Local Plan 2015-2030 Preferred Options for consultation (July 2013). Further consultation is expected later this year. Until this further consultation document is published it would be premature for the Council to consider permitting greenfield Green Belt land for development against local and national policy before considering all proposed sites.

## **6. Summary of Issues**

The site is located on the northern side of School Road and forms a previously undeveloped area of land with some mature trees on the site (including Tree Preservation Orders). There is a small post and rail fence to the front of the site. The plot is flanked each side by dwellings.

The application site is located within the Green Belt and is located adjacent to a SSSI. As such the main considerations in this case are Green Belt considerations, design, residential amenity, living conditions, landscaping and ecology considerations and parking and highway considerations.

### Green Belt Considerations

Is the development inappropriate development in the Green Belt:

The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt with some exceptions. However, this proposal does not satisfy any of the exceptions to inappropriate development. Within the planning statement submitted, the Agent refers to the fifth bullet point of Paragraph 89 which states that an exception to inappropriate development is for the limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan.

However, the site is located outside the village boundary and is not included in Local Plan Policy GB4 which identifies areas in the Green Belt where new residential dwelling on genuine infill plots can be permitted in the Green Belt. Therefore the proposal does not constitute an exception to inappropriate development and as such, the proposal constitutes inappropriate development in the Green Belt.

#### Openness of the Green Belt:

The development of a previously undeveloped piece of land with a dwellinghouse would result in a significant reduction in openness to this part of the Green Belt. It is noted that there are dwellings to each side of the property, however, this break in built form enables views through from School Road to the Green Belt beyond. If permitted, this development would result in harm to the openness of the Green Belt and would result in sprawl contrary to the purposes of including land in the Green Belt. The development is therefore contrary to Chapter 9 of the NPPF and Policy GB2 of the Local Plan.

#### Design

Although appearance is reserved for later determination, indicative elevations have been supplied. The dwellings in this part of School Road are typically 1 and a half or two story dwellings. Gable projections are not uncommon and as such the construction of a detached house with gable projections would not result in an incongruous dwelling in the streetscene. Whilst the ridge height proposed exceeds that of the adjoining residents, given that the roof slopes back into the plot and given that the difference is less than 1m it is not considered that the scale of the dwelling would be overly prominent or out of character. The building line proposed is also acceptable. As such the scale and layout proposed are acceptable and no objection is raised to the design of the dwelling 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, the front windows overlook the public realm and as such would not result in any undue overlooking. Given the depth of the plot and given that there are no dwellings to the rear of the site, the rear windows would also not result in any material overlooking. The ground floor side windows proposed can be screened by boundary treatments and the first floor side windows can be conditioned to be obscure glazed with limited openings to prevent overlooking. Subject to conditions no objection is therefore raised on this basis.

In terms of an overbearing impact, whilst the proposed dwelling extends significantly beyond the rear wall of Woodside, given the isolation space between the dwellings and the existing detached garage at Woodside, it is not considered that the proposed dwelling would result in undue harm to the living conditions of the occupiers to Woodside on this basis.

With regard to Heathlands, given that Heathlands is located fairly far back into the plot and given the isolation spaces proposed it is also not considered that the proposal would result in any undue overbearing impact to the occupiers of this dwelling.

No objection is therefore raised on this basis 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 providing adequate light, ventilation and outlook. Parking will be provided and an adequately sized garden is proposed. As such, the proposal would provide adequate living conditions and no objection is therefore raised on this basis.

#### Landscaping, Tree and Ecology Considerations

The Tree Officer has commented that the construction and design of the property doesn't take into account the root protection area (RPA) of the trees situated at the rear of the property which are preserved and therefore recommends that the application is refused. An objection is therefore raised in terms of Paragraph 17 of the NPPF which states that planning should contribute to conserving and enhancing the natural environment and Policies C5 and C7 of the Local Plan which aims to retain and enhance natural features in developments.

Landscaping details are a reserved matter, however, a landscaping scheme would be required to ensure the development is acceptable in terms of the visual amenity of the area.

The application site is located in close proximity to a SSSI. In this regard, Natural England have commented that impacts to the adjacent SSSI can be avoided by suitably worded planning conditions to ensure there is no incursion into the SSSI and that no construction materials or construction access is gained through the SSSI. Subject to such conditions no objection is raised on this basis.



## Parking and Highway Considerations

The Highway Authority has raised no objection to the proposal, subject to conditions. As such and subject to the conditions recommended, it is not considered that the proposal would harm highway safety and would provide adequate parking. No objection is therefore raised on this basis.

## Other Matters

The majority of the neighbour comments have already been addressed such as Green Belt concerns, design, ecology, impact on trees and traffic and highway considerations. With regard to the concern about this approval resulting in applications for new dwellings at the rear; there is no evidence to suggest that this will occur and in any case each application must be considered on its own merits. Concerns about construction traffic is not a material planning consideration, although a condition can be attached to any grant of consent requiring a construction method statement to be submitted.

With regard to concerns about a right of way, the Public Rights of Way Inspector at Essex Highways has confirmed that there are no public rights of way through the site.

## The Green Belt Balance

It has been established that the proposal constitutes inappropriate development in the Green Belt, which if approved would result in significant harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. It is therefore necessary for the Council to consider whether there are any very special circumstances which outweigh the harm by virtue of this inappropriate development.

## Other Considerations

The Agent has submitted a planning statement in support of the application:

The Agent states that the harm by reason of inappropriateness is limited as the proposal does not result in encroachment into the countryside, is part of an established village, is surrounded on three sides by houses and will not harm openness. However, the NPPF clearly states at Paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt. It is considered that the construction of a new dwelling on previously undeveloped land does conflict with the purposes of including land in the Green Belt and does result in substantial harm to openness. This is not therefore considered a very special circumstance that outweighs the harm identified.

The Agent states that the limited harm by virtue of inappropriateness should be weighed against the fact that the Council does not have a supply of readily available land to meet objectively assessed needs. The Council currently has a 4.3 year supply of housing land supply, which does fall short of the 5 year supply of deliverable housing sites. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

However, Paragraph 14 of the NPPF states that where the development plan is out-of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted. In this regard, the NPPF clearly indicates at Paragraph 88 when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The Council recognises that the construction of a single dwellinghouse on this site would contribute to the housing needs of the Borough, but the addition of one house, which would have a very limited impact on the housing targets of the Borough needs to be weighed against the substantial weight to be afforded to any harm to the Green Belt. In this case it is not considered that the provision of one additional dwelling would be of such a substantial benefit that would outweigh the substantial harm identified to the Green Belt. It should also be noted that the current lack of 5 year housing supply is a temporary, interim position, whereas this proposal would result in permanent harm. As such, it is not considered that there are any very special circumstances that outweigh the harm to the Green Belt by virtue of inappropriateness, openness and purposes of the Green Belt.

The reason for referral by Cllr Parker states that the Parish Council believes that the village envelope as depicted in the local plan is out of date and is not a true picture of the village boundaries. In this regard, the Planning Policy Team has commented that the Council is preparing a Local Development Plan to replace the current 2005 Local Plan with further consultation expected later this year. Until this further consultation document is published it would be premature of the Council to consider permitting Greenfield, Green Belt land for development against local and national policy before local and national policy before considering all proposed sites.

It is not considered that the benefits of the proposal outweigh the harm identified in terms of Green Belt and impact on trees and as such the proposal is therefore recommended for refusal.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08168

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 and would conflict with the purposes of including land in the Green Belt. There are no very special circumstances which would justify the granting of planning permission for the development and as such the proposal is contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan.

R2 U08169

The proposed development does not take into account the root protection area (RPA) of the trees situated to the rear of the site, including trees protected by a Tree Preservation Order contrary to Paragraph 17 of the National Planning Policy Framework (NPPF) which states that planning should contribute to conserving and enhancing the natural environment and Policies C5 and C7 of the Local Plan which aim to retain and enhance natural features in developments to the detriment of the visual amenity of the area.

### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, C5, C7, T2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

### 3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**



Title: Land Adjacent To Heathlands School Road Kelvedon Hatch Essex  
 14/00631/OUT

Scale 1:1250 at A4

Date 2nd September 2014

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



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**SITE PLAN ATTACHED**

**05. 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**

<b>WARD</b>	Ingatestone, Fryerning & Mountnessing	<b>8/13 WEEK DATE</b>	17.07.2014
<b>PARISH</b>	Ingatestone & Fryerning	<b>POLICIES</b>	NPPF NPPG H4 CP1 C14 C15 C16 C17 PC4 T2 C7
<b>CASE OFFICER</b>	Charlotte Allen		01277 312536
<b>Drawing no(s) relevant to this decision:</b>	REPORT ; SJG1079 1/3 ; SJG1079 2/3 ; SJG1079 3/3 ; SJG1079 1/1 ; SJG1079 1/1 ; SJG1079 1/1 ; SJG1079 1/1 ; SJG1079 1/1 ; 02 /B; 1A ; 3A ; 4A ; DESIGN AND ACCESS STATEMENT ; KEMSLEY REPORT ; 1 OF 6 ; 2 OF 6 ; 3 OF 6 ; 4 OF 6 ; 5 OF 6 ; 6 OF 6 ;		

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**

**None**

## **1. Proposals**

Planning permission 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.

H4 -Mixed Use Development

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

PC4 - Noise

T2 - New Development and Highway Considerations

C7 - Development Affecting Preserved Trees, Ancient Woodlands and Trees in Conservation Areas

## **3. Relevant History**

- 14/00594/LBC: 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 Pending consideration



#### 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 requirement of Section CP1 of the Local Plan.

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

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application as shown on Drawing Number 71813.01, subject to the following conditions being attached to any approval, given

the existing use of the site and the location within Ingatestone.

1. 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

Note: Although the proposed vehicle parking provision does not fully comply with Brentwood Borough Council's adopted parking standards, it is located very close to regular public transport services. The Highway Authority would not raise an objection on these grounds, given the existence of the site, its location and the scale of the development.

(In main urban areas with frequent and extensive public transport, cycling and walking links, reduced parking standards may be applied to residential developments.)

- **Environmental Health & Enforcement Manager:**

I refer to the above application for a residential development.

This Service objects to the above proposal due to the possibility of overcrowding occurring. The blue flat's living room/kitchen, green flat's master bedroom, yellow flat's second bedroom and orange and yellow flat's kitchens fail the minimum space standards for self contained units as given under the CIEH Practice Note adopted by this Service.

Minimum room sizes:

Main bedroom (not more than 2 persons) 10m<sup>2</sup>

Second bedroom (single person)	7m2
Living room	16 m2
Kitchen	7 m2
Total habitable floor area	40 m2

The internal arrangement for these dwellings should be amended to increase the floor area of all rooms that fail this standard.

- **Arboriculturalist:**

Trees on the site add significantly to the setting of the Church Yard; construction would need to be in consideration of root spreads and soil environment of the protected trees.

- **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

Further to my Consultee response regarding 23 High Street, I have reviewed the design amendment in relation a lowered ridge height for the proposed cottage (Drwg 71813.02/B). Given the new reduction to the ridge line (which I regarded as necessary in order to protect the Conservation Area and the setting of the Listed building) I am now able to fully support this application, consequently I recommend approval.

- 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.

- **County Archaeologist:**

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Ingatestone (EHER 5376 and 5377) and is close to the medieval Parish Church of St Edmund and St Mary (EHER 26598). The 1st edition OS mapping shows properties marked in the area of the proposed new dwelling. These properties will therefore pre-date 1880 and it is therefore likely that the remains of earlier buildings and evidence for activity associated with the medieval settlement at Ingatestone may survive. 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.

## **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.

The main considerations in this instance are the principle of the proposal, design and impact on heritage assets, residential amenity, living conditions, parking and highway considerations and landscaping considerations:

The principle of the development

The site is allocated for residential/office/shop purposes (Policies H4, H5, TC3, TC4). These Policies seek to encourage the provision of residential accommodation as part of mixed use development. The previous use of the site was office use. This proposal seeks to use the entire site for residential purposes, rather than a mixed use. However, the planning statement submitted indicates that the premises was marketed from March 2013 - July 2013 and that there was interest in the building, but that it became apparent that the arrangement of the building, its listed status, and the repairs required rendered subdivision into smaller offices or a business centre impractical. The statement goes on to explain that one purchaser who progressed to have an offer accepted was forced to withdraw being unable to secure funding for these reasons. A letter in this regard from Kemsley LLP has also been submitted.

Whilst it is noted that building was not marketed for a substantial amount of time, it should be noted that Paragraph 51 of the NPPF states that Local Planning Authorities should identify and bring back into residential use empty homes and buildings and that they should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are no strong economic reasons why such a development would be inappropriate.

Officers are not aware of any strong economic reasons to prevent the conversion of the building to a residential use and there is a need to provide additional housing in Brentwood. It is also noted that Listed Buildings can be difficult to alter to meet the requirements of different businesses. Overall, given the advice contained in the NPPF which encourages the reuse of such buildings for residential purposes it is considered that the proposed change of use is acceptable in principle. In this regard and given the location of the proposed additional detached dwelling which is currently only being utilised for car parking in connection with the offices, there is also no objection to the principle of constructing a house in this location, subject to other factors such as the impact on the heritage assets, design, residential amenity and parking considerations.

#### Design and Impact on Heritage Assets

The Historic Buildings Consultant (HBC) 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. The design narrative is supportive of character and would integrate within the Conservation Area and have longevity of design. Following the previous 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. Based on the comments of the HBC, and subject to careful detailing and high quality materials to be used, and subject to conditions, the alterations to the listed building to facilitate the change of use and sub division are considered acceptable.



With regard to the new building, and 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.

#### Residential Amenity

In terms of overlooking, the change of use of the existing building to flats would not result in any undue overlooking given the location of the site and the fact that the windows overlook areas within the public realm or the communal parking area. The proposed new dwelling does not include any side windows and the front and rear windows proposed would not result in any undue overlooking to adjoining residents given their locations. No objection is therefore raised on this basis.

The proposed change of use of the existing building would not result in any undue overbearing effect. The additional two storey rear extension would not harm the residential amenity of adjoining residents in this regard.

The new dwelling is located close to an adjoining dwelling at The Barn. The Barn has three windows facing the new dwelling, in close proximity to the boundary. However, these windows serve a corridor which is not a habitable room. The corridor serves two bedrooms and a bathroom, whilst the bathroom does not have its own window the two bedrooms are served by openings which lead into a courtyard. As such it is not considered that the new dwelling would result in such significant harm in terms of loss of outlook or loss of light to these windows. It is noted that there is an existing high fence on this boundary which already significantly screens the existing corridor windows.

Given the extent and size of The Barn, it is not considered that the new dwelling would result in a material overbearing impact or undue dominance to The Barn. All other properties are considered to be too remote to be adversely affected in this regard.

It is noted that the new dwelling includes a garden adjacent to The Barn, however, given that this area is already used for parking it is not considered that the proposal would result in any undue noise and disturbance to the adjoining residents.

No objection is therefore raised on this basis in terms of Paragraphs 17 or 123 of the NPPF or Policies CP1(ii) or PC4 of the Local Plan.

## Living Conditions

Environmental Health has raised an objection to the development due to the possibility of overcrowding occurring. The EHO comments that the blue flat's (flat 5) living room/kitchen, green flat's (flat 1) master bedroom, yellow flat's (flat 4) second bedroom and orange (flat 2) and yellow flat's (flat 4) kitchens fail the minimum space standards for self contained units. The EHO therefore recommends that these dwelling should be amended to increase the floor area of all the rooms that failed the standards. These comments were sent to the Agent, however, no amended plans have been received, instead the Agent has commented that there must be a degree of flexibility for Listed Buildings and that the only way to alter the size of the rooms proposed is to knock walls down which the Conservation Officer will not agree with.

Appendix 5 sets out space standard guidelines for housing and states that each unit should have a total floor area of not less than 40 sq. m where one-bedroom units are provided and not less than 52 sq. m where 2 bedroom units are provided:

Flat 1 (shown green on the plans): This is a one bedroom unit and has a floor area of some 40 sq. m which meets the minimum requirement.

Flat 2 (shown orange on the plans): This is a two bedroom unit and has a floor area of approximately 80 sq. m which exceeds the minimum requirement.

Flat 3: (shown purple on the plans): This is a two bedroom unit and has a floor area of some 63 sq. m which exceeds the minimum requirement.

Flat 4: (shown yellow on the plans): This is a two bedroom unit and has a floor area of some 68 sq. m which exceeds the minimum requirement.

Flat 5: (shown blue on the plans): This is a two bedroom unit and has a floor area of some 75 sq. m which exceeds the minimum requirement.

In this regard, whilst the EHO comments are noted, given the overall size of each unit proposed, which complies with the guidance in the Local Plan it is not considered that a reason for refusal on this basis could be fully justified, especially considering that the building to be converted is a Listed Building where limited alterations to the fabric should be permitted. The layout proposed has been designed to result in limited alterations to the listed building.

It is noted that that the layout of some of the flats is less than ideal, for example flat 5 (blue flat) requires occupants to walk through a bedroom to get to a bathroom, however, given the fact that the building is listed and this design seeks minimal intervention to the building it is not considered that the design or flat and room sizes are so poor as to result in significant harm to any future occupiers in terms of poor living conditions. No objection is therefore raised on this basis.

All habitable rooms will be provided with windows, providing light, outlook and ventilation.

No outside amenity area is proposed to the flats, however, this is not uncommon of developments in town centre locations and given that the flats are 1-2 bed units it is not considered that this would result in substandard living conditions to any future occupiers. No objection is therefore raised on this basis.

The amenity area proposed to the new dwelling is significantly less than the 75 sq. m recommended for a 2 bedroom dwelling. However, smaller garden areas are not uncommon in urban town centre locations such as this and it would still provide an area for sitting out and other domestic activities according to the occupants requirements. The garden will be private and is of a useable shape and as such the garden area proposed is considered acceptable in this instance. No objection is therefore raised on this basis.

#### Parking and Highway Considerations

The Highway Authority has raised no objection to the proposal subject to a condition requiring travel information packs to be provided given the existing use of the site and the location within Ingatestone. Subject to such a condition no objection is raised on this basis.

#### Landscaping Considerations

The Tree Officer has commented that the trees on the site add significantly to the setting of the Church Yard and that construction would need to be in consideration of the root spreads and soil environment of the protected trees. The Tree Officer has concerns as to whether this could be achieved. However, in this instance it is considered that such matters could be overcome with the imposition of conditions attached to any grant of consent, requiring no development to occur until such matters have been resolved. Subject to such conditions no objection is therefore raised on this basis.

#### Other Matters

The majority of the neighbour concerns have already been considered including factors such as residential amenity and noise issues, parking and highway considerations, design and the impact on the heritage assets. Some issues raised such as loss of a view, developer profits and telephone signal are not a material planning consideration

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.

#### Conclusion

The benefits of the proposal, including the provision on 6 new residential units and the redevelopment of a currently redundant Listed Building outweigh any negative aspects of the development, such as no outdoor amenity space being provided to the flats. Overall it is considered that the proposal complies with National and Local Planning Policy and is therefore recommended for approval, 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 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.

4 BOU09 No walls or fences - except as approved

Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), and with the exception of those approved as part of this permission, no walls, fences or other means of enclosure shall be erected within the application site.

Reason: In the interests of safeguarding the character and appearance of the area.

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 LAN06 Protection of Trees

All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

8 U08186

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 RESL04 No PD for windows etc

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 windows, dormer windows, glazed doors or rooflights shall be constructed 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.

10 U08187

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 development falling within Class E of that Order (buildings, enclosures, swimming or other pools) shall be carried out 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

11 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.

12 U08188

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.

13 U08189

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.

Reason: To enable archaeological records to be made if necessary on a site that lies within an area of known archaeological interest.

14 U08190

No development shall take until an Arboricultural Impact Assessment, Mitigation Strategy and Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of preserving the residential amenity of the area.

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: H4, CP1, C14, C15, C16, C17, PC4, T2, C7 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.

4 U01996

It should be noted that the conditions required by the HBC have been attached to the LBC permitted and as such do not require duplicating here.



5 U01997

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

*BACKGROUND DOCUMENTS*

**DECIDED:**

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# Appendix A



Title: 23 High Street Ingatestone Essex CM4 9DU  
14/00593/FUL

Scale 1:1250 at A4

Date 2nd September 2014

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



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**SITE PLAN ATTACHED**

**06. 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**

<b>WARD</b>	Ingatestone, Fryerning & Mountnessing	<b>8/13 WEEK DATE</b>	17.07.2014
<b>PARISH</b>	Ingatestone & Fryerning	<b>POLICIES</b>	NPPF NPPG CP1 C14 C15 C16 C17
<b>CASE OFFICER</b>	Charlotte Allen		01277 312536
<b>Drawing no(s) relevant to this decision:</b>	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 1649R**

**None**

## **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 Pending consideration.

## **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 Essex CM4 9DU  
 14/00594/LBC

Scale 1:1250 at A4

Date 2nd September 2014

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



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**SITE PLAN ATTACHED**

**07. 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**

<b>WARD</b>	Brentwood West	<b>8/13 WEEK DATE</b>	04.08.2014
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG CP1 C14 T2 H5 H6 TC3 TC4
<b>CASE OFFICER</b>	Charlotte Allen		01277 312536
<b>Drawing no(s) relevant to this decision:</b>	1:1250 ; 04A; LOCATION PLAN; DESIGN & ACCESS STATEMENT; E01; E02; P01/A; P02/A;		

This application was referred by Cllr Chilvers from Weekly Report No 1652 for consideration by the Committee. The reason(s) are as follows:

This application is recommended for refusal on the grounds of poor design and, as ward councillor, I am not entirely comfortable with this and feel it would benefit from a discussion at the planning committee. I would be grateful if illustrations of the questionable materials and design could be clearly shown to the committee so an informed judgement could be made on this town centre application.

**Update since publication of Weekly List 1652**

**Since the Officers Report was published on the weekly list, two additional letters of support have been received.**

## **1. Proposals**

Planning permission is sought for the change of use of the ground, first and second storey offices into residential flats. It is proposed to provide 7 2-bedroom flats in total; 2 flats on the ground floor, two flats on the first floor, two flats on the second floor and it is proposed to build an additional storey to provide an additional, seventh flat with an outside terrace. The works have already commenced on site and as such the proposal is part retrospective. Balconies are to be provided to the front and rear of the site. The rear projection of the existing building has been demolished and 7 parking spaces are proposed to the rear of the site with bin storage in the north-eastern corner of the site.

A brick and cladding sample have been submitted with the proposal; the application form indicates that the brick to the front constitutes wienerberger bramshaw buff bricks with render to the rear and red cedar timber cladding with rubber roofing and aluminium windows and doors.

## **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

C14 - Development Affecting Conservation Areas

T2 - New Development and Highway Considerations

H5 - Changes of Use of Upper Floors

H6 - Small Unit Accommodation

TC3 - Mixed Use Development

TC4 - Use of Upper Floors above Commercial Development

### **3. Relevant History**

- 14/00117/FUL: Change of use and creation of 2 no. two bedroom apartments on the existing ground floor 2 no. two bed roomed apartments on the existing first floor, 2 no two bed roomed apartments on the existing second floor and the addition of an extra floor to the building to create 1 no. two bedroom apartment on the new third floor (revision to planning permission 13/00395/FUL).  
-Application Withdrawn
- 13/00395/FUL: Change of use of first and second floors and erection of roof extension to form 2 x 1 bed and 2 x 2 bed units including demolition of part of ground floor to rear to improve vehicular circulation. -Application Permitted

### **4. Neighbour Responses**

17 neighbour letters were sent out, a site notice displayed and the application advertised in the press. 1 neighbour representation has been received which supports the application:

- Was the offices of a property company who vacated many years ago and the building started to deteriorate and decay and was an eyesore.
- Apparent that there was no interest for commercial letting's as an office.
- Residents pleased when current work began to turn the redundant building into something we can admire.
- Developer has worked with local people.
- Sympathetic design.
- High quality finish in yellow bricks to compliment the London yellow stocks of 153 High Street and the Victorian residences in Tower Hill.
- No objections have been raised by the statutory consultees.
- Support changes requested.

### **5. Consultation Responses**

- **Highway Authority:**

Although the proposed vehicle parking layout within the site is not ideal, the Highway Authority would not wish to raise an objection to the above application, subject to the following conditions being attached to any approval, given the existence and previous use of the site, its location with good access to frequent and extensive public transport, town centre facilities and car parks, and Brentwood Borough Council's adopted parking standards.

1. The development shall not be occupied until the proposed vehicle parking area has been hard surfaced, sealed and marked out in parking bays in accordance with Drawing No. 1171/1. 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 provide appropriate vehicle parking in the interest of highway safety and amenity.

2. The development shall not be occupied until the Developer has provided a Residential Travel Information Pack for sustainable transport, approved by Essex County Council's Travel Plan Team, 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 proposed dwelling.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### Informative

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

- **Anglian Water Services Ltd:**
- **Historic Buildings And Conservation Officer:**  
Significance

149C to 151 High Street Brentwood is a prominent site located on the north side of Brentwood High Street at the west end of the Brentwood Town Centre Conservation Area. The Conservation Area appraisal states 'The town owes its origins to the long straight Roman road round which it has grown up. Thus its main component is the long ribbon development down the High Street, the settlement centre being defined by road junctions, reinforced at the west end by the break in slope as the road drops down to Brook Street.' It is at this slope towards Brook Street that the site presides; most significantly its position abutting a late 19th century 2 storey symmetrically fronted brick building.

#### Proposal

Conversion of office to residential, plus one additional unit above.

## Background

I originally gave advice in respect of 149c to 151 High Street for the application (ref. 13/00395/FUL). My consultee comments included concerns for the additional storey and balcony treatments. After a series of design discussions and revisions I had no further objections on Conservation Grounds for the highly prominent site which is in close proximity to the Listed building of Bennets, and adjacent to the Brentwood High Street Conservation Area. It was determined that high quality detailing and engineering would be apportioned to the modern form with frameless balustrade and the horizontal emphasis for the fenestration was to be retained.

## Discussion

It is evident from a site visit that the approved scheme under planning ref: 13/00395/FUL has not been implemented, nor has the discharge of any Conditions of planning been submitted. This is a retrospective application.

My concerns regarding this application culminate from the stark contrast of what has been built out to the permitted scheme; there has been no regard for the context of site and its sensitivities in terms of its proximity to the statutory designated heritage asset of the Conservation Area.

In terms of Good Design as per National Policy, this is not evident. The architectural narrative is lacking and the approach to detailing cumbersome. The material palette selected is not suitable, for example the rendered form is presently clad with a skin of brickwork; I would advise the form should have remained rendered and true to its Modernist origins. The horizontal banding of the openings have been removed and replaced with an attempted pastiche. The detailing and engineering of the upper storey and balustrades have lost their finesse as evidenced in the design intent visual from the approved application.

During the process of assessing this application I have attending regular design meetings with the planning officer to relay advice to the Project Architect who has been appointed by the applicant to regulate both the breach of planning and the breach of planning conditions.

## Summary

Having reviewed the information within this application it is evident there are fundamental design issues which need to be addressed, due to the extent of this planning breach I am unable to support this application.

## Recommendation

Consequently I recommend refusal.

- **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 for revenue purposes.

As the development involves conversion of a property, 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.

- **Environmental Health & Enforcement Manager:**

This service has no observations on this application.

## 6. Summary of Issues

The application site is located on the northern side of High Street and is occupied by a terraced building that was previously utilised as commercial offices. Construction has already started on this development.

### Background Information and History

Planning permission was previously granted (ref. 13/00395/FUL) for the change of use of the first and second storeys and for the construction of a roof extension to form 2 x 1-bed and 2x 2-bed units, including the demolition of part of the ground floor to the rear, subject to conditions. However, the development that has been undertaken to date at the site is not in accordance with this approval and the details reserved by condition are yet to be submitted.

A subsequent planning application was submitted ref. 14/00117/FUL for the change of use and creation of 7 2-bed flats. This application was withdrawn before a formal decision made, however, the application was recommended for refusal by Officers for the following reason:



The design, form and position of the proposed fenestration on the front elevation of this building is unsympathetic with, and creates an unsatisfactory visual relationship to the adjoining Victorian Villa and surrounding area including the Brentwood Town Centre Conservation Area contrary to the requirements of Chapter 7 of the NPPF, paragraphs 15, 20 and 21 and the Design Section of the NPPG and CP1, C14 of the Brentwood Replacement Local Plan.

Since the withdrawal of this application Officers have been working with the Agent through pre-application to overcome the previous concerns raised. Concerns were raised at an early stage with regard to the scheme submitted and the subject of this application. However, no amended plans have been submitted.

This proposal includes a number of similarities to the previously withdrawn scheme, including similar fenestration to the front elevation, although elements such as the materials and balconies to the front elevation have been altered.

It is worth noting that the approved application (ref. 13/00395/FUL) was approved following detailed discussions and negotiations between Officers, including the Design and Historic Buildings Consultant and the then Agent.

The main issues to be considered in the determination of this application are the principle of the development, including the loss of B1 use, impact on the character and appearance of the host building and surrounding area, including the adjacent Conservation Area, residential amenity, living conditions and parking and highway considerations.

The principle of the development

The site is located within an area designated for residential/office/shop [H4, H5, TC3, TC4] purposes. These policies promote mixed use developments within the main shopping/Town Centre locations. This proposal does not seek a mixed use; rather the entire building will be used for residential purposes, unlike the previous approval (ref. 13/00395/FUL) which sought to retain the office use at ground floor level.

No marketing evidence has been submitted with this application, however, it is noted that it was submitted with the previous application and the Design and Access Statement submitted with this application indicates that the offices were vacant from 31st August 2007. The information previously submitted was considered acceptable by Officers and the principle of converting all the offices to residential was accepted, especially given that Paragraph 51 of NPPF states that Local Planning Authorities (LPAs) should identify and bring back into residential use empty housing and buildings. They should normally approve planning applications for changes of use to residential uses and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Given this and the fact that the previous use was offices and as such are unlikely in themselves to attract shoppers to the town centre, it is not considered that the loss of the commercial offices at ground floor level would harm the vitality of the Town Centre.

No objection is therefore raised to the principle of converting the entire office building into residential units, subject to other factors such as design and residential amenity.

In terms of the Council's housing Policies, the proposal which seeks to provide 7 2-bedroom units is in accordance with Policy H6 which seeks to ensure that on developments of 6 or more units that at least 50 percent of the units are 1 and 2 bedroom properties.

#### Design, Character of the Area and Impact on Heritage Assets

The Council's Design and Historic Buildings Consultant (HBC) has commented that the application site is a prominent site located adjacent to the western end of the Conservation Area. The HBC comments that advice was originally given to planning application ref. 13/00395/FUL in which a series of design discussions and revisions were undertaken, resulting in no objection being raised by the HBC for the highly prominent site which is in close proximity to the Listed Building of Bennets and adjacent to the Brentwood High Street Conservation Area. It was determined that high quality detailing and engineering would be apportioned to the modern form with frameless balustrade and the horizontal emphasis for the fenestration retained.

The HBC comments that the previously approved scheme ref. 13/00395/FUL has not been implemented and the conditions have not been discharged. The HBC concerns regarding this application culminate from the stark contrast of what has been built compared to the permitted scheme; there has been no regard for the context of the site and its sensitivities in terms of its proximity to the statutory designated heritage asset of the Conservation Area.

In terms of Good Design as per National Policy, this is not evident. The architectural narrative is lacking and the approach to detailing cumbersome. The material palette selected is not suitable, for example the rendered form is presently clad with a skin of brickwork; the HBC advises the form should have remained rendered and true to its Modernist origins. The horizontal banding of the openings have been removed and replaced with an attempted pastiche. The detailing and engineering of the upper storey and balustrades have lost their finesse as evidenced in the design intent visual from the approved application.

The HBC refers to a series of correspondences undertaken to resolve these outstanding issues but no amended plans have been formally submitted following advice given.

The Design and Historic Buildings Consultant therefore summaries that there are fundamental design issues which need to be addressed and as such is unable to support the application and recommends refusal.

An objection is therefore raised in terms of Chapters 7 and 12 of the NPPF and Policies CP1(i), CP1(iii), C14 and C16 of the Local Plan.

#### Residential Amenity

Given the location of the site in a fairly dense urban area where a degree of overlooking is to be expected and the relationship between the building, windows and balconies proposed and the adjoining units it is not considered that the proposal would result in any undue harm to the residential amenity of adjoining residents in accordance with Local Plan Policy CP1(ii) and Paragraph 17 of the NPPF.

#### Living Conditions

The sizes and locations of the flats within the building were previously considered acceptable. The layout of some of the flats is less than ideal, with for example the master bedroom being accessed straight from the living/kitchen area and the ground floor front flat having bedroom windows adjoining the street. However, no objection was previously raised on this basis and given that no objection has been received from Environmental Health it is considered that the living conditions proposed would not result in significant or demonstrably poor living conditions for any future occupiers in this regard.

Six of the proposed flats have small balconies provided and the additional flat on the top floor has a larger roof terrace. Within Town Centre locations it is often not unusual for no amenity space to be provided at all, therefore the fact that all of the flats are provided with at least a small outside space is positive.

The proposed development would therefore provide adequate living conditions for any future occupiers of the site in accordance with National and Local guidance.

#### Parking and Highway Considerations

The Highway Authority has commented that although the vehicle parking layout within the site is not ideal, the Highway Authority does not wish to raise an objection to the proposal subject to conditions, given the existence and previous use of the site, its location with good access to frequent and extensive public transport, town centre facilities and car parks and the parking standards. No objection is therefore raised on this basis.

#### Conclusion

In conclusion, whilst the proposal is acceptable in all other regards, 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, contrary to Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan, the proposal also fails to enhance the heritage assets it adjoins contrary to Chapter 12 of the NPPF and Policies CP1, C14 and C16 of the Local Plan. The neighbour letter of support is noted, however, it is not considered that any benefits of the proposal outweigh the harm identified. The proposal is therefore recommended for refusal.

### **7. Recommendation**

The Application be REFUSED 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.

#### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, C14, H5, H6, TC3, TC4, T2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 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.

*BACKGROUND DOCUMENTS*

**DECIDED:**

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Appendix A



Title: 149C - 151 High Street, Brentwood, Essex CM14 4SA  
14/00648/FUL

Scale 1:1250 at A4

Date 2nd September 2014

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.



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**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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